

WILD AND SCENIC RIVERS: EVALUATION AND RECOMMENDATION

ISSUE STATEMENT

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 dam and other construction at appropriate sections of 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.

National Wild and Scenic Rivers Act – 1968

Established by Congress in 1968, the National Wild and Scenic Rivers System is the nation's foremost river conservation tool. The free flowing character and outstanding natural and cultural values of a river, along with its water quality and immediate environment, is permanently protected once Congress adds the river to the System. It is important to recognize the congressional intent in passing the Act is to balance the extensive development of rivers with the protection of the free-flowing character and outstanding values of other selected rivers.

Large segments of natural free-flowing rivers are fast disappearing throughout the United States (Stanford and Ward 1979). River development has been so rampant in the United States that "98 percent of an estimated 5.2 million km of streams

are degraded enough to be unworthy of federal designation as wild or scenic rivers" (Benke 1990 in Mac et al. 1998). In California, only a handful of rivers remain in a natural or relatively natural free-flowing state. Of the approximately 194,000 miles of rivers and streams in California, only 6,000 miles (or about 3 percent) are potentially eligible or eligible for wild and scenic protection, or already protected in the state and federal systems (Evans 2001).

Its wide diversity of climate, physiographic provinces, eco-regions, and habitats make California a particularly rich source of potential Wild and Scenic Rivers. Federal lands encompass much of the state's source headwaters and watersheds in mountain ranges, foothills, deserts, and coastal regions. The streams that flow through these federally managed public lands offer numerous opportunities to increase the diversity of rivers and streams represented in the National Wild and Scenic Rivers System. Many of these waterways provide important sources of high quality water for downstream communities; they support numerous sensitive, threatened, and endangered fish and wildlife species; and they offer outstanding opportunities for outdoor recreation. These are important benefits associated with expanding the representation of California's streams and rivers in the National System.

Rivers are identified for possible inclusion in the System through studies conducted by the Forest Service and other federal land management agencies. Section 5(d) of the Wild and Scenic Act requires the Forest Service "in all planning for the use and development of water and related land resources...to determine which additional wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports..." Updated in 1996, the Forest Service Handbook (FSH) requires that the "land management planning process shall include a comprehensive evaluation of the potential for rivers in an administrative unit to be eligible for inclusion in the National System"(FSH 1909.12-81.2).

Federal guidelines outline a two-step process for wild and scenic studies. The first step is to determine whether a stream is eligible for protection. Eligibility is determined by answering two questions: Is the stream free-flowing? Does it have one or more outstandingly remarkable values? The second step is to determine whether a stream is suitable for protection. A positive answer to this question results in the agency recommending to Congress that the stream be added to the National System.

Compliance with section 5(d) of the Act and the Forest Service Handbook was widely variable in the previous round of National Forest plans in Region 5. Only eight of the 18 forests in Region 5 completed at least comprehensive eligibility evaluations in the first round of forest plans. Other forests looked at a subset of streams identified from various sources, but they did not conduct a comprehensive evaluation. Only four forests completed suitability studies and made recommendations to Congress as part of their comprehensive evaluation.

Suitability studies and recommendations were generally punted to the next round of forest planning by thirteen of the eighteen forests in Region 5. The majority of the forests conducted their evaluations prior to the adoption of new planning direction in 1996 in the Forest Service Handbook. The 1996 FSH update included substantial new eligibility criteria, particularly for the identification of outstanding remarkable values.

The 1996 FSH also indicates that the “preferred process is to proceed with determining suitability in the land management planning process” (FSH 1909.12-83.1). In part, this is due to the fact that suitability recommendations are major federal decisions requiring NEPA review. Using the existing NEPA process for Forest Plan revisions to complete suitability studies and make recommendations for potential Wild and Scenic Rivers is the most efficient use of limited federal

resources. The alternative is to delay the suitability determination of eligible rivers until a subsequent separate study is completed; however, this may not be preferable since it will require funding and staff resources that are difficult to muster outside the forest planning process. The Tahoe National Forest is one of the few in Region 5 that successfully secured the staff and funding resources to complete post-forest plan suitability studies for eligible streams. Many other Forests in Region 5 have promised but failed to complete post-plan suitability studies.

Altogether, section 5(d) studies conducted in previous forest plans resulted in the recommendation of approximately 879 miles of rivers and streams. An additional 1,037 miles of streams have been determined eligible by the agency but suitability studies and recommendations for these streams remain to be completed in the next round of planning. An undetermined number of streams remain to be studied for both eligibility and suitability on those forests that failed to conduct comprehensive evaluations. An overview of the status of evaluations for each national forest in the Sierra Nevada is presented in Appendix E of this strategy.

As required by the National Wild and Scenic Rivers Act, Section 3(d)(1), the Forest Service must prepare a Comprehensive River Management Plan (CRMP) for river segments designated on or after January 1, 1986. For rivers designated before January 1, 1986, the agency through its “regular planning processes” shall review all boundaries, classifications, and plans for conformity to section 3(d)(1). The CRMP is an essential component of the law’s mandate to protect river values, and compliance with this important section of the Act should be a specific objective of the forest plan revision.

There are eight designated Wild and Scenic Rivers located in Sierra Nevada National Forests.¹ Six of these rivers have river management plans completed prior to 1994, with widely varying degrees of sophistication and detail. All the CRMPs are out of date and none are up to modern standards as outlined by the Interagency Wild and Scenic Rivers Coordinating Council.² One river designated in 2006 has no CRMP and is well past its 2009 deadline and seven streams designated in 2009 are approaching the three-year deadline. Existing CRMPs should be updated in the forest plan revisions. The Forest Service should use the forest plan revision to complete CRMPs for the recently designated rivers if resources are insufficient to complete CRMPs prior to the revision.

POLICY ACTIONS NEEDED

Proposal for Revision to Forest Plan Direction

A. Desired Condition *The following statements represent the desired future condition of the landscape and may not reflect the current conditions.*

Desired Condition WSR-1. River segments “possessing 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” (Wild and Scenic Rivers Act 1968).

¹ Wild and Scenic Rivers in the Sierra Nevada National Forests include the Middle Fork Feather (1968), North Fork American (1978), Tuolumne (1984), Kings (1987), Kern (1987), Merced (1987), Owens River Headwaters (2009), and Cottonwood Creek (2009).

² In the Council’s whitepaper, *Newly Designated Wild and Scenic River: Interim Management and Steps to Develop a Comprehensive River Management Plan*.

B. Objectives

Objective WSR-1. A comprehensive assessment of all potential eligible Wild and Scenic Rivers is conducted as part of the Forest Plan revision using the latest available resource data and science.

Objective WSR-2. Suitability studies have been completed for all rivers determined to be eligible.

Objective WSR-3. Review and revise existing plans for designated Wild and Scenic Rivers as part of the Forest Plan revision.

Objective WSR-4. Update existing Comprehensive River Management Plans (CRMPs) for designated rivers in the Forest Plan revision. For recently designated rivers with as yet uncompleted CRMPs, use the Forest Plan revision to develop the CRMPs.

C. Standards

Standard WSR-1. Provide interim protection to maintain the free flowing character, specific outstandingly remarkable values, and potential classification of eligible rivers. Prohibit ground disturbing actions within designated distances of eligible or recommended streams until a reach-specific plan has been developed that establishes interim protective management for these area.

Recommended Actions to Address During the Assessment Portion of the Forest Plan Revision

- Complete comprehensive eligibility evaluations during the forest plan revision process for all national forests that did not conduct a comprehensive evaluation in the previous forest plan.
- Use the most updated (1996) planning direction and eligibility criteria for comprehensive eligibility evaluations, particularly for national forests that resulted in limited eligibility findings in the previous plans.

- Review previous eligibility evaluations in light of updated 1996 planning direction.
- Complete suitability studies for eligible streams identified in the previous forest plans, and recommend to Congress those streams determined suitable.

Recommendations for New Regional Direction or Policy

- Provide direction and support to complete comprehensive eligibility/suitability evaluations for all rivers during the forest plan

revision process.

- Provide direction and support for the completion of suitability studies for rivers determined to be eligible during the previous forest planning process. Establish a timeline for completion of suitability studies within the first five years of forest plan adoption.
- Provide direction to ensure that forest plan revisions review the boundaries, classifications, and plans for designated rivers, update existing CRMPs, and complete CRMPs for recently designated rivers.

REFERENCES

Benke, A.C. 1990. A perspective on America's vanishing streams. *Journal of the North American Benthological Society* 9:77–88.

Evans, S.L. 2001. Potential Wild & Scenic Rivers in California. *Friends of the River, CA*.

Mac, M.J., Opler, P.A., Puckett Haecker, C.E., and Doran, P.D. 1998. *Status and Trends of the Nation's Biological Resources*. 2 vols. U.S. Department of the Interior, U.S. Geological Survey, Reston, Va.