

# Overview of Wild & Scenic River Outcomes – SW CO River Protection Group



# Wild & Scenic River Process



## Four steps:

1. Eligibility
2. Tentative Classification
3. Suitability
4. Designation

# Step 1: Eligibility:



To be **eligible**, a stream must meet the following criteria:

1. Generally free flowing and no major impoundments in the segment (can be below dams and have altered hydrology)
2. Have at least one “Outstandingly Remarkable Value”

# Wild & Scenic River Process: Eligibility

What is an Outstandingly Remarkable Value (ORV)?

- Rare, uncommon, extraordinary
- A superior example of a widespread value
- Outstanding in a statewide, regional, or national context
- Stream-related
- The “official” ORVs control management actions and the W&SR management plan!
- ORVs can be in legislation or later, in the plan

# Wild & Scenic River Process: Eligibility



## Examples of Outstandingly Remarkable Values (ORVs)

- Scenic
- Fish habitat
- Recreation
- Wildlife habitat
- Geologic
- Historic
- Cultural
- Ecological

## Step 2: Tentative Classification

- A tentative classification of *Wild, Scenic, or Recreational* is determined for each eligible river or segment. Tentative classifications are based on the type and degree of human development associated with the river and adjacent lands, as they exist at the time of the evaluation.



# Wild and Scenic River Process: Tentative Classification

- A *Wild* river is free of impoundments, with shorelines or watersheds essentially primitive, and with unpolluted waters.
- A *Scenic* river may have some development, and may have road and railroad access points.
- A *Recreational* river may have more extensive development along its shoreline, including transportation routes, and major diversions.
- Classification has a HUGE impact on management!

# Step 3: Suitability



- Suitability is a process of determining whether a stream is a worthy addition to the national wild & scenic rivers system, based on multiple factors. These factors may appear as **key issues** in the management plan!



# Wild & Scenic River Process: Suitability Analysis

## Suitability Factors:

- Land and mineral estate ownership
- Use tradeoffs and conflicts
- Compatibility with local/state interests, plans, programs
- Availability of other methods for protecting values
- Valid and prior existing rights, such as water rights
- Water quality, streamside development
- Contribution to river system integrity

# Wild & Scenic River Process: Suitability

- Suitability analysis is conducted by BLM/USFS using input from our partners, who help identify management conflicts, issues, and other alternatives for protecting values.
- Goal: determine if W&SR designation by Congress is viable management alternative.
- A range of suitability alternatives is provided in the draft resource management plan.

# Wild & Scenic River Process

River segments identified as “Suitable” in the final plan will be managed to protect identified outstandingly remarkable values and free flowing condition (protective management).



# Step 4: Designation

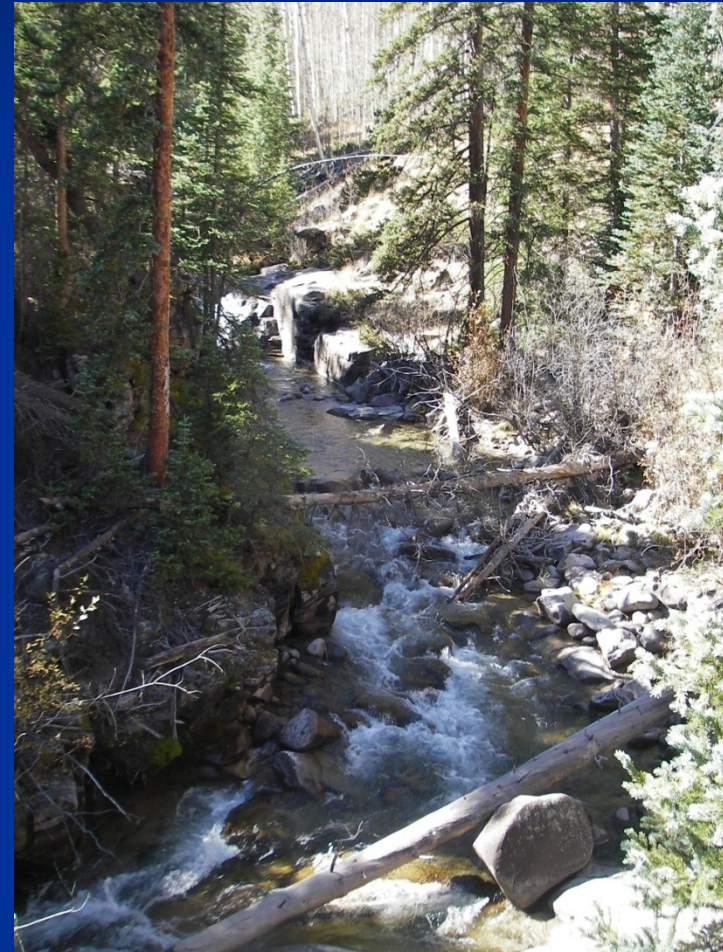


Designation can occur via:

1. Congressional legislation, signed by President, passed as an amendment to the Wild & Scenic Rivers Act of 1968.
2. Secretary of Interior Executive Order, if requested by Governor of the state where the stream is located.

# Designation: Outcomes

- Separate management plan
- Valid prior existing rights may be exercised
- Limitations on establishment of new rights (minerals, rights-of-way)
- Restrictions and/or prohibition on new projects; applies to all federal agencies
- Federal water right



# Key Outcome: Management Plan

- Completed in 3-4 years
- Documents existing conditions, issues, opportunities
- Includes all partners
- Provisions for water quality, access, habitat improvement
- Brings in more resources and money? Maybe.



# Key Outcome: Classification

## If “Wild”, then:

- No new rights in corridor: SUPs, minerals, powerlines
- Habitat improvements OK, but no new roads/trails
- Low-impact rehab of damaged resources OK
- Inconspicuous trails, bridges, interpretation only



# Key Outcome: Classification

## If “Scenic”, then:

- New rights discouraged in corridor, but may allowed to extent they are consistent with ORV management.
- Habitat improvements OK, limited roads/trails OK
- Silvicultural practices OK; modified to protect ORVs
- Trails, bridges, interpretation can be conspicuous.





# Key Outcome: Water Rights



- Congressional designation has historically included a federal reserved water right.
- Agency determination of suitability does not include a water right.

# Wild & Scenic River Designation: Water Rights

- If Congressional/Secretarial designation occurs, the managing agency quantifies the amount and timing of water necessary to support ORVs
- Water right adjudicated in state court
- The federal water right receives a priority equal to the date of designation.

# Wild & Scenic Process: Conclusions



Clearly identify which values are ORVs – they will drive plan

Be careful about choosing a classification – it will limit or encourage actions/projects

Identify the relationships between management issues & ORVs

Think about special circumstances and plans that may need specific authorization

Designation has historically implied a federal water right