

## INTRODUCTION

The Wild and Scenic Rivers Act of 1968 states:

“It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.”

## LEGAL AND ADMINISTRATIVE FRAMEWORK

### LAWS

- **Wild and Scenic Rivers Act of October 1, 1968, as amended:** The act establishes a method for providing Federal protection for certain of the nation’s remaining free-flowing rivers, preserving them and their immediate environments. Rivers are included in the system so that they may benefit from the protective management and control of development for which the act provides.

### REGULATIONS AND POLICIES

- **USDA/USDI Guidelines for Eligibility, Classification, and Management of River Areas, 1982:** Federal Register, Vol. 47, No. 173, 1982. Supplements the Wild and Scenic Rivers Act: These guidelines provide uniform direction for evaluation, classification, and management of rivers for congressionally mandated studies under section (5) of the Wild and Scenic Rivers Act and for other agency studies.
- **FSH 1909.12 Chapter 80:** This describes the process for identifying and evaluating potential additions to the Wild and Scenic Rivers System on USFS lands, and the interim management of identified rivers.
- **BLM Manual 8351:** This describes the process for identifying and evaluating potential additions to the Wild and Scenic Rivers System on BLM Lands.

### DESIGN CRITERIA

Management guidelines and design criteria describe the environmental protection measures that would be applied to all of the alternatives at the project level in order to protect, enhance, and, where appropriate, improve resources related to WSRs. Guidelines and design criteria are presented in Part 3 of Volume 2 of the DLMP/DEIS.

To manage the rivers for their potential inclusion into the National System, the SJPL Plan provides direction to use other existing authorities to protect the identified river's free-flowing character, water quality, ORVs, and recommended classification. Resource protection guidelines shall be continued until a decision is made on the future use of the river and adjacent lands. The Responsible Official may authorize site-specific projects and activities on NFS lands within river corridors that are eligible or suitable. This direction is more fully articulated in FSM 1909.12 Chapter 80.

## AFFECTED ENVIRONMENT

### Existing Conditions and Trends

The Wild and Scenic Rivers Act (WSRA) was enacted by Congress in order to preserve select rivers in a free-flowing condition, and to protect other river-related values. As of 2005, 63 river segments and 11,337 miles were designated as a component of the National Wild and Scenic Rivers System (wild rivers (5,350 miles), scenic rivers (2,480 miles), and recreational rivers (3,500 miles)). These nationally recognized rivers make up a valuable network of natural and cultural values.

For a river to be included in the national system, it must be determined eligible and suitable. To be eligible, a river must be free-flowing and must possess one or more outstandingly remarkable river values (ORVs). To be suitable, a decision is made that the identified values should be protected and, that adding the river to the national system is the best method for protecting identified values.

With the passage of the Wild and Scenic Rivers Act in 1968, Congress directed the U.S. Department of Agriculture and the U.S. Department of Interior to prepare studies of selected rivers on the national forests and public lands as potential additions to the Wild and Scenic Rivers System. Suitability studies were prepared for the Los Pinos, Piedra, and Dolores Rivers. WSR study reports and Environmental Impact Statements (EISs) were completed for these three rivers, and were submitted to Congress with recommendations for designation for most river segments. All of these studies were completed in partnership with the State of Colorado Department of Natural Resources.

- **The Dolores River:** A total of 105 miles of river were recommended for WSR designation in 1977. Of the 105 miles, 33 miles were recommended as wild, 41 miles were recommended as scenic, and 31 miles were recommended as recreational (Colorado Department of Natural Resources et al. 1976). In 1989, the USFS re-evaluated the WSR eligibility and classification recommendations for the Dolores River. Changes to the management of public lands occurred between the 1976 and 1989 studies. Of the original 105 miles of recommended river, 94 miles of river on the San Juan National Forest (SJNF) were transferred to BLM management. The remaining 9 river miles on the SJNF were again recommended as eligible with a recreation river classification in 1989. The BLM has not prepared a re-evaluation of the Dolores River.
- **The Piedra River:** A total of 50.9 miles of the river were recommended for designation. Of the 50.9 miles, 32.5 miles were recommended as wild, 12.9 miles were recommended as scenic, and 5.5 miles were recommended as recreational (USFS et al. 1979). The WSR eligibility and classification recommendations for the Piedra River were re-evaluated in 1989. No changes to the original 1979 study findings were recommended.

- **The Los Pinos River:** A total of 20 miles of the Los Pinos, as well as 34 miles of its tributary streams, were recommended for designation. All 54 miles of river segments were recommended as wild. The recommended tributaries were Lake Creek, Flint Creek, Rincon La Osa, Rincon La Vaca, Snowslide Canyon Creek, and Sierra Vandera. The WSR eligibility and classification recommendations for the Los Pinos River were re-evaluated in 1989. No changes to the original 1979 study findings were recommended.

In addition to the rivers Congress authorized for study, other rivers within the planning area were also suggested for study. The Heritage Conservation and Recreation Service conducted a nationwide inventory of study river candidates for the Wild and Scenic Rivers System. This list is now managed by the National Park Service. In addition to the three congressionally designated study rivers, the Animas River and the San Juan Rivers (including the East and West Forks) were included on the list.

- **The Animas River:** This river was determined to not be eligible for inclusion in the Wild and Scenic Rivers System (USFS 1983). Although free-flowing, the 1983 study determined that the Animas River was highly modified in places and did not meet State water quality standards in any study segment. Most water quality impacts were attributable to historic mining in headwaters areas.
- **The San Juan River:** The mainstem San Juan and the East Fork San Juan rivers were determined to not be free-flowing. Although no impoundments occur on these rivers, channel alterations on parts of the East Fork and mainstem San Juan River were considered a disqualification for the free-flowing characteristics required by the act (USFS 1983). No ORVs were found on the West Fork San Juan River.

### Wild and Scenic River Evaluation Process

The WSR study process used in this analysis follows the guidance in the above documents. This guidance requires that determinations be made regarding all planning area rivers with regard to eligibility and classification, and recommends an analysis of suitability during land management planning. (The list of all rivers analyzed is found at the end of Appendix D, Volume III, Wild and Scenic Rivers.) Eligibility and classification represent an inventory of existing conditions. Eligibility is an evaluation of whether or not a river is free-flowing (without major dams, diversions, or channel modifications) and possesses one or more ORV. These values may include scenery, recreational, geological, fish, wildlife, prehistory, history, and/or other values. These values should be a unique or exceptional representation for the area studied and must be related to the river. The results of the eligibility analysis are below.

If found eligible, a river is analyzed as to its current level of development (water resources projects, shoreline development, and accessibility), and a recommendation is made that it be placed into one or more of three classes: wild, scenic, or recreational. (The results of this classification are found for each eligible river in Appendix D, Volume 3, Wild and Scenic Rivers.)

- **Wild rivers:** Wild rivers are those rivers, or sections of rivers, that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
- **Scenic rivers:** Scenic rivers are those rivers, or sections of rivers, that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads
- **Recreational rivers:** Recreational rivers are those rivers, or sections of rivers, that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

The final step in this analysis process is to evaluate eligible rivers for suitability. This step includes a discussion of the consequences of designating or not designating the river as a component of the national system (in terms of social and economic values, impacts to other resources, and other uses of the area). A suitability analysis is designed to answer the following questions:

- Should the river's free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
- Will the river's free-flowing character, water quality, and ORVs be protected through designation?
- Is it the best method for protecting the river corridor?
- Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

In answering these questions, the benefits and impacts of WSR designation must be evaluated and alternative protection methods considered.

Rivers are added to the national system by an act of Congress, or by the Secretary of the Interior by designation. Secretarial designation requires that a river be a part of a State river protection system and that the State Governor submit an application to the Secretary. A recommendation by the USFS for any particular river, or river segment, does not guarantee that Congress will proceed with the recommendation and designate a river to be part of the national system.

Since the inception of the WSRA in 1968, only one river in Colorado has been designated a WSR. There is increasing interest locally in both the development and the protection of rivers.

## **ENVIRONMENTAL CONSEQUENCES**

### **DIRECT AND INDIRECT IMPACTS**

#### **General Impacts**

In Chapter 2, the miles of river with preliminary findings of suitability by alternative are displayed. Alternative A (No-Action Alternative) has only the previously studied and recommended rivers found suitable. Alternative C shows all the eligible rivers found suitable. Alternative D shows none of the rivers found suitable. The impacts related to all other activities on WSR would be correlated to the number of miles of river found preliminarily suitable. Alternatives with more WSR may have a correspondingly greater potential for other management actions to impact WSR. (Interim management, as articulated in FSM 1909.12, Chapter 80, shows how the ORVs and classification would be protected on rivers found suitable.) An analysis of potential for conflict of WSR with other resource management is found in Appendix D, Volume III, Wild and Scenic Rivers. DLMP/DEIS Alternatives: Alternative C would result in the greatest benefits to WSRs, followed by Alternatives B and A, respectively. This is based on miles of river found suitable. Alternative D would result in no benefits.

**Table 3.33.1 – Stream Segments with Outstandingly Remarkable Values (ORVs)**

Stream Name	Fish ORV	Wildlife ORV	Recreation ORV	Geology ORV	Scenery ORV	Ecological (plants) ORV***	Archaeology ORV
Dolores above McPhee			Skyway				
Dolores McPhee to Bedrock*	Roundtail Chub		Rafting	Cliffs Linear Canyons		NM privet, Monkey flower	Archy
Rio Lado	High-purity Cutthroat						
West Dolores**		Black Swift cluster					
Summit Canyon		Canyon treefrog					
McIntyre Canyon						Monkeyflower	
Bull Canyon			WSA, Hike to pools				
Coyote Wash			WSA, Hike sandy wash			Kachina Daisy	
Animas River Bakers Bridge to Silverton			Train, Raft/Kayak		Canyon, Train		History
Cement Creek						Iron Fens	
Cinnamon Creek			Alpine Loop			Altai cottongrass, Thickleaf whitlowgrass	
Maggie Gulch						Showy, Colo Divide and Thickleaf Whitlowgrass	
Mineral Creek			Skyway		Skyway wetland	Chattanooga Iron Fen, Sphagnum balticum	
South Fork Mineral Creek		Black swift cluster				Iron fen wetland	
West Fork Animas and California Gulch						Altai cottongrass, clustered sedge	
Hermosa Creek and Tributaries	High-purity Cutthroat and reintroduction habitat		Trails, remote motorized trails				
Los Pinos above Vallecito*			Heavy-use trail				
Los Pinos Tributaries previous recommendation*							
Vallecito Creek			Heavy-use trail, Kayaking		Valley		
Piedra River, Highway 160 to Forks* (extend to Chimney Rock)			Rafting, fishing	Headwaters complex	Box canyons		Pre-history
East Fork Piedra River	High-purity Cutthroat				Waterfalls		
Middle Fork Piedra River*							
West Fork San Juan River				San Juan volcanic field			
Wolf Creek and Fall Creek		Black Swift cluster			Treasure Falls		
East Fork San Juan River				Textbook glaciation			Archy

\*Streams that were previously recommended for inclusion in the National Wild and Scenic Rivers system are marked with an asterisk (\*).

\*\*West Dolores was recommended by Colorado Division of Natural Resources, but not by the Federal agencies.

\*\*\*Scientific names for the plants are as follows: Eastwood monkey-flower (*Mimulus eastwoodiae*); New Mexico privet (*Forestiera pubescens*); Kachina daisy (*Erigeron kachinensis*); Colorado Divide whitlow-grass (*Draba streptobrachia*); Altai cottongrass (*Eriophorum altaicum var. neogaem*); Thickleaf Whitlowgrass (*Draba crassa*); Showy Whitlowgrass (*Draba spectabilis var. oxyloba*) and Clustered sedge (*Carex praegracilis*).

### **Impacts Related to Minerals Management**

Minerals development, consistent with the required guidelines, may result in localized, decreased vegetation in the riparian corridor, and small and/or temporary increases in sedimentation. These activities are not expected to impact the ORVs. The rivers most likely to be impacted are those with high mineral potential, which include:

- Dolores River, above McPhee (near Rico);
- Dolores River, McPhee to Bedrock;
- West Dolores (near Dunton);
- Summit Canyon;
- Animas River Bakers Bridge to Silverton (near Elk Park and Whitehead Gulch);
- Cement Creek;
- Cinnamon Creek;
- Maggie Gulch;
- Mineral Creek;
- South Fork Mineral Creek;
- West Fork Animas River in California Gulch;
- the very upper portions of South Fork Hermosa and Clear Creek;
- the very lowest portions of the mainstem of Hermosa Creek; and
- East Fork San Juan River.

**DLMP/DEIS Alternatives:** The impacts related to minerals management on WSR would be similar under all of the alternatives, although Alternatives B and C have more potential for conflict.

Suitable rivers classified as Wild in each alternative are administratively unavailable for oil and gas leasing, while rivers classified as Scenic or Recreational can be leased. Under the “no new leasing scenario”, leasing would also be prohibited on suitable rivers classified as Scenic or Recreational. This would offer additional protection to some of the ORVs.

### **Impacts Related to Livestock Grazing**

The continuation of livestock grazing may have little impact on WSRs. ORVs have been maintained under current grazing management, and no dramatic changes are expected if rivers are found eligible or suitable. Most WSR corridors have some acres of range allotments within them; however, standards and guidelines are in place in order to manage for desired conditions (as identified in allotment management plans). If new facilities are needed for livestock management, they would be designed to fit into the classification.

**DLMP/DEIS Alternatives:** The impacts related to livestock grazing on WSRs would be similar for all alternatives.

### **Impacts Related to Recreation**

Current recreation management has not impacted ORVs of eligible rivers. Continued recreation at the same intensity may, therefore, have little or no impact on WSRs. As recreation increases, either due to a general increase related to population pressure, or due to the findings of “suitable” additional impacts (e.g., trash not disposed of properly and human-caused fires) may occur, but such instances are anticipated to be low.

**DLMP/DEIS Alternatives:** The protection of larger miles of rivers found suitable in Alternatives B and C would enhance some recreation experiences.

### **Impacts related to Vegetation Management**

Timber harvest should not impact eligible rivers, since no suitable timber lands are within WSR corridors in any alternative. Vegetation management for fuels reduction may impact some segments but since those projects are allowed in WSR corridors only if they protect, enhance or restore the river environment, impacts are expected to be low.

**DLMP/DEIS Alternatives:** The impacts related to vegetation management on WSRs would be similar under all of the alternatives.

### **Impacts related to water resource projects**

A finding of suitability does not create a water right. A water resource project proposed on a suitable river will be analyzed as to its effect on a river’s free-flow, water quality, and outstandingly remarkable values, with adverse effects prevented to the extent of existing agency authorities (such as special-use authority) and subject to valid existing rights. Projects on a suitable river may be subject to more intense analysis and additional mitigation, compared to rivers not eligible or suitable. Many of the suitable segments will have numerous conflicts with water resources. Additional information existing water rights, conditional water rights and expected development on specific river segments is found in Appendix D – Wild and Scenic Rivers.

If any of the rivers found in this planning process to be suitable were to be designated a WSR by Congress or the Secretary of the Interior, a Federal Water right would be created. Typically, the quantification of the federal reserved right is left to the federal agency that manages the river. The agency conducts studies to determine the minimum flow rates needed to support the ORVs. Then the federal agency submits an application containing the proposed quantification to a state court for confirmation and integration into the state water rights system. This quantity would have an appropriation date as of the date of the legislation, and would be junior to all existing water rights. Future diversions for the Wild & Scenic segment, or from tributaries or upstream reaches, could be challenged by the federal agency holding the water right if the proposed diversion causes flows to go below the quantified amount of the federal right.

The federal reserved right, along with other valid and existing rights, could hamper water developments proposed after the WSR designation, and could complicate changes in points of diversion and use of rights that are senior to the congressional designation of a wild and scenic river.

In our ongoing analysis of suitability (between draft and final), SJPL will continue to seek input from groups such Government-to-Government Water Roundtable, Southwest Basins Roundtable of the IBCC, and River Work Groups to determine which potential water projects are critically important for future water supply, and which projects have a high probability of construction. These will be considered along with other river values. **DLMP/DEIS Alternatives:** The impacts related to water resources development on WSRs will correlate with the river miles found suitable as WSR. Alternatives B and C have more potential for conflict.

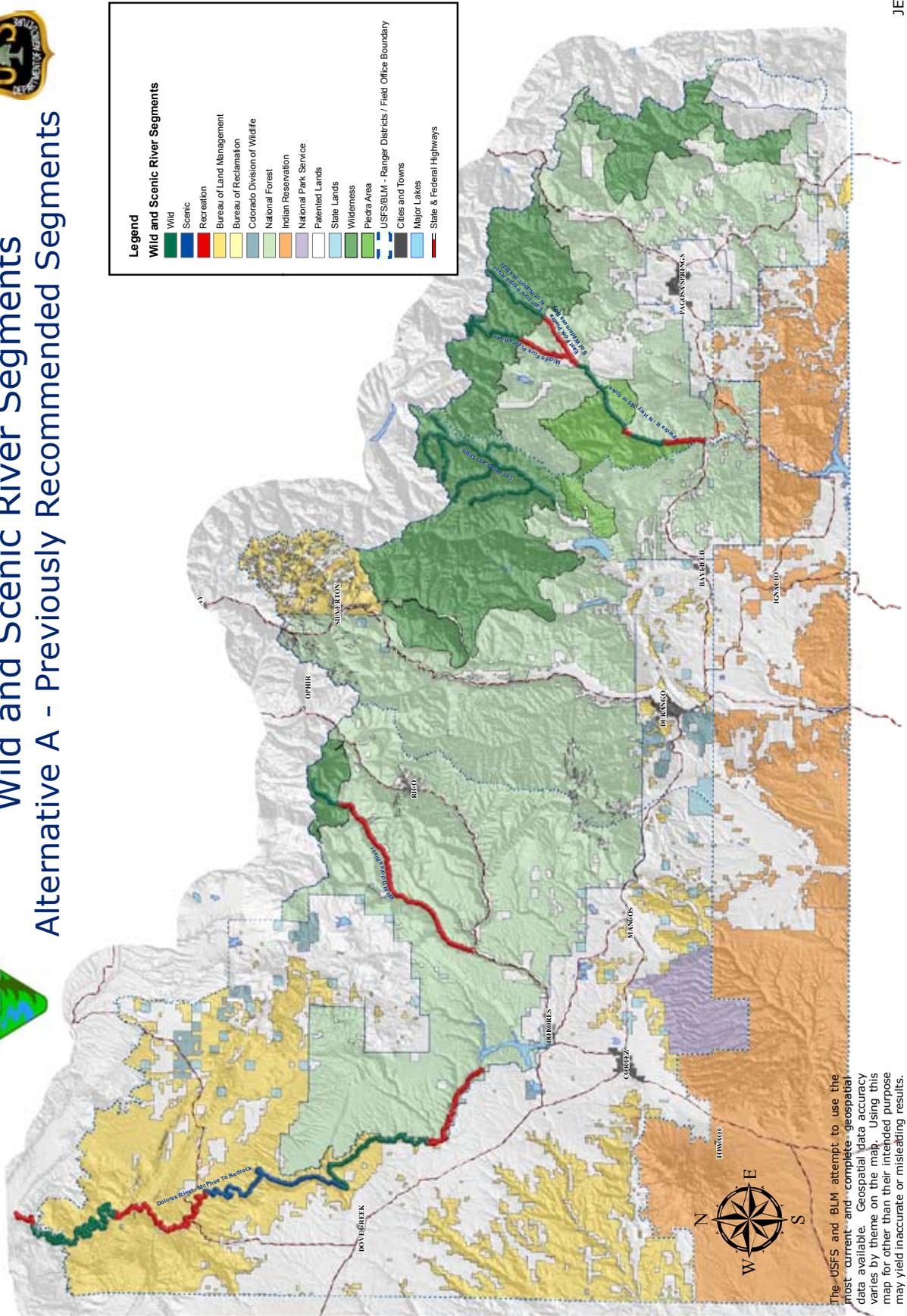
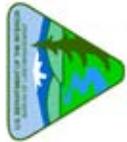
Figure 3.33.1 - Wild and Scenic River (WSR) Segments under Alternative A



# San Juan Public Lands

## Wild and Scenic River Segments

### Alternative A - Previously Recommended Segments



**Legend**

**Wild and Scenic River Segments**

- Wild
- Scenic
- Recreation
- Bureau of Land Management
- Bureau of Reclamation
- Colorado Division of Wildlife
- National Forest
- Indian Reservation
- National Park Service
- Patented Lands
- State Lands
- Wilderness
- Piedra Area
- USFS/BLM - Ranger Districts / Field Office Boundary
- Cities and Towns
- Major Lakes
- State & Federal Highways

The USFS and BLM attempt to use the most current and complete geospatial data available. Geospatial data accuracy varies by theme on the map. Using this map for other than their intended purpose may yield inaccurate or misleading results. The USFS and BLM reserve the right to correct, update or modify geospatial inputs without notification.



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NAD 83, Polyconic Projection  
October 29, 2007

Figure 3.33.2 - Wild and Scenic River (WSR) Segments under Alternative B

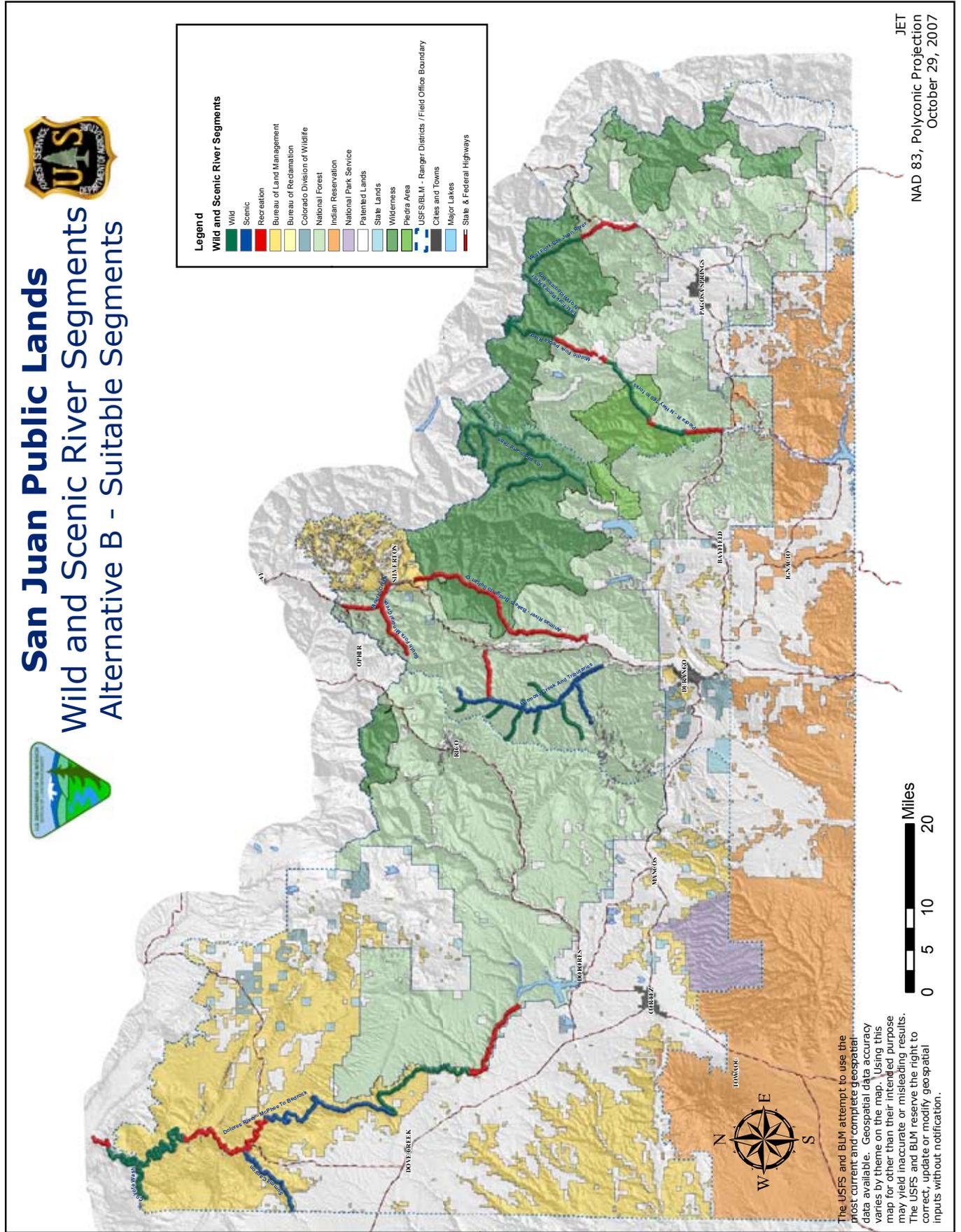


Figure 3.33.3 - Wild and Scenic River (WSR) Segments under Alternative C

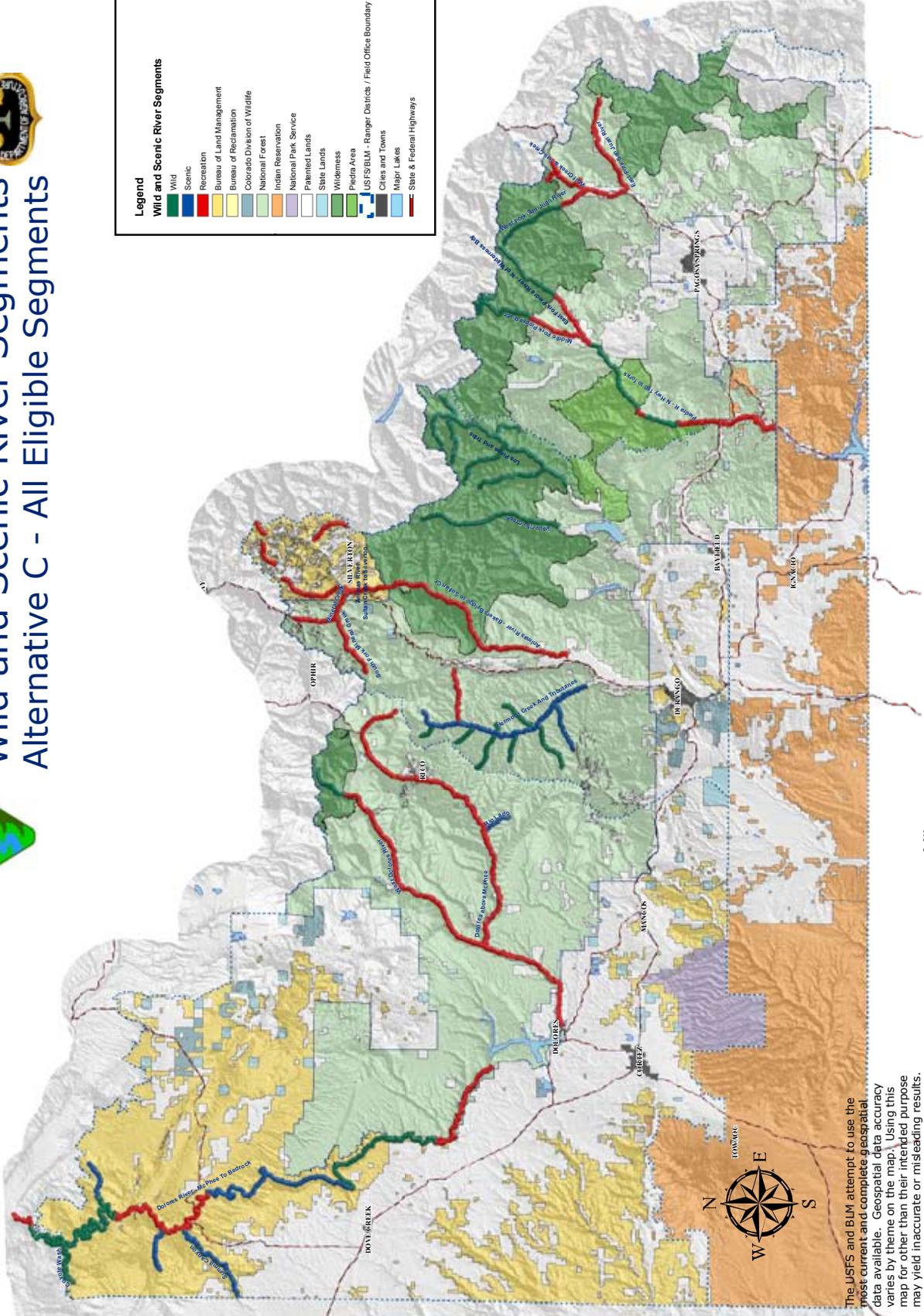


# San Juan Public Lands

## Wild and Scenic River Segments Alternative C - All Eligible Segments



Legend	
Wild and Scenic River Segments	
[Green Box]	Wild
[Blue Box]	Scenic
[Red Box]	Recreation
[Yellow Box]	Bureau of Land Management
[Light Green Box]	Bureau of Reclamation
[Light Blue Box]	Colorado Division of Wildlife
[Light Purple Box]	National Forest
[Light Orange Box]	Indian Reservation
[Light Yellow Box]	National Park Service
[Light Green Box]	Patented Lands
[Light Blue Box]	State Lands
[Light Green Box]	Wilderness
[Light Blue Box]	Piedra Area
[Light Green Box]	USFS/BLM - Ranger Districts / Field Office Boundary
[Black Box]	Cities and Towns
[Blue Box]	Major Lakes
[Red Box]	State & Federal Highways



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## CUMULATIVE IMPACTS

The 1983 SJNF LMP incorporated the recommendations previously made for the Dolores, Los Pinos, and Piedra Rivers, as well as the State recommendation for the West Dolores River. These rivers have been managed as suitable WSR management corridors within the planning area since that time, with their unique qualities protected by specific standards and guidelines. The BLM manages the Dolores River below McPhee Reservoir in order to protect the ORVs, and has enacted a specific river management plan written specifically for the corridor. Findings of eligibility or suitability in this decision would not change the current situation; therefore, they would not add cumulative impacts to these streams.

Findings of eligibility or suitability for the other streams listed above as eligible could have three impacts:

- 1) Recreation pressure may increase for the streams that have been identified as having ORVs. This is not expected to be substantial. There could be a larger increase in recreation if any of these streams are designated as Wild and Scenic Rivers in the national system. Increased recreation could affect eligible W&SRs (e.g., trash not disposed of properly and human-caused fires), but the effects are anticipated to be low. In a few cases, additional regulation may have to be imposed and enforced to maintain the outstanding segments values.
- 2) Proposals to dam or divert these streams may be given a higher level of scrutiny, and the development of water resource projects on these streams may be slowed. If any of these streams are designated as Wild and Scenic Rivers by Congress or by the Secretary, new dams would be prohibited (as specified in the legislation). New diversions might be prohibited, due to new water rights. As a result, insufficient water may be available for projected agricultural, municipal, and industrial growth on private lands within, or downstream, from the planning area.
- 3) The cumulative impacts related to management policy and, if designated, statutory direction would be the protection of river resources and natural processes over time.