




BLM Manual 6400
Wild and Scenic Rivers
WebEx Training

Policy and Program Direction for
Identification, Evaluation, Planning,
and Management



Notes: photo of Upper Missouri WSR in Montana



Presentation Overview

- The Wild and Scenic Rivers System
- The BLM Wild and Scenic River Program
- Key Policy Concepts: Authorities, Terminology, and Responsibilities
- The 6400 Manual: Critical Policy Requirements



Session Objectives

- Familiarization with the basics of the Wild and Scenic Rivers Act (WSRA)
- Familiarization with BLM Guidance
- Familiarization with major new components of Manual 6400

The National Wild & Scenic Rivers System

President Johnson's message of February 8, 1965, marked the first time a President had declared enhancement of natural beauty a national goal:

"Those who first settled this continent found much to marvel at. Nothing was a greater source of wonder and amazement than the power and majesty of American rivers. They occupy a central place in myth and legend, folklore and literature.

They were our first highways, and some remain among the most important. We have had to control their ravages, harness their power, and use their water to help make whole regions prosper.

....But the time has also come to identify and preserve free flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory.

To this end I will shortly send to the Congress a Bill to establish a National Wild Rivers System."

Lets begin with some important history of the establishment of the National Wild and Scenic Rivers System.

President Johnson's message of February 8, 1965, marked the first time a President had declared enhancement of natural beauty a national goal. Part of his message included the goal of establishing the National Wild & Scenic Rivers System:

"Those who first settled this continent found much to marvel at. Nothing was a greater source of wonder and amazement than the power and majesty of American rivers. They occupy a central place in myth and legend, folklore and literature. They were our first highways, and some remain among the most important. We have had to control their ravages, harness their power, and use their water to help make whole regions prosper.But the time has also come to identify and preserve free flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory.

To this end I will shortly send to the Congress a Bill to establish a National Wild Rivers System."

The National Wild & Scenic Rivers System

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.

- The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development.
- It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

The National Wild and Scenic Rivers Act passed on October 2, 1968, on the same day as the National Trails System Act. It created the National Wild and Scenic Rivers System to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

In the original Act, only 8 rivers were designated by Congress including the Rogue River in Oregon and the Rio Grande River in New Mexico. These 2 rivers became BLM's first Wild and Scenic Rivers.

Notes: The Act was signed by President Lyndon B Johnson and became Public Law 90-542 and codified as 16 USC 1271.

The National Wild & Scenic Rivers System



Currently, there are 203 designated rivers in the System. Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries.

In 1968, in addition to the 8 rivers designated and added to the system, congress required 27 additional rivers be studied for possible inclusion in the system. Since then over 100 additional rivers have been identified by Congress for study. And hundreds more have been studied by federal agencies through their land use planning process for possible inclusion in the system.

The four federal agencies that study and manage wild and scenic rivers are the Bureau of Land Management, the National Park Service, the Fish and Wildlife Service, and the Forest Service.

The National Wild and Scenic Rivers System
&
The Interagency Wild and Scenic River
Coordinating Council



In 1993, at the celebration marking the 25th anniversary of the National Wild and Scenic Rivers System, conservation organizations issued a challenge to the land management agencies—to establish an interagency council to address administration of our wild and scenic rivers. A few months later in Portland, Oregon, river planners from the Bureau of Land Management, National Park Service, and U.S. Forest Service met to draft a rough outline of what such a council would look like and what it could do. In April of 1995, heads of these agencies and the U.S. Fish and Wildlife Service, at a ceremony in Washington, D.C., signed the Interagency Wild & Scenic Rivers Coordinating Council Charter.

The overriding goal of the Council is to improve interagency coordination in administering the Wild and Scenic Rivers Act, thereby improving service to the American public and enhancing protection of important river resources. The Council addresses a broad range of issues, from management concerns on rivers presently in the national system to potential additions listed on the Nationwide Rivers Inventory, from state designations to the provision of technical assistance to other governments and non-profits organizations.

The Council consists of representatives of the four wild and scenic rivers administering agencies—the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service.

Note: photo of Rio Grande WSR in New Mexico



BLM's Wild and Scenic River program has grown from those original 2 rivers in 1968. BLM now has 69 National Wild & Scenic Rivers in 7 States covering more than 2,400 miles and approximately 1,165,000 acres.

Note: photo of Upper Missouri WSR in Montana



BLM National Wild and Scenic Rivers are administered as **components** of the agency’s National Landscape Conservation System. They are managed in concert with numerous resource programs, such as Recreation, Visual Resources, Riparian, Fisheries, Wildlife, Cultural Resources, Realty, and Engineering.

The National Landscape Conservation System includes some of the West’s most spectacular landscapes, including those along rivers. It includes over 887 federally recognized areas and about 27 million acres of Presidentially or Congressionally designated areas – including National Monuments, National Conservation Areas, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, and Conservation Lands of the California Desert. The BLM conserves, protects, and restores these nationally significant landscapes, recognized for their outstanding cultural, ecological, and scientific values.

System units may overlap like the Lewis and Clark National Historic Trail and Upper Missouri River Breaks National Monument and the Upper Missouri Wild and Scenic River in Montana; while others are stand alone units.

Through Public Law 111-11 – the Omnibus Public Lands Management Act of 2009 – the BLM is required to manage these components, including National Wild and Scenic Rivers, under applicable laws like the National Wild and Scenic Rivers Act, and in a manner that protects the values for which the components of the system were designated.



Key Policy Concepts

- **Authorities**
 - Relevant laws, regulations
- **Terminology and Responsibilities**
 - Key terms and definitions
 - BLM's role

The next section of this training will cover some of the relevant authorities related to identifying, evaluating and managing eligible, suitable and designated wild and scenic rivers. We will also cover some important terminology and related BLM responsibilities.

Notes: photo of Trinity WSR in California

The Wild & Scenic Rivers Act

“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.”

Section 1(b) of the Wild and Scenic Rivers Act

I think it is important to read Section 1(b) of the Act: 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.

The Wild & Scenic Rivers Act

- Complement to National Policy of Dam and Other Construction
- Protect and Enhance River Values:
 - Free-flowing Condition
 - Outstandingly Remarkable Values (ORVs)
 - Water Quality
- Establish Process through which Additional Rivers are Considered for Inclusion in The National System

Key points of the Wild and Scenic Rivers Act are:

- 1) that it was established as a complement to the National Policy of Dam and Other Construction;
- 2) provides protection and enhancement of river values. River values are made up of three things: free flowing condition, Outstandingly Remarkable Values, and Water Quality; and
- 3) it established a process through which additional rivers may be added.

Federal Land Policy and Management Act (1976)

- BLM multiple-use mandate – recreation, scenic, cultural, access, and many more
- In a manner to protect the quality of values and preserve and protect public lands
- Exception to preserve and protect tracts of public land under other law
- Unnecessary and undue degradation
- Inventory public lands; conduct land use planning; can create special management areas

Another key authority for the WSR program is the Federal Land Policy and Management Act (FLPMA). FLPMA also guides the actions of the BLM in the management of the National Wild and Scenic Rivers Program.

FLPMA gives the BLM its multiple-use mandate, and strong authorities for the management of BLM public lands.

FLPMA Sec. 102 (8) states that “it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental... water resource, and archeological values; (and) that, where appropriate, will preserve and protect certain public lands in their natural condition...”

...and Sec 302(a) states that the BLM “shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans...except... where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.” This includes the Wild and Scenic Rivers Act.

Section 302(b) states that in managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

The BLM also has the authority under FLPMA (Section 201) to maintain an inventory of public lands and conduct land use planning. The BLM also has the authority to create special management areas.

Other Relevant Authorities

- National Environmental Policy Act (1970)
- National Historic Preservation Act (1966)
- Endangered Species Act (1973)
- Clean Water Act (1972)
- Wilderness Act (1964)
- National Trails System Act (1968)
- CFR Title 43 Subpart 8351 Designated National Areas
- Federal Register Volume 47 Number 173 - Interagency WSR Guidelines (1982)

We'll briefly review several of the authorities listed here that are relevant to BLM's Wild and Scenic Rivers Program. Other laws, regulations, executive orders, and secretarial orders germane to the management of National Wild and Scenic Rivers are listed in the manual (6400).

The National Environmental Policy Act's link to the WSR program is through the Land Use Planning process and through site specific project analysis and decision making. NEPA helps BLM evaluate potential wild and scenic rivers (eligible and suitable) and evaluate management direction for those rivers through an open, public process.

The National Historic Preservation Act (NHPA) created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices. Properties included in or eligible for the National Register and a National Historic Landmark within a study river corridor are likely candidates for historical or cultural outstandingly Remarkable Values. The NHPA helps BLM determine historical or cultural ORVs. The NHPA also requires federal agencies to take into account the effects of agency actions and authorizations, or undertakings, on properties included in or eligible for the National Register of Historic Places (this is known as Section 106 review). Therefore, the NHPA gives BLM authority to protect river values especially on BLM identified eligible and suitable rivers which don't have the protections from the Wild and Scenic Rivers Act.

The Endangered Species Act provides a similar link like the NHPA, but, of course, for wildlife, fish and plants. Listed species or critical habitat can help BLM determine wildlife, fishery or plant outstandingly remarkable values. In addition, ESA provides protection of river values especially on BLM identified eligible and suitable rivers which don't have the protections from the Wild and Scenic Rivers Act.

The Federal Water Pollution Control Act is commonly referred to as the Clean Water Act so I'll use the shorter and more common term. The Clean Water Act is another key authority for the Wild and Scenic River program. Water quality is one of the river values BLM is required to protect and enhance on designated wild and scenic rivers.

The Wilderness Act is specifically referenced in section 10(b) of the WSR Act. Basically, if any portion of a wild and scenic river overlaps designated wilderness, both Acts apply, but if there is any conflict between the provisions of these Acts the more restrictive provisions apply.

The National Trails Act is another important authority for determining ORVs and for protection of river values.

43 CFR Subpart 8351 is BLM's general regulation for management of public lands administered under provisions of the Wild and Scenic Rivers Act and the National Trails System Act. Subpart 8351.2 outlines special rules for BLM components of the National Wild and Scenic Rivers System.

The Interagency Guidelines were developed by the Department of Interior and Dept of Agriculture to provide a uniform approach to evaluation and management of wild and scenic rivers. The initial guidelines were developed in 1970 and final revised guidelines in 1982. Most of this guidance has been incorporated into the 6400 manual.



Terminology and Responsibilities

- Study River
- River Values
- Free-flowing Condition
- Outstandingly Remarkable Values
- Eligibility
- Classification
- Suitability

Now lets look at some key terminology from the Wild and Scenic Rivers Act and related responsibilities of BLM.

Study River, River Values, Free-flowing Condition, Outstandingly Remarkable Values, Eligibility, Classification, Suitability.

Notes: photo of North Fork American WSR in California

Terminology and Responsibilities

Study river:

Rivers identified for study by Congress under Section 5(a) of the WSR Act or identified for study by the Secretary of Agriculture or the Secretary of Interior (e.g., BLM-identified study rivers) under Section 5(d)(1) of the WSR Act.

- ✓ BLM is responsible to evaluate congressionally authorized and BLM-identified study rivers for eligibility and suitability for WSR designation.

There are two ways a river can be identified for study:

Section 5(a) of the WSR Act requires an act of Congress and actually amends Section 5 (a) by adding the study rivers. It's initiated by requests of local interests, often based on a threat, or by Congressional rep's interest.

Section 5(d)(1) of the Act is the identification of study rivers through federal agency planning process-- typically a land use plan which we call Resource Management Plan (or RMP), but it may be through a site specific project proposal which would include a land use plan amendment.

BLM is responsible to evaluate congressionally authorized and BLM-identified study rivers for eligibility and suitability for WSR designation.

Terminology and Responsibilities

“River Values” (the purposes for which rivers are added to the National Wild and Scenic Rivers System) are:

1. **Free flowing condition**
2. **Outstandingly Remarkable Values**
3. **Water Quality**

✓ BLM is responsible to protect and enhance the river values.

The term “River Values” is used frequently when talking about wild and scenic rivers. Too often it is directly linked to just the “outstandingly remarkable values” of a river. I mentioned this previously, but it is important to repeat.....“river values” encompass three things: free-flowing condition, ORVs, and water quality. BLM is responsible to protect and enhance “river values.”

Terminology

Free-flowing condition:

Existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway (Section 16(b) of the WSR Act)

Outstandingly Remarkable Values (ORVs):

Values among those listed in Section 1(b) of the WSR Act: scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

Free-flowing condition (Section 16(b)):

“Free-flowing,” as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.”

Although not a part of the evaluation of free-flowing condition – which focuses on modification of the river’s bed or its banks – general guidance on flow (the volume of instream water) is: “Flows are sufficient if they sustain or complement the ORVs for which the river would be designated.”

ORVs:

Values among those listed in Section 1(b) of the WSR Act: scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

The area, region or scale of comparison is not fixed, and should be defined as that which serves as a basis for meaningful comparative analysis; it may vary depending on the value being considered. For values to be river-related they should:

Be located in the river or on its immediate shorelands (generally ¼ mile on either side of the river), and

Contribute substantially to the functioning of the river ecosystem; and/or

Owe their location or existence to the presence of the river.

Terminology and Responsibilities

Eligibility:

Qualification of a river for potential inclusion in the National System through determination that it is free-flowing and with its adjacent land area possesses at least one outstandingly remarkable value.

- ✓ BLM is responsible for identifying and evaluating river segments to determine eligibility for possible inclusion in the system.

Eligibility is an objective resource inventory. To meet Eligibility a river must meet both of these criteria: to be in a free-flowing condition, and with its adjacent land area possess at least one outstandingly remarkable value. We just reviewed the definition of Free flowing condition in the previous slide, but I want to mention that free-flowing condition focuses on modification of the river's bed or its banks and not the volume or flow regime of water in the river. In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare or exemplary feature that is significant at a comparative regional or national scale.

Key points for the eligibility step: Use an Interdisciplinary Team. Focus on coordination and public involvement. Use the Nationwide Rivers Inventory List, State, local, tribal and conservation group lists, public nominations. Describe in detail each river segments free-flowing condition (modification of the rivers bed and/or banks) and outstandingly remarkable values (which can be site specific features). This detailed description helps form a baseline against which future management and monitoring can occur.

Terminology and Responsibilities

Classification:

Process of determining which of the classes outlined in Section 2(b) of the WSR Act (wild, scenic, or recreational) best fit the river or its various segments.

- ✓ BLM is responsible for determining the tentative classification for river segments and maintaining that classification through protective management

Classification is an objective land-use condition inventory. The WSR Act established three classifications for rivers – Wild, Scenic, and Recreational. Section 2(b) of the Act provides general definitions for Wild, Scenic and Recreational.

As the Interdisciplinary Team is working on the Eligibility inventory, they should also inventory and document the tentative classification. The Interagency Classification criteria can be found in Illustration 2 of the manual. Inventorying a tentative classification helps establish the existing development baseline.

BLM is responsible for determining the tentative classification for river segments and maintaining that classification through protective management

Terminology and Responsibilities

Suitability:

Subjective analysis of an eligible river which provides the basis for determining which rivers to recommend to Congress as potential additions to the National System.

- ✓ BLM is responsible for evaluating all congressionally authorized study rivers and BLM-identified study rivers for their suitability or non-suitability for addition to the national wild and scenic rivers system.

Subjective analysis of an eligible river which provides the basis for determining which rivers to recommend to Congress as potential additions to the National System.

BLM is responsible for evaluating all congressionally authorized study rivers and BLM-identified study rivers for their suitability or non-suitability for addition to the national wild and scenic rivers system.

Summary of Key Policy Concepts

- Relevant Authorities
- Study River
- River Values
- Free-flowing Condition
- Outstandingly Remarkable Values
- Eligibility
- Classification
- Suitability

In review, applicable provisions from the National Wild and Scenic Rivers Act, FLPMA, the National Historic Preservation Act, Endangered Species Act, Clean Water Act and other laws and regulations serve as the basis for the BLM's National Wild and Scenic Rivers policies.

The BLM focuses management attention on the River Values for each congressionally designated WSR, congressionally authorized study river, and BLM-identified study river. The River Values include free-flowing condition, the outstandingly remarkable values (ORVs), and the water quality. The BLM identifies, evaluates, plans, and manages designated WSRs and congressionally authorized and BLM-identified study rivers to protect and enhance river values consistent with the WSR Act and other applicable laws.




For the remainder of the session we will review key policy and program direction provided in the 6400 manual. You will see how the key concepts, laws, terms, and responsibilities that we just covered tie in with policy requirements within the 6400 manual.

While the following information is not comprehensive, it does provide some fundamentals which should be helpful in policy review.

Additional, more in-depth training will be developed covering the management of wild and scenic rivers and the study river process.

Notes: photo of Amargosa WSR in California



Manual 6400 - Wild & Scenic Rivers

- Revision of guidance that was prepared in 1992 and 1993
- Based on...
 - Guidance in the original 8351 manual
 - IM 98-129 & IM 2004-196
 - USFS policy on WSR study rivers
 - Information provided by the IWSRCC

Lets first start with a little history on BLM's Wild and Scenic Rivers Manual guidance. Many of you are familiar with BLM's first WSR manual which was number 8351 (remember the WSR regulations found in 43CFR Subpart **8351**). The 6400 manual revises and updates the old 8351 WSR manual by including guidance established through IMs in the 90's and early 2000. In addition, the USFS WSR policies and the Interagency WSR Coordinating Council technical papers have been incorporated as appropriate.

Key Policy Requirements

Chapter 1.6 Policy

The BLM is committed to carrying out the provisions of the WSR Act and related laws and policies and, therefore, will:

- 1. Identify all rivers on BLM-administered lands that possess free-flowing condition and outstandingly remarkable values and therefore may have potential for addition to the National System. Rivers appearing on lists compiled by other public agencies or organizations with demonstrated expertise in identifying potential WSRs will be considered.
- 2. Evaluate BLM-identified and congressionally authorized study rivers for their eligibility and suitability for WSR designation.

BLM is committed to carrying out the provisions of the Wild and Scenic Rivers Act and related laws and policies. There are 12 programmatic policy requirements in Chapter 1.6 of the manual that provide the foundation for BLM's wild and scenic rivers program.

1. BLM will identify all rivers on BLM-administered lands that possess free-flowing condition and outstandingly remarkable values.
2. BLM will evaluate BLM-identified and congressionally authorized study rivers for their eligibility and suitability for WSR designation.

Key Policy Requirements

1.6 Policy (continued) -

- 3. Complete baseline inventories for eligible or suitable rivers as they are identified and as near as possible to the time of designation if not previously completed. The inventories will include information relevant to the free-flowing condition, water quality, and identified outstandingly remarkable values.
- 4. Assign a tentative classification (wild, scenic, or recreational) for river segments that are eligible for inclusion within the National System.
- 5. Consider management decisions through project level review that would protect and/or enhance the free-flowing condition, water quality, and identified outstandingly remarkable values of eligible rivers until suitability can be determined through land use planning.
- 6. Consider management decisions through land use planning that would protect and/or enhance the free-flowing condition, water quality, and outstandingly remarkable values of suitable rivers until Congress designates the river as a component of the National System or releases the river for other uses.

3. BLM will complete baseline inventories for eligible or suitable rivers – focusing in on free-flowing conditions, ORVs and water quality.
4. BLM will assign a tentative classification for river segments determined to be eligible for possible inclusion into the WSR System.
5. BLM will consider management decisions through project level review that would protect and/or enhance river values of eligible rivers until suitability can be determined.
6. BLM will consider management decisions through land use planning that would protect and/or enhance river values of suitable rivers until Congress designates the river as a component of the System or releases it for other uses.

Key Policy Requirements

1.6 Policy (continued) –

- 7. Manage designated WSRs to protect and enhance the free-flowing condition, water quality, and identified outstandingly remarkable values.
- 8. Manage congressionally authorized study rivers as required by the WSRA, including Section 7(b), water resources projects; 8(b), land disposition; Section 9(b), mining and mineral leasing; and Section 12(a), management policies.
- 9. Monitor the effectiveness of land use planning management decisions that protect and enhance free-flowing condition, water quality, and outstandingly remarkable values for designated WSRs, congressionally authorized study rivers, and rivers identified as eligible or suitable by the BLM.
- 10. Make determinations regarding the impacts of proposed water resource projects on designated WSRs, congressionally authorized study rivers, and rivers identified as eligible or suitable by the BLM.


7. BLM will manage designated WSRs to protect and enhance river values.
8. BLM will manage congressionally authorized study rivers consistent with the requirements of the WSR Act.
9. BLM will monitor all WSRs (designated, congressionally authorized study, eligible and suitable) to protect and enhance river values.
10. BLM will make determinations regarding impacts of proposed water resources projects on all WSRs.

Key Policy Requirements

1.6 Policy (continued) –

- 11. Coordinate and consult with tribal, other Federal, state, and local agencies, as well as interested citizens, groups, and organizations concerned with the inventory, evaluation, and management of potential additions to the National System (guidance provided in BLM Land Use Planning Handbook H-1601-1 and BLM Handbook H-8120-1 Guidelines for Conducting Tribal Consultation). This interaction and public involvement is considered to be particularly important as rivers, due to their linear nature, often cross jurisdictional boundaries. Efforts shall be taken to involve any affected or concerned party at all stages of the WSR process.
- 12. Submit recommendations resulting from agency-initiated studies and studies authorized by Congress to the Secretary of the Interior on potential additions to the National System.

11. BLM will coordinate and consult with tribal, Federal, state, and local agencies, interested citizens, groups, and organizations at all stages of the WSR process.
12. BLM will submit recommendations resulting from wild and scenic river studies to the Secretary of Interior.



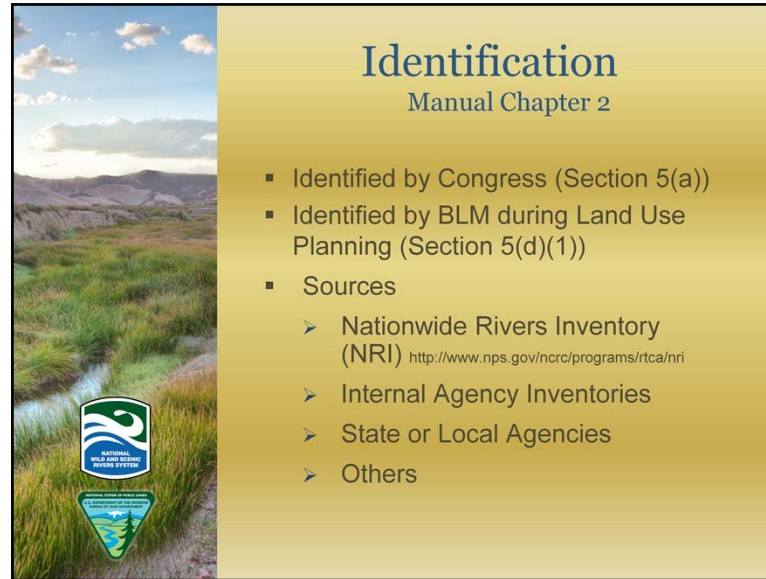
Policy Updates/Changes

- Updated policy mainly differs from the original in six key areas
 1. Study river process in land use planning
 2. Management of eligible and suitable rivers
 3. Rights-of-ways & utility corridors
 4. Federal reserved water right
 5. Visitor capacity
 6. Determination of impacts from proposed water resource projects under Section 7 of the WSRA

The 6400 Manual differs from the 8351 manual in 6 key areas:

1. Study river process within land use planning
2. Protective management of eligible and suitable rivers
3. Rights of Ways and utility corridors
4. Federal reserve water right
5. Visitor capacity
6. Section 7 determinations

As we continue through the key policy requirements of the 6400 manual, I'll point out these 6 key areas to help familiarize you with the changes to WSR program policy.



Identification

Manual Chapter 2

- Identified by Congress (Section 5(a))
- Identified by BLM during Land Use Planning (Section 5(d)(1))
- Sources
 - Nationwide Rivers Inventory (NRI) <http://www.nps.gov/ncrc/programs/rtca/nri>
 - Internal Agency Inventories
 - State or Local Agencies
 - Others

Chapter 2 of the 6400 manual covers Identification of Study rivers. As mentioned previously under the terminology section, there are two ways a study river is identified.

Section 5a requires an act of Congress and actually amends Section 5 (a) by adding the study rivers. It's initiated by requests of local interests, often based on a threat, or by Congressional rep's interest.

Section 5d1 is identification of rivers through federal agency planning process-- typically a land use plan, but it may be through a site specific project proposal.

Manual Chapter 2 also provides guidance on determining the study river termini and area boundary. The study river corridor should, at a minimum, include ¼ mile on each side of the river (1/2 mile each side for rivers identified in Alaska by ANILCA).

It's important to use the Nationwide Rivers Inventory when identifying BLM study rivers and when evaluating congressionally authorized study rivers. The NRI is the most comprehensive source of rivers to be considered in federal agency planning processes. The NRI is maintained by the National Park Service and currently includes over 3,400 rivers. It is also important to note that a presidential directive and Council on Environmental Quality (CEQ) guidance directs all federal agencies to "take care to avoid or mitigate adverse effects" to rivers identified in the Nationwide Rivers Inventory. Please refer to the NPS website for more information on BLM requirements for protecting these rivers/streams/creeks.

As for identifying rivers/streams/creeks for wild and scenic river studies, do not focus solely on the NRI, also use internal agency lists/inventories, state or local agency and other information.



Eligibility

(Objective Resource Inventory)
Manual Chapter 3.1

- Free-flowing (Section 16(b))
- Possesses One or More ORV
 - Directly River-related
 - Unique, Rare or Exemplary at Regional or National Scale

After rivers are identified for study, Eligibility, the next step in the process. As mentioned previously in the terminology section, Eligibility is an objective resource inventory. To meet Eligibility a river must meet both of these criteria. Free flowing condition focuses on modification of the river's bed or its banks and not the volume or flow regime of water in the river. Refer to Chapter 3.1 B & C. ORVs – you only need 1 to meet eligibility. Refer to Chapter 3.1 D & E.

Chapter 3.1E incorporates the eligibility criteria for ORVs from the Interagency WSR Coordinating Council's technical report "The Wild and Scenic River Study Process." This provides consistency in eligibility inventories across federal agencies.

Key points for the eligibility step: Use an Interdisciplinary Team. Focus on coordination and public involvement.




Classification

(Objective Land-Use Condition Inventory)
Manual Chapter 3.3 and
Illustration 2

- Three Classes
 - Wild, Scenic, and Recreational
- Existing Development Level
 - Water Resources Development
 - Shoreline Development
 - Access (Transportation Facilities)
 - Water Quality

The next step in the evaluation process for study rivers is Classification. BLM is required to assign a tentative classification to eligible rivers. Classification is an objective land-use condition inventory. If you recall from the terminology section earlier, the WSR Act established three classifications for rivers – Wild, Scenic, and Recreational. Section 2(b) of the Act provides general definitions for Wild, Scenic and Recreational.

As the Interdisciplinary Team is working on the Eligibility inventory, they should also inventory and document the tentative classification. The Interagency Classification criteria can be found in Illustration 2 of the manual. Inventorying a tentative classification helps establish the existing development baseline.

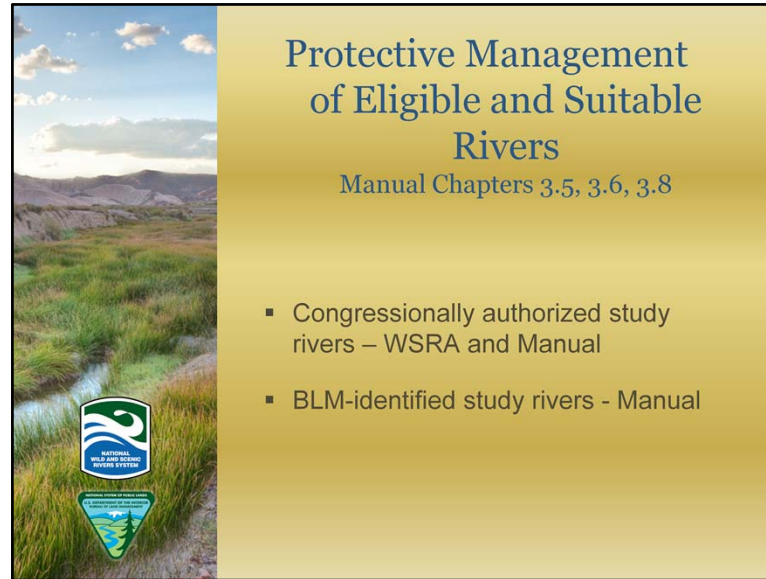


Suitability

(Subjective Analysis & Decision)
Manual Chapter 3.4

- Thirteen suitability factors in the manual answer these questions:
 - Should WSR values be protected?
 - Is designation the best method for protecting the river corridor?
 - Is there a demonstrated commitment to protect the river by any non-Federal entities?

The next step in the evaluation of study rivers is Suitability. Suitability is a subjective analysis and decision. It provides the basis for determining whether to recommend a river for potential addition to the National WSR System. We decide suitability through our land use planning and NEPA process using the 13 suitability factors described in Chapter 3.4A.

The slide features a vertical photograph of a river flowing through a grassy, hilly landscape under a blue sky with scattered clouds. Two BLM logos are overlaid on the bottom left of the photo: the top one is the National Wild and Scenic Rivers System logo, and the bottom one is the BLM logo. To the right of the photo, the title 'Protective Management of Eligible and Suitable Rivers' is centered in a serif font. Below the title, 'Manual Chapters 3.5, 3.6, 3.8' is written in a smaller font. A bulleted list follows, containing two items: 'Congressionally authorized study rivers – WSRA and Manual' and 'BLM-identified study rivers - Manual'.

Protective Management of Eligible and Suitable Rivers

Manual Chapters 3.5, 3.6, 3.8

- Congressionally authorized study rivers – WSRA and Manual
- BLM-identified study rivers - Manual

Chapter 3 of the 6400 Manual also provides guidance on protective management of study rivers. This section is a key change from the old manual.

Remember we have two types of study river. Congressionally authorized and BLM-identified.



Congressionally Authorized Study Rivers

- WSRA Protections (continue for 3 years after study report is submitted to Congress)
 - Section 7(b) protection from water resources projects
 - Section 8(b) withdrawn from land disposition
 - Section 9(b) withdrawn from mineral entry
 - Section 12(a) directs fed agencies to protect values through policies, regulations, plans
- 6400 Manual Protections

Protection period under the WSRA is for three years following transmittal of the final study report to Congress independent of whether the report recommends the river for designation or not.

Section 7(b) of the Act prohibits FERC licensed projects and requires review of other federally assisted water resources projects.

Section 8(b) withdraws study river public lands from entry, sale, or other disposition.

Section 9(b) – withdraws locatable minerals

Section 12(a) – directs all fed agencies who may have lands within a river corridor to protect river values

In addition to the WSR Act protection requirements for Congressionally authorized Study Rivers, the manual provides guidance in Chapter 3.5, 3.6,& 3.8



BLM-identified Study Rivers

Manual Chapters 1.2, 3.5, 3.6


- Protective Management:
 - Chapter 1.2 – Objective 3
 - Chapter 3.5 Guidance
On Using Existing Legal Authorities
Discretionary Actions –
Authorizations
 - Chapter 3.6 – Management
Guidelines

For BLM-identified Study rivers the manual provides guidance in Chapters 1 and 3. Objective 3 in Chapter 1 tells us to: Develop and consider management alternatives during the land use planning process and during project and activity-level analysis that would protect and, where feasible, enhance the free-flowing condition, water quality, and outstandingly remarkable values of BLM-identified eligible and suitable rivers.

Chapter 3.5 provides guidance on using existing legal authorities such as FLPMA, Clean Water Act, ESA, ARPA to manage eligible or suitable rivers specifically the rivers free-flowing condition, water quality, tentative classification, and ORVs to assure a decision can be made. Chapter 3.5A provides guidance on discretionary actions on eligible rivers. Chapter 3.5B provides general criteria to follow in the authorization of projects and activities within eligible or suitable river corridors.

Chapter 3.6 provides guidelines for specific uses and activities such as minerals, Rights of Ways, Vegetation Management, Grazing within eligible or suitable river corridors and on lands adjacent to or border eligible or suitable rivers.

Both Congressionally authorized and BLM-identified study rivers should be monitored to evaluate whether the free-flowing condition, water quality, and ORVs are being maintained. Planning regulations 43 CFR 1610.4-9 require land use plans establish monitoring standards based on the sensitivity of the resource decisions involved. Illustration 7 of the manual provides a monitoring strategy and proposed monitoring matrix.



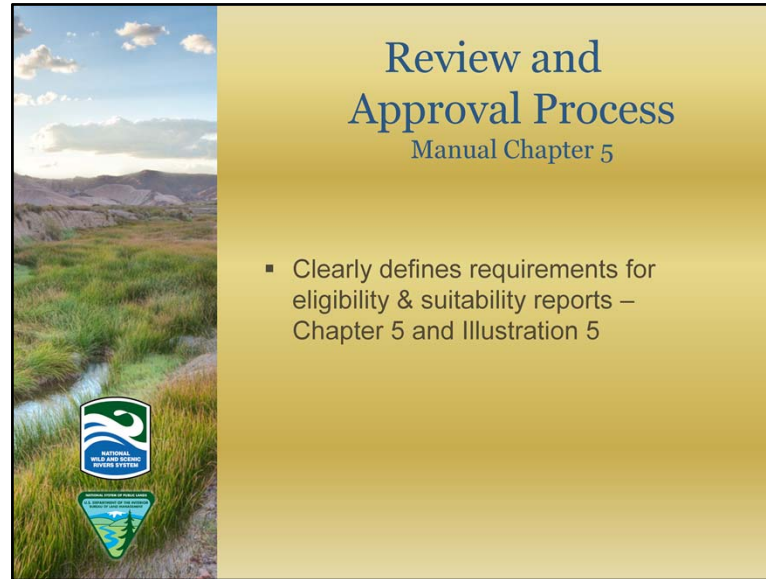
The Study Process

Manual Chapter 4


- How the assessment of study rivers is handled in the land use planning process – Chapter 4.1 & 4.2
- Used USFS policy as template

Chapter 4 of the 6400 manual provides needed clarity for the field on how the assessment of study rivers is handled in the land use planning process. This guidance is a key change from the old 8351 manual

We utilized the 2006 Forest Service policy on Study Rivers as a template which provides for consistency between agency policies. Four of the seven Chapters in the new manual cover study rivers.



Chapter 5 of the 6400 manual provides needed clarity for the field on study river reporting requirements. This guidance is a key change from the old 8351 manual



Designation

Manual Chapter 6

Rivers are designated as part of the National System through:

- (1) an act of Congress or
- (2) the Secretary of the Interior (requires an act of the legislature of the state or states through which a river flows and subsequent application by the Governor(s) of the concerned state to the Secretary of the Interior.

Designated rivers are managed by one of four federal agencies (BLM, USFS, NPS, USFWS), or by the state for Secretariially designated rivers

Chapter 6 of the 6400 manual provides a brief overview of Wild and Scenic River Designation. Rivers are designated as part of the National System through: (1) an act of Congress or (2) the Secretary of the Interior (requires an act of the legislature of the state or states through which a river flows and subsequent application by the Governor(s) of the concerned state to the Secretary of the Interior. Rivers designated through the latter process are known as 2aii rivers.

Designated rivers are managed by one of four federal agencies (BLM, USFS, NPS, USFWS) or by the state (for 2aii Secretariially designated rivers)




Managing Designated WSRs

Manual Chapter 7

- Boundary Establishment
- Comprehensive River Management Plans
- State Administered, Federally Designated Rivers Under Section 2(a)(ii)
- Management Guidelines
- Federal Reserved Water Right
- Water Quality
- Visitor Use and Capacity
- Determination of Impacts Under Section 7 of the WSRA

The slide features a vertical image on the left showing a river flowing through a grassy landscape under a blue sky with clouds. A sign for the National Wild and Scenic River System is visible in the foreground of the image.

Chapter 7 of the 6400 manual provides detailed guidance on managing designated wild and scenic rivers. The following slides will touch on each of these key sections of Chapter 7.



Boundary

Manual 7.1

- Bank-to-bank unacceptable
- ORVs serve as basis for establishment
- Need not be located on the ground
- Publish notice of availability in Federal Register
- Effective 90 days after transmittal to Congress

- The WSRA requires a final boundary within one-year of date of designation. Most agencies develop the boundary as part of CRMP and supported by its decision document (which is NOT in conformance with statute but increases ability to draw a boundary that protects values and is a more efficient process).
- The flexible nature of the boundary (i.e., a limitation of up to 320 acres per river mile unless otherwise specified such as in Alaska where it is 640 acres per mile) allows, for example, its expansion to include a portion of a tributary providing important fish spawning habitat, or narrowing through developed areas to the extent possible while still protecting values).
- A detailed description of ORVs is necessary to establish the corridor boundary.
- *Federal Register* notice of final boundary and transmittal of final package to Speaker of the House and President of the Senate should happen, to the extent possible, concurrently.
- Congress is not required to approve the final boundary; rather, they are provided a 90-day period in which to make any comment prior to a boundary (automatically) becoming final.

Refer to manual 6120 for detailed guidance and procedures for all NLCS boundaries.

Instructor should also refer participants to *Establishment of WSR Boundaries* (August 1998), a technical report of the Council.



Comprehensive River Management Plans

- CRMP and NEPA completed within 3 years
- Plan should include:
 - Describe existing resources, particularly the ORVs
 - Define goals, desired conditions for protecting river values
 - Address development of lands or facilities

Comprehensive River Management Plans are covered in Chapter 7.2 of the manual.

The WSRA was generically amended in 1986 to require a CRMP and explain its contents (Section 3(d)(1)).

A CRMP is required for all congressionally designated WSRs and within 3 full-fiscal years unless another time frame specified.

The derivation of the above list of CRMP contents:

Describe existing resource conditions/ORVs (1(b), 3(d)(1) and 10(a))

Define goals and desired conditions (1(b), 10(a))

Address development of lands and facilities (3(d)(1))

...



Comprehensive River Management Plans (continued)

- Plan should include:
 - Address visitor capacities (more on this later)
 - Address water quality and instream flow requirements
 - Reflect collaborative approach with stakeholders
 - ID other agencies authorities that can assist in protecting river values
 - Include monitoring strategy

Address user capacities (3(d)(1))

Address water quality issues and instream flow requirements (12(c), 13(c))

Reflect a collaborative approach with all stakeholders (10(e), 11(b)(1))

Identify regulatory authorities of other governmental agencies (7(a), 10(a), 12(a), 13(a))

Include a monitoring strategy (1(b), 10(a))

Section 3(d)(2) allowed for review and revision, as necessary, of pre-1986 plans to include elements described in 3(d)(1) within 10 years (by 1996).


A detailed description of ORVs is necessary as framework for development of management direction in CRMP.



State Administered Rivers 2(a)(ii)

- No Federal River Plan required
- Land Use Plan should include all direction necessary to protect and enhance river values on segments flowing on BLM-administered public lands

No CRMP is required for rivers designated under 2(a)(ii); however, federal agencies are required to provide protection on portions flowing through federal lands. Our RMPs need to provide direction on how to protect and enhance WSR values for 2(a)(ii) rivers flowing through BLM lands. This guidance is briefly described in Chapter 7.3



Rights-of-Ways and Utility Corridors

Manual Chapter 7.5D

- Used the current Monument/NCA policy to formulate WSR language
- To the greatest extent possible, BLM will avoid authorizing new ROWs within WSR corridors
- To the greatest extent possible, BLM will avoid designating or using transportation or utility corridors within WSR corridors

Chapter 7.5 provides detailed management guidelines for designated rivers. These guidelines are based on explicit direction in the WSRA and interpretation provided in the Interagency Guidelines on how best to achieve the protection and enhancement standard by activity and classification. One of the key changes from the previous manual guidance has to do with Right-of-Ways and Utility Corridors. ROWs are mentioned in Section 13(g) of the WSRA and also mentioned in the 1982 Interagency Guidelines. The old manual discouraged new ROW's, transmission lines etc. unless specifically authorized by other plans, orders, or laws. New manual provides stronger avoidance type language consistent with Monument/NCA policy. Keep in mind that any in-channel component of a ROW proposal needs to be evaluated as a water resource project under Section 7.



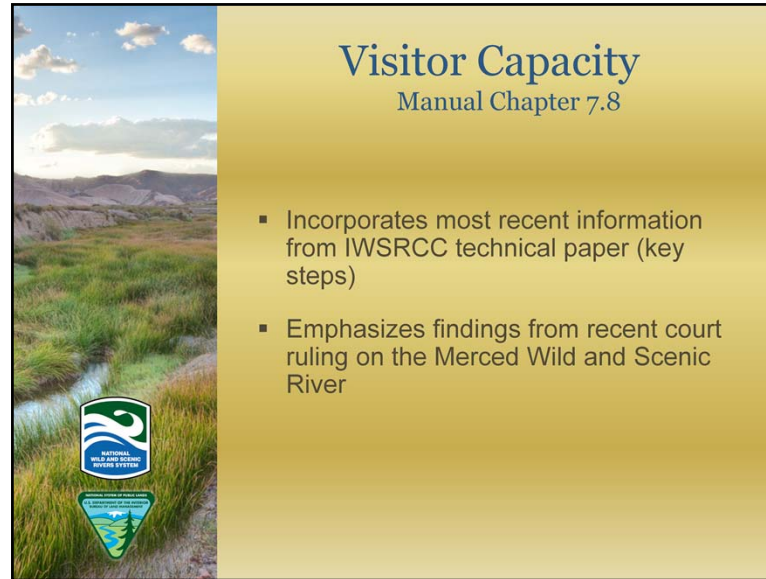
Federal Reserved Water Right

Manual Chapter 7.6

- Federal reserved water right created at time of designation
 - Quantity sufficient to achieve purposes of Act
 - Right is for water not previously obligated under state water law procedures.
 - Work with state-based water rights system to quantify and adjudicate

Chapter 7.6 covers the Federal Reserved Water Right under the WSRA. The original manual had a section titled “Water Rights”, but it did not implement Section 13 of the WSR Act concerning the federal reserved water right. Section 13(c) of the Act establishes a Federal reserved water right for each WSR at the time of designation. The reservation is the minimum amount necessary to achieve the purposes of the Act.

Chapter 7.6 directs that the CRMP should include a detailed description of the ORVs including the importance of instream flow in maintaining the values. The CRMP should also identify appropriate actions to protect and manage the timing, location, and quantity of water necessary to support the identified ORVs.



Visitor Capacity

Manual Chapter 7.8

- Incorporates most recent information from IWSRCC technical paper (key steps)
- Emphasizes findings from recent court ruling on the Merced Wild and Scenic River

Chapter 7.8 provides detailed guidance on visitor use and capacity and it is a key change from the previous manual guidance. The original manual did mention that visitor use may be regulated to protect river values, but provided no additional guidance. A recent court decision concerning the Merced River has underscored this deficiency. The 6400 manual utilized state-of-the-art information developed by the Interagency Wild and Scenic Rivers Coordinating Council and the Interagency Visitor Use Management Council as a template.

Proposed Water Resources Projects

Manual 3.8, & 7.9

- Defines responsibilities for determination of impacts required under Section 7 of the WSR Act
 - Congressionally authorized study rivers evaluated under Section 7(b)
 - BLM-identified study rivers evaluated under NEPA
 - Sec. 7 determinations signed at the SO level – may be delegated to DO or FO by SD

Chapters 3.8 and 7.9 provide detailed guidance on Implementation of Section 7 of the WSRA --- the determination of impacts from proposed water resources projects.

Section 7 Determinations - The original 8351 manual made no real reference to the WSRA Section 7 requirement for river management agencies to make determinations on possible impacts from proposed water resources projects. The 6400 manual utilized the 2006 Forest Service policy and the IWSRCC guidance as a template for defining this process. See Manual section 3.8 for study rivers and 7.9 for designated rives. Sec. 7 determinations are signed at the State Office level

-----may be delegated to DO or FO by SD. There's additional information available on the rivers.gov website from the IWSRCC including technical reports, Section 7 process flow charts, and examples of Section 7 determinations. In addition, the IWSRCC has developed a Section 7 training webinar which has been presented at least 4 times so far to all interested agencies, organizations and individuals.



Additional Tools & Information

- IWSRCC Website
 - <http://www.rivers.gov/rivers/>
- Nation wide rivers inventory
 - <http://www.nps.gov/ncrc/programs/rta/nri/index.html>
- River Management Society
 - <http://www.river-management.org/>

That concludes the presentation for BLM's wild and scenic rivers program. Here are a few websites that you might find useful for your eligible, suitable or designated wild and scenic rivers.