

Executive Summary – Wild and Scenic Rivers Policy and Program Direction

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Abstract

On July 13, 2012 the Bureau of Land Management released a revised **Policy and Program Direction for Identification, Evaluation, Planning, and Management for the Wild and Scenic Rivers (WSR)**. This revised manual updates and replaces the original one published in 1993. This is an important document that outlines in seven chapters how Wild and Scenic rivers should be managed by the BLM. This includes, but is not limited, to:

- How responsibilities are divided among state and federal agencies
- What types of management considerations to take regarding protected areas
- How to identify protected waters and lands
- How areas become part of the Wild and Scenic River System

The Conservation Lands Foundation has created this 18-page Executive Summary of the revised manual to capture and synthesize primary components that guide how BLM manages Wild and Scenic rivers of the National Conservation Lands. It is intended to help river advocates understand the BLM's basic management principles and responsibilities for these rivers. This summary contains much of the same language from the original manual, however it is compiled and organized in shorter formats for faster comprehension.

The BLM's complete manual, which guides agency staff in making decisions about managing rivers on the National Conservation Lands, is 87 pages and may be downloaded [here](#).

Chapter 1: Overview

- **1.1 Purpose**
 - This manual provides policy and program direction for the identification, evaluation, and management of eligible and suitable wild and scenic rivers (WSRs) and the management of designated components of the National Wild and Scenic Rivers System (National System). Designated WSRs are managed by the BLM's National Conservation Lands consistent with its mission of conserving, protecting, and restoring nationally significant landscapes recognized for their outstanding cultural, ecological and scientific values.
- **1.2 Objectives**
 - Comply with the [Wild and Scenic Rivers Act](#)
 - Comply with [Federal Land and Policy Management Act](#)
 - 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.
 - Protect the free-flowing condition, water quality and outstandingly remarkable values of congressionally authorized study rivers in accordance with the WSRA and FLPMA.
- **1.3 Relevant Authorities¹**
- **1.4 Responsibility**
 - *The Director, BLM and Deputy Directors, BLM.*
 - Ensure compliance with the WSRA
 - Directing fiscal resources related to the evaluation and management of potential WSRs and to the administration and management of designated WSRs.
 - Recommending rivers for inclusion in the National System².
 - Developing and maintaining relationships with interested parties³ in the management of designated rivers or the inventory, evaluation, and management of potential additions to the National System.
 - Transmitting, within one year of designation, a map and detailed boundary description for each WSR.
 - Ensuring adherence to proper delegation of authority related to decisions, actions and policies concerning designated WSRs.
 - Ensuring compliance with [National Environmental Policy Act](#).
 - *State Directors*
 - Ensure compliance with the WSRA
 - Implementing policy and providing statewide program coordination and guidance for WSRs.
 - Providing program development, technical management assistance, and funding support to field offices to ensure WSR studies and prospective management are addressed during the development of land use plans and subsequent implementation.
 - Submitting WSR recommendations resulting from congressionally authorized studies and agency-initiated studies to the Director.
 - Make determinations regarding the impacts of proposed water resources projects on congressionally authorized study rivers and on designated WSRs when projects are proposed by another Federal agency.

¹ This section is a list of relevant authorizes used within the document.

² “National System” for the purposes of this paper refers to Wild and Scenic Rivers (which are managed under the National Conservation Lands)

³ There is an enumerated list of parties: tribal gov't, fed. Agencies, state and local gov't, national-level partnership organizations, other nonprofits groups, and the general public.

- Forwarding determinations regarding water resources projects to the Federal agency proposing the project or to the Federal assisting agency.
- Developing and maintaining relationships with parties⁴ concerned with the management of designated rivers or the inventory, evaluation and management of potential additions to the National System.
- Ensure compliance with NEPA, Council on Environmental Quality regulations and the Department of the Interior's NEPA regulations.
- Where applicable or necessary, preparing memorandums of understanding and/or interagency agreements in order to facilitate WSR resource assessments, studies or management activities.
- Consulting and/or providing technical assistance, with states and/or private entities, for studies outside BLM-administered jurisdiction on state and/or private lands when requested and where the BLM has substantial management jurisdiction along a river.
- Working cooperatively with the EPA and state water quality agencies.
- Ensuring proper case recording by the state office.
- *District Field Managers*
 - Implementing policy for the BLM's WSR program.
 - Identifying and evaluating river segments for eligibility, classification, suitability, and management
 - Developing and implementing land use plans and the associated comprehensive river management plans for all congressionally designated WSRs.
 - Ensuring direction is included in each land use plan to protect and enhance segments of state administered WSRs.
 - Taking action respecting management policies, regulations, contracts, and plans affecting BLM lands that border upon or are adjacent to state-administered rivers.
 - Considering management decisions affecting eligible⁵ rivers
 - Considering management decisions affecting suitable⁶ rivers.
 - Developing and maintaining relationships with parties⁷ concerned with the management of designated rivers or the inventory, evaluation and management of potential additions to the National System.
 - Compiling monitoring reports and submitting summaries to the respective state office for designated WSRs.
 - Managing all designated WSRs so as to protect and enhance the free-flowing conditions, water quality, and identified outstandingly remarkable values.
 - Managing all congressionally authorized study rivers and the lands that border upon or adjacent to them.
 - Advising the State Director on historic or new water uses that may impact the Federal reserved water right or that may impact outstandingly remarkable values.
 - Describing, for designated rivers, the dependency of outstandingly remarkable values on water quality (flow) and establishing baseline water quality conditions.
 - Providing detailed boundary descriptions, maps, and Coordinated Resource Management Planning for WSRs, as required by statute, to the District Manager, State Director, Director, or Congress.
 - Ensuring management requirements, including any proposed acquisition of lands or interest in lands within the boundary of any designated WSR.

⁴ The list of enumerated parties: tribal gov'ts, other Federal agencies, state and local gov'ts, local private landowners, stakeholder groups, friends groups and nonprofit organizations, and the general public.

⁵ This is explained further in Section 3.

⁶ *Supra* footnote 5.

⁷ *Supra* footnote 4.

- **1.5 References⁸**
- **1.6 Policy** – The BLM is committed to carrying out the provisions of the WSRA and related laws and policies and, therefore, will:
 - Complete baseline inventories for eligible and suitable rivers as they are identified.
 - 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.
 - Evaluate BLM-identified and congressionally authorized study rivers for their eligibility and suitability for WSR designation.
 - Assign a tentative classification (wild, scenic, or recreational) for rivers segments that are eligible for inclusion within the National System.
 - 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 sustainability can be determined through land use planning.
 - Manage designated WSRs to protect and enhance the free-flowing condition, water quality, and outstandingly remarkable values according to Section 10(a) of the WSRA.
 - Manage congressionally authorized study rivers as required by the WSRA.
 - Monitor the effectiveness of management decisions for designated WSRs, congressionally authorized study rivers, and rivers identified as eligible or suitable by the BLM.
 - Make determinations regarding the impacts of proposed water resource projects.
 - 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.
 - 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.
- **1.7 File and Records Maintenance**
 - State and field offices will create and maintain case files for WSRs, river segment evaluations, as well as eligibility and suitability determinations, in accordance with BLM Manual Section 1270 – Record Administration.
- **1.8 Data Standards and Management**
 - All offices must use the National Conservation Lands data standards when developing, amending, or maintaining electronic datasets for designated WSRs and eligible or suitable WSRs.
- **1.9 Program Relationships**
 - BLM’s resource programs are highly interdependent and require coordinated resource management. Managing rivers effectively across jurisdictions requires interdisciplinary and multiresource analysis. Planning efforts for designated rivers, and for rivers that are being studied as potential additions to the National System, must be carried out in coordination with other resource programs to ensure that the actions of other programs are not adversely affecting WSR management objectives.

Chapter 2: Identification of Study Rivers

- **2.0 An overview of the WSR study process is outlined below.**
 - Rivers are identified for study for possible inclusion in the National System by one of two means: (1) identification by Congress under Section 5(a) of the WSRA directing a Federal agency to study a river or (2) identification for study by the Secretary of the Interior under Section 5(d)(1) of the WSR.

⁸ This section contains a list of official BLM materials that are referenced in the document.

- The evaluation of a river(s) for possible inclusion in the National System follows a three-step process: (1) determination of eligibility, (2) tentative classification (wild, scenic, or recreational), and (3) determination of suitability.
- The BLM will prepare a detailed study report for all rivers congressionally authorized for study and for all other rivers identified by the BLM through its public planning processes as potential additions to the National System. The purpose of the report is to document the BLM's analysis and conclusions on the suitability of eligible rivers for designation as components of the National System.
- BLM-initiated and congressionally authorized study river reports will be forwarded to the Secretary of the Interior or Congress through appropriate channels.
- Rivers are designated as a part of the National System as specified in the WSRA through (1) an act of Congress or (2) the Secretary of the Interior. Designated rivers are managed by one of four Federal agencies: the BLM, U.S. Fish and Wildlife Services, USDA Forest Service, and National Park Service. Secretarially designated rivers require 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(s) to the Secretary of the Interior.
- **2.1 Role of Land Use Planning in the Study River Process**
 - Sources for identifying the significance of river-related values include the [Nationwide Rivers Inventory](#); internal agency inventories and state river assessments; identification by tribal governments and other Federal, state, or local agencies and the public. Additional assessment and study through the land use planning process need only be done if:
 - (1) The documentation no longer exists or is incomplete or outdated;
 - (2) Changed circumstances warrant additional review of eligibility;
 - (3) There is a change in the suitability factors; or
 - (4) The authorized officer (Field or District Manager) decides to evaluate suitability for one or more eligible rivers in the land use planning process.
 - *IMPORTANT NOTE* – Land use plans should address whether existing evaluations of eligible rivers or suitability studies will be revisited.
- **2.2 Establishing Study River Termini and Area Boundaries**
 - To identify the beginning and ending points of the study river, consider the entire river system including the interrelationship between tributaries and the mainstream and their associated ecosystems. At minimum, a river study area should include the length of the identified river segment and ¼ mile in width from the ordinary high water mark on each side of the river.

Chapter 3: Evaluation of Study Rivers

- The evaluation of a river(s) for possible inclusion in the National System follows a three-step process: (1) determination of eligibility, (2) tentative classification (wild, scenic, or recreational), and (3) determination of suitability.
- **3.1 Eligibility**
 - The eligibility of a river for potential inclusion in the National System is determined by applying the following inventory criteria from WSRA (further described in the Interagency Guidelines). The inventory criteria are: the river must be free flowing and, with its adjacent land area, possess one or more outstandingly remarkable values.
 - (A) *Segments* – In order to determine eligibility and assign a tentative classification, it may be necessary to divide a study river into segments. In defining segment termini, consider: (1) obvious changes in land status or ownership; (2) changes in river condition, such as the presence of dams and reservoirs; (3) significant changes in types or amounts of development; and (4) the presence of important resource values.
 - (B) *Free Flowing* – Section 16(b) of the WSRA defines free flowing as ‘existing or flowing in a natural condition without impoundment, diversion, straightening, rip rapping, or other

modification of the waterway.’ The existence of low dams, diversion works, or other minor structures does not automatically render a segment ineligible for designation.

- (C) *Flows* – There are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the river would be designated.
- (D) *Outstandingly Remarkable Values* – A variety of methods can be used to determine whether certain river-related values are so unique, rare, or exemplary as to make them outstandingly remarkable. The determination that a river area contains outstanding values is a professional judgment on the part of an interdisciplinary team, based on objective analysis. The output of the team’s analysis should include written documentation of values and why they are important and should also consider the following parameters:
 - (1) In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is exceptional at a comparative regional or national scale. A unique or rare river-related value is one that would be a conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary.
 - (2) The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis.
 - (3) While the spectrum of resources that may be considered is broad, all features considered should be directly river related: (a) be located in the river or on its immediate shorelands (within ¼ mile of river), (b) contribute substantially to the functioning of the river ecosystem, and/or (c) owe their location or existence to the presence of the river.
 - (4) Additional guidance is available online.
- (E) *Eligibility Criteria* – The following eligibility criteria for outstandingly remarkable values are offered to foster greater consistency within the agency and with other Federal river-administering agencies. The criteria are illustrative and not inclusive.
 - **Scenery** – The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. The BLM Visual Resource Inventory Handbook, H-8410-1, may be used in assessing visual quality and in evaluating the extent of development upon scenic values.
 - **Recreation** – Recreational opportunities within the subject river corridor are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region.
 - **Geology** – The river area contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison.
 - **Fish** – Fish values include either indigenous fish populations or habitat or a combination if these river-related conditions.
 - **Populations** – The river is nationally or regionally an important producer of indigenous resident and/or anadromous fish species.
 - **Habitat** – The river provides exceptionally high-quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or Federal or state listed or candidate, threatened, endangered, or BLM sensitive species.
 - **Wildlife** – Wildlife values include either terrestrial or aquatic wildlife populations or habitat or a combination of these conditions.
 - **Populations** – The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species dependent on the river environment.
 - **Habitat** – The river, or area within the river corridor, provides exceptionally high-quality habitat for wildlife of national or regional significance and/or may provide

unique habitat or a critical link in habitat conditions for Federal or state listed or candidate, threatened, endangered, or BLM sensitive species.

- **Historical** – The river, or area within the river corridor, contains rare or outstanding example of a district, site, building or structure that is associated with an event, person or distinctive style.
- **Cultural** – The river, or area within the river corridor, contains rare or outstanding examples of historic or prehistoric locations of human activity, occupation, or use, including locations of traditional cultural or religious importance to specified social and/or cultural groups.
- **Other Values** – While no specific national evaluation guidelines have been developed for the ‘other similar values’ category, assessments of additional river-related values consistent with the foregoing guidance may be developed as part of the eligibility process, including, but not limited to, the hydrological and paleontological resources or scientific study opportunities.

- **3.2 Ineligible Rivers**

- *Congressionally Authorized Study* – If a congressionally authorized study river under Section 5(a) of the WSRA is found to be ineligible, the study report should describe the basis for the ineligibility finding.
- *BLM Study* – The study of rivers identified by the BLM under Section 5(d)(1) of the WSRA may be discontinued upon the finding of ineligibility.

- **3.3 Classification**

- The tentative classification of a river found to be eligible is based on the condition of the river and the adjacent lands as they exist at the time of the study. The WSRA specifies and defines three classification categories for eligible rivers: wild, scenic, and recreational.

- **3.4 Suitability**

- Each eligible river segment must be further evaluated to determine whether it is suitable for inclusion in the National System. The suitability analysis provides the basis for determining which rivers to recommend to Congress as potential additions to the National System. The following questions should be addressed when evaluating suitability:
 - Should the river’s free-flowing condition, water quality, and outstandingly remarkable values to be protected or are one or more other uses important enough to warrant doing otherwise?
 - Will the river’s free-flowing condition, water quality, and outstandingly remarkable values be protected through designation?
 - Is designation 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. In most cases, the BLM will assess river suitability in the land use planning process, including a plan amendment if necessary. This determination includes documentation of the tentative classification of the appropriate segments.
 - **Basis for Suitability** – The following factors will be considered and, as appropriate, documented in the suitability analysis as a basis for the suitability determination of each river:
 - Characteristics that do, or do not, make the area a worthy addition to the National System. These characteristics are described in the WSR and may include additional factors.
 - The current status of land ownership and use in the area.
 - The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area included in the National System.

- The federal agency that will administer the area should it be added to the National System.
 - The extent to which the agency proposes that administration of the river, including the costs thereof, is shared by state and local agencies.
 - The estimated cost to the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.
 - A determination of the extent that other Federal agencies, the state, or political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.
 - An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.
 - The state/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of state and local governments. Such mechanisms may include, for example, statewide programs related to population of river-related values such as open space and historic areas.
 - The existing support or opposition of designation. Assessment of the factor will define the political context. The interest in designation or nondesignation by Federal agencies; state, local, and tribal governments; national and local publics; and the state's congressional delegation should be considered.
 - The consistency of designation with other agency plans, programs, and policies in meeting regional objectives. Designation may help or impede the goals of tribal governments or other Federal, state, or local agencies.
 - The contribution to river system or basin integrity.
 - The potential for water resources development.
- **3.5 Management of Eligible and Suitable Rivers as Determined Through BLM-Identified Study or Congressionally Authorized Study**
 - To the extent possible under existing legal authorities the BLM's policy goal for eligible and suitable rivers is to manage their free-flowing condition, water quality, tentative classification, and any outstandingly remarkable values to assure a decision on suitability can be made for eligible rivers; or in the case of suitable rivers, until Congress designates the river or releases it for other uses.
 - (A) *Discretionary Actions* – Whenever a proposed action may adversely impact or be inconsistent with identified WSR values or whenever a discretionary action may change the tentative classification of a river determined to be eligible for inclusion into the National System, the NEPA analysis for such actions will have the following characteristics:
 - If the NEPA document for the proposed action is an environmental assessment, the BLM will provide at least a 30-day public comment period.
 - Subject to valid existing rights and program-specific regulations, the BLM should consider an alternative that would delay approval of the proposed action pending a suitability determination through the BLM planning process, including a plan amendment.
 - (B) *Authorization of Projects and Activities within Eligible or Suitable River Corridors* – An authorized officer may approve the action if the NEPA document demonstrates that:
 - The free-flowing condition of the identified river will not be altered by the construction or development of stream impoundments, diversions, or other water resources projects.
 - Outstandingly remarkable values of the identified river area will be protected.
 - For all congressionally authorized study rivers, classification will be maintained as inventoried until the study report is received by Congress and for the protection period

specified in the WSRA, even if the study report recommends managing the river at a less-restrictive class. For all BLM-identified eligible and suitable rivers, the BLM must consider an alternative in the NEPA document for the proposed activity that would maintain the tentative classification until a suitability determination is made.

• **3.6 Management Guidelines for Eligible and Suitable Rivers as Determined Through BLM Identified Study or Congressionally Authorized Study**

- The following guidelines must be considered by the authorized officer when analyzing site-specific projects and activities on BLM-administered lands within the river corridor or on lands that are adjacent to or border eligible or suitable river:
- (A) *Minerals*
 - **Wild, Scenic, and Recreational**
 - ***Locatable*** – Subject to valid and existing rights, the mineals in any Federal lands that constitute the bed or bank or are situated within ¼ mile of the bank of any river listed under Section 5(a) are withdrawn from all forms of appropriation under the mining laws, for the time periods specified in Section 7(b) of the WSRA.
 - ***Leasable*** – New leases, licenses, and permits under mineral leasing laws may be made, but consideration should be given to applying conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.
 - ***Saleable*** – For river segments tentatively classified as wild, new disposal of saleable mineral material or the extension or renewal of existing contracts should be avoided to the greatest extent possible to protect river values.
- (B) *Transportation System*
 - **Wild** – New roads and airfields are not generally compatible with this classification.
 - **Scenic** – new roads and railroads may be allowed to parallel the river for short segments or bridge the river if such construction fully protects river values.
 - **Recreational** – Consider permitting new roads and railroads that parallel the river if such construction fully protects river values.
- (C) *Authorizing of Rights-of-Way*
 - **Wild, Scenic and Recreational** – For BLM-identified eligible and suitable rivers, the BLM should consider exercising its discretion to deny applications for right-of-way grants if the BLM determines through appropriate environmental analysis that the right-of-way proposal is not compatible with the river’s classification and the protection and enhancement of river values.
- (D) *Recreation Development*
 - **Wild** – Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters, should be located outside the river corridor.
 - **Scenic** – Public-use facilities, such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, and river access developments, are allowed within the river corridor.
 - **Recreational** – Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development.
- (E) *Motorized Travel*
 - **Wild, Scenic, and Recreational** – Motorized and mechanized travel on land or water may be permitted, prohibited, or restricted to protect the river values.
- (F) *Wildlife and Fish Projects*

- **Wild and Scenic** – construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area’s essentially primitive condition and should fully protect identified river values.
 - **Recreational** – Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values.
 - (G) *Vegetation Management*
 - **Wild** – Cutting or eradication of tree and other vegetation is not consistent with wild classification except under the following circumstances: (1) when needed in association with a primitive recreation experience, such as clear trails; (2) to protect users or the environment, including the use of wildfire suppression; and (3) when vegetation is an invasive species and managed in accordance with chapter 3.6I1.
 - **Scenic and Recreational** – the authorized officer may consider a range of vegetation management and timber harvest actions that are designed to protect, restore or enhance the river environment, including the long-term scenic condition.
 - (H) *Livestock Grazing*
 - **Wild, Scenic, and Recreational** – Domestic livestock should be managed to protect identified river values.
 - (I) *Invasive Species Management*
 - **Wild, Scenic, and Recreational** – The spread of terrestrial and aquatic invasive species should be prevented and controlled, consistent with direction in the land use plan, other authorities, and available funding.
 - (J) *Water Resources and Hydroelectric Power Projects*
 - **Wild, Scenic, and Recreational** – Public (Federal) lands within ¼ mile of a congressionally authorized (WSRA Section 5(a)) study river are withdrawn from entry, sale, or other disposition under the public land laws of the United States pursuant to Section 8(b) of the WSRA.
- **3.7 Land Use Plan Guidance**
 - The management guidelines specified in chapter 3.6 are not intended to be simply repeated in land use plans. Rather, the land use plan should apply these guidelines to the specific river. A plan should include the following: (1) guidance to ensure that authorized officers consider river management guidelines when implementing the plan through authorizing projects and activities and (2) the desired conditions, objectives, and suitability of areas to be used in the design of projects and activities.
- **3.8 Determinations of Impacts Under Section 7(b) of the WSRA**
 - This guidance presents methods to evaluate the effects of proposed water resources projects for congressionally authorized study rivers.
 - (A) *Section 7(b) of the WSRA states in part* – The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval.
 - (B) *Water Resources Projects Within a Congressionally Authorized Study River Corridor*
 - **(1) New Hydroelectric Facilities (Licensed by Federal Energy Regulatory Commission)** – Section 7(b) of the WSRA prohibits FERC from issuing a license or exemption for a hydroelectric project if the proposed project is on or directly affecting a study river designated under Section 5(a) of the WSRA.
 - **(2) Other Proposed Federally Assisted Water Resources Projects** – Unlike new FERC-licensed projects, which are prohibited if they are ‘on or directly affecting’ a congressionally authorized study river, other federally assisted water resources projects

are prohibited only if they would have a ‘direct and adverse effect’ on free flowing condition, water quality, or outstandingly remarkable values.

- (C) *Water Resources Projects below or Above a Congressionally Authorized Study River Corridor or on a Stream Tributary to the Study River* – Pursuant to Section 7(b) of the WSRA, licensing of or assistance to water resources projects that are below or above a congressionally authorized study river, or on a stream tributary to the congressionally authorized study river, will be evaluated as to whether the project will invade the area or diminish river values that were present on the date of designation of the river for study.
- (D) *Proposed Water Resources Projects on BLM-Identified, 5(d)(1) Study Rivers* – The BLM should, within its authority, consider protecting the river values that make the river eligible or suitable through the land use plan and activity-level NEPA analysis.
- (E) *NEPA and Coordination with a Proponent/Regulating Agency* – An environmental analysis is not required for a WSRA Section 7 determination of water resource project impacts.
- **3.9 Monitoring Free Flow, Water Quality, and Outstandingly Remarkable Values** – Congressionally authorized and BLM-identified study rivers should be monitored to evaluate whether the free-flowing condition, water quality, and outstandingly remarkable values are being maintained.

Chapter 4: The Study Process

- The BLM will prepare a detailed study report for all rivers congressionally authorized for study and for all other rivers identified by the BLM as potential additions to the National System through its public planning process.
- **4.1 Wild and Scenic River Study in the Land Use Plan** – The purpose of the study report is to document the BLM’s analysis and conclusions on the suitability of eligible rivers for designation as components of the National System. The study report should address all rivers that possess free-flowing condition and outstandingly remarkable values, flowing wholly or partially on BLM-administered lands as identified in the nationwide Rivers Inventory by other sources.
 - (A) *Existing Evaluations* – If a systematic evaluation of eligible rivers or a comprehensive administrative unit-wide suitability study has been previously completed and documented, additional assessment and study through the land use planning process need only be done if: (1) the documentation no longer exists or is incomplete or outdated; (2) changed circumstances warrant additional review of eligibility; (3) there is a change in the suitability factors; or (4) the authorized officer decides to evaluate suitability for one or more eligible rivers in the land use planning process.
 - (B) *Wild and Scenic River Suitability Study in the Land Use Plan* – During the WSR suitability study conducted through the land use planning process, the EIS should address suitability factors and alternatives or options related to WSR recommendations.
 - (1) Prepare the draft and proposed land use plan and accompanying respective draft and final NEPA document in accordance with applicable policy.
 - (2) Use the following statement in the plan approval document: This administrative determination will receive further review and possible modification before potential recommendation by the Director of the BLM to the Secretary of Interior, by the Secretary to the President, and by the President to Congress. Congress has the authority to make final decisions on designation of rivers as part of the National Wild and Scenic River System.
 - (3) Implementation of the plan is not dependent on final resolution of the WSR recommendations.
 - (C) *Contents of the Wild and Scenic River EIS Appendix* – The land use plan EIS should contain a single appendix for all rivers studied. This appendix should be self-contained so that, given a final decision to forward a recommendation to Congress, it can be extracted to support any legislative proposal.

- **4.2 Wild and Scenic River Suitability Study and Programmatic Land Use Plan Amendment** – When a WSR suitability study is needed or when Congress mandates a study with a due date not compatible with the BLM’s regular land use planning schedule, a separate study report and programmatic plan amendment may be prepared. The study report/plan amendment should:
 - Describe the programmatic, as opposed to site-specific, nature of the study report/plan amendment.
 - Explain the roles of the BLM, Secretary of the Interior, and Congress in the study process, including whether the river study was directed by Congress or identified by the BLM in the land use planning process.
 - Explain the concept of a combined study report/applicable NEPA document, following the guidance in BLM Handbook H-1790-1 for preparation of the NEPA document.
 - *(A) Purpose and Need for Action – Chapter 1:* In this chapter, state the purpose and need for the proposed action, which in this context, will be to determine suitability or nonsuitability for addition to the National System, in accordance with the WSRA.
 - *(B) Description of Area - Chapter 2:* This chapter is an overall description of the affected environment of the river corridor and the surrounding area.
 - *(C) Findings of Eligibility and Classification – Chapter 3:* Summarize the eligibility determination to provide a clear and concise description of the river and its immediate environment.
 - *(D) Alternatives - Chapter 4:* The suitability of the river for designation will be evaluated in a series of alternative actions. Alternatives must reflect pertinent issues and opportunities, while meeting the purpose and need of the proposal.
 - *(E) Environmental Consequences – Chapter 5:* This chapter analyzes the environmental effects on river values and presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed by each alternative.
 - *(F) Distribution of the Report – Chapter 6:* Follow the guidance in BLM Handbook H-1790-1 for the preparation of this chapter.
 - *(G) List of Preparers – Chapter 7:* Follow the guidance in BLM Handbook H-1790-1 for the preparation of this chapter.
- **4.3 Joint Study** – Where a BLM-identified river touches only a small part of BLM administered lands, the lead responsibility for studying the river could rest with either another Federal agency or the state, depending on which agency has jurisdiction over the largest portion of the lands involved.⁹

Chapter 5: The Review and Approval Process of a Wild and Scenic River Study

- The procedure for review and approval of the combined WSR study report/applicable planning and NEPA document varies depending on whether the study was initiated by BLM or directed by Congress.
- **5.1 BLM – Identified Study**
 - *(A) Agency Recommendation* – Through the land use planning process, the BLM will make a recommendation to the Secretary on whether a river should be designated for inclusion into the National System.
 - *(B) Nonagency Recommendation* – There are two other possible options for designation that are not initiated by the BLM. These are: (1) the Governor of the respective state petitions the Secretary of the Interior, after enactment of state legislation to protect the applicable river(s), for designation under Section 2(a)(ii) of the WSRA; and (2) members of the Congress can introduce legislation for designation by amending Section 3(a) of the WSRA.
- **5.2 Congressionally Authorized Study**

⁹ In this situation there is a list of protocols in the Manual.

- (A) *Study Report and Applicable NEPA Document* – The authorized officer will prepare the study report and NEPA document for a congressionally authorized WSR study.
- (B) *Affecting Federal Agencies Notice and Comment* – The Assistant Director, National Landscape Conservation System and Community Partnerships, or, if appropriate, the Assistant Director, National Resources and Planning, Washington Office, is responsible for sending any comments received from the other Federal/state officials through the State Director to administrative unit conducting the analysis.
- (C) *Approval Process* – After printing the final study report/applicable NEPA document, the State Director will: (1) Prepare a summary information document highlighting key information about the study river, including a map showing the segments recommended for designation. (2) Prepare a draft transmittal letter from the President to Congress.
- (D) *Office of Management and Budget*
 - The Assistant Director for Communications will work with the State Director in preparation of an administration legislative proposal for the designation(s) recommended in the study report.
 - The Office of Management and Budget coordinated the final review with other Federal agencies, and recommend changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the administration legislative proposal.
 - When the Office of Management and Budget review is complete, the President may sign and forward the transmittal letter and legislative proposal, including the study report/applicable NEPA document, to Congress.

Chapter 6: Designation

- Rivers are designated as part of the National System as specified in the WSRA through (1) an act of Congress or (2) the Secretary of Interior. Designating rivers are managed by one of four Federal agencies: the BLM, U.S. Fish and Wildlife Service, USDA Forest Service, and National Park Service. Secretarially designated rivers require an act of the of the legislature of the state or states through which a river flows and subsequent application by the Governor(s) of the concerned state(s) to the Secretary of the Interior.

Chapter 7: Managing Designated Wild and Scenic Rivers

- The WSRA establishes a method for providing Federal protection for certain free-flowing rivers and preserves them and their immediate environments for the use and enjoyment of present and future generations.
- **7.1 Boundary Establishment and Classification** – Section 3(b) of the WSRA requires the agency charged with administration of each component of the National System, in this case the BLM, to establish a detailed boundary for each congressionally designated component of the National System within one year from the date of the river’s designation.
 - (A) – For congressionally designated WSRs, Section 3(c) of the WSRA requires maps of all boundaries, descriptions of classification(s), if necessary, and any subsequent boundary amendments to be publically available in the Washington Office and in locations convenient to the designated river.
 - (B) – In some instances, Congress will specify the boundaries for a river in the designating legislation, either by a map or specific perimeter description. These congressionally identified rivers still require a map and narrative legal description.
 - (C) – For congressionally designated WSRs, Section 3(b) of the WSRA directs the river administering agency to determine which classification best fits the river or various segments, unless classifications(s) are prescribed in the designating law.

- (D) – A notice of the availability of the boundary and, if necessary, classification(s) must be published in the Federal Register.
- (E) – To ensure activities on adjoining Federal and non-Federal lands do not harm river values, a Management of Land Boundaries Plan should be developed and include, at minimum: (1) an inventory of the boundary’s condition, (2) a Geographic Coordinate Database reliability diagram, (3) identification of high risk boundary segments with an antiquated survey or no survey, and (4) a boundary monitoring strategy.
- (F) – When a WSR is jointly administered by the BLM and another Federal agency, specifically the National Park Service, U.S. Fish and Wildlife Service, or U.S. Forest Service, the agencies should prepare and transmit the boundary map and legal description jointly, and determine a Washington Office lead agency for transmitting the boundary package to Congress.
- (G) – When amending an existing WSR boundary, follow the same process for developing a WSR boundary.
- **7.2 Comprehensive River Management Plans** – Section 3(d)(1) of the WSRA requires that a CRMP be prepared to provide for the management and protection of river values.
 - (A) – The WSRA provides specific direction concerning a CRMP. The plan should:
 - Describe the existing resource conditions, including a detailed description of the outstandingly remarkable values
 - Define the goals and desired conditions for protecting river values
 - Address development of lands and facilities
 - Address use capacities
 - Address water quality issues and instream flow requirements
 - Reflect a collaborative approach, recognizing the responsibilities of and opportunities for partnership with all stakeholders
 - Identify resources and resource conditions that may require compliance with Section 106 of the National Historical Preservation Act or Section 7 of the Endangered Species Act
 - Identify regulatory authorities of other agencies related to river values
 - Include a monitoring strategy to maintain desired conditions
 - (B) – The CRMP should also describe valid existing rights and evaluate activities that were occurring on Federal lands, as necessary, to determine the effectiveness of management strategies for protecting and enhancing river values.
 - (C) – Where a river crosses more than one state, involved BLM State Directors should jointly prepare and approve the management plan.
- **7.3 State-Administered, Federally Designated Rivers Under Section 2(a)(ii)** – There is no Federal river plan required for state-administered, federally designated rivers.
- **7.4 Management of Activities on Federal Lands Prior to Completion of the CRMP** – Prior to completion of the CRMP, proposed projects and new decisions on designated river corridors will be evaluated through the NEPA process to ensure they protect and enhance river values.
- **7.5 Management Guidelines for Activities on Designated Rivers** – The responsible official must ensure activities on Federal lands meet the protection and enhancement standard set forth in the WSRA.
 - *A – Minerals*
 - **Wild** – Subject to valid existing rights, the mineral in Federal lands within the bed or banks or situated within ¼ mile of the bank of any designated wild river are withdrawn from appropriation under the mining and mineral leasing laws in Sections 9(a) and 15(2) of the WSRA.
 - **Scenic and Recreational** – Federal lands within the boundaries of designated river areas classified as scenic or recreational are not withdrawn under the WSRA from the mining and mineral leasing laws.
 - *B – Transport System*

- **Wild** – New roads are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable.
 - **Scenic** – New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values.
 - **Recreational** – New roads and railroads are permitted to parallel the river for short segments of bridge the river if such construction fully protects river values.
 - *C – Motorized Travel*
 - **Wild, Scenic, and Recreational** – Motorized and mechanized travel on land or water may be permitted, restricted, or prohibited to protect river values.
 - *D – Authorization of Rights-of-Way and Designation of Utility Corridors*
 - **Wild, Scenic and Recreational** – to the greatest extent possible, the BLM will avoid authorizing new rights-of-way within the WSR boundary.
 - To the greatest extent possible, the BLM will avoid designating or using transportation or utility corridors within a WSR boundary.
 - When processing a new right-of-way application, the BLM will consider routing or locating the right-of-way with the river’s classification, protection and enhancement of river values, and consistency with the WSR’s management plan.
 - When processing an application for renewal of an existing right-of-way, consistent with 43 CFR 2807.22(a) and policy, the BLM will consider new, additional, or modified terms and conditions to maintain the classification and protect and enhance the river values.
 - Any portion of a new proposal or upgrades or changes to existing structures that have the potential to affect the river’s free-flowing condition will be evaluated as a resources project.
 - When processing a new proposal or upgrades or changes to existing structures, BLM costs associated with describing, locating, mapping or marking the right-of-way boundaries are considered direct costs and should be included in all cost recovery determinations.
 - During the application process for a right-of-way through a WSR boundary, internal notification requirements are as follows:
 - The state office will notify the National Conservation Lands Directorate (WO-400) if application is received or if, at any time during the process, an alternative to route or site a right-of-way through or in a WSR boundary is considered.
 - The State Director will brief the BLM Director prior to:
 - The release of a Draft Environmental Impact Statements that includes a preferred alternative that proposes a right-of-way through a WSR boundary.
 - The release of a final EIS that includes a preferred alternative that proposes to locate a right-of-way through a WSR boundary.
 - The authorization of a right-of-way through a WSR boundary.
 - *E – Recreation Development*
 - **Wild** – Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters, should be located outside the river corridor.
 - **Scenic** – Public-use facilities, such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, and river access developments, are allowed within the river corridor.
 - **Recreational** – Recreation, administrative, and river access facilities may be located in close proximity to the river.
 - *F – Wildlife and Fish Projects*
 - **Wild** – Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area’s essentially primitive character and fully protect identified river values.

- **Scenic** – Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area’s largely undeveloped character and fully protect identified river values.
 - **Recreational** – Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values.
 - *G – Vegetation Management*
 - **Wild** – Cutting or eradication of trees and other vegetation is not permitted except under the following circumstances: when needed in association with a primitive recreation experience, such as to clear trails; to protect users or the environment, including the use of wildfire suppression; or when vegetation is an invasive species and managed in accordance with chapter 7.5J1.
 - **Scenic and Recreational** – A range of vegetation management and timber harvest practices are allowed, provided that these practices are designed to protect, restore, or enhance the river environment, including the long-term scenic character.
 - *H – Fire Management*
 - **Wild, Scenic and Recreation** – Wildland fire use and prescribed fire may be used to restore or maintain habitat for threatened, endangered, or sensitive species; restore or maintain ecological conditions; and/or meet desired conditions of the CRMP.
 - *I – Livestock Grazing*
 - **Wild, Scenic, and Recreational** – Domestic livestock grazing may continue as long as such practice does not conflict with the protection and enhancement of river values.
 - *J – Invasive Species Management*
 - **Wild, Scenic, and Recreational** – The spread of terrestrial and aquatic invasive species should be prevented and controlled, consistent with direction in the CRMP and other authorities.
 - *K – Water Resources Projects*
 - **Wild, Scenic and Recreational** – See chapter 7.9, Determinations of Impacts Under Section 7(a) of the WSRA.
 - *L – Signage*
 - **Wild, Scenic and Recreational** – Signs should use the National System logo to identify a river as part of the National System.
 - *M – Withdrawal from Public Land Laws*
 - **Wild, Scenic, and Recreational** – Public (Federal) lands within the authorized boundary of a designated component of the National System are withdrawn from entry, sale, or other disposition under the public land laws of the United States pursuant to Section 8(a) of the WSRA.
 - *N – Acquisition*
 - **Wild, Scenic, and Recreation** – Pursuant to Section 6(a)(1) of the WSRA, the BLM may acquire lands and interest in lands within the boundary of any component of the National System that is designated by Congress under Section 3(a) to protect river values and achieve other purposes of the WSRA.
- **7.6 Federal Reserved Water Right**
 - Section 13(c) of the WSRA creates a Federal reserved water right for each WSR at the time of designation. The reservation is for the minimum amount of water necessary to achieve the purposes of the WSRA.
- **7.7 Water Quality**
 - The BLM should work cooperatively with the EPA, the U.S. Geologic Survey, and state water quality agencies in addressing water quality concerns in WSRs.
- **7.8 Visitor Use and Capacity**

- Section 3(d)(1) of the WSRA requires CRMP to address user capacities. User or visitor capacity is the maximum quality of visitor use that a river corridor can sustain while still allowing for the protection of river values.
- *A – Components of CRMP*
 - Include specific, measurable limits on use.
 - Discuss the maximum number of people that can be accommodated in a river corridor.
 - Make an explicit tie between the kinds and amounts of visitor and other public use and the protection and enhancement of outstandingly remarkable values.
 - Make an explicit tie between the location and size of facilities in the river corridor and the protection and enhancement of outstandingly remarkable values.
 - Describe an actual level of visitor use that will not adversely impact or degrade outstandingly remarkable values.
 - Specify an appropriate quantity of use based on an analysis of resource values and desired conditions, not necessarily previous or current use levels.
 - Include proactive rather than reactive measures, such as measures to trigger management actions before negative impacts to river values occurs.
 - Schedule periodic and ongoing studies to determine whether the quantity and mixture of use leads to adverse impact on the resource values of the river area.
- *B – Visitor Use Permits*
 - The BLM has general authority under FLPMA and the [Federal Lands Recreation Enhancement Act](#) to require and enforce permits and fees for the use of river segments under its management.
- *C – Determining Visitor Capacity*
 - The process for deriving a numerical visitor capacity involves identifying goals, objectives, desired conditions, and indicators and standards and is part of the CRMP process.¹⁰
- *D – Variability and Flexibility in Determining Capacities:*
 - Across the National System, there is a wide spectrum of situations, ranging from rivers where current use levels are near, at, or even exceed capacity, to rivers where current use is far from capacity and is unlikely to reach, much less exceed, capacity in the foreseeable future of the CRMP.
 - A WSR at, near, or above capacities being considered as part of a CRMP may include a variety of required management actions to meet the standards established to protect river values.
 - Where current use is well below capacities established or being considered in a CRMP, capacities must still be determined, and these capacities are management decisions in the plan.
 - The CRMP should reflect an approach that is commensurate with the complexity, scope and confidence level/certainty of the capacity decisions.
- **7.9 Determinations of Impacts Under Section 7(a) of the WSRA**
 - Section 7(a) of the WSRA directs the BLM on behalf of the Secretary of the Interior to evaluate proposed water resources projects that have the potential to affect a WSR for which the BLM is charged with administration.¹¹
- Additional Information¹²

¹⁰ There is an extensive list that details the methodology for determining the visitor capacity.

¹¹ There is further and more detailed explanation of Section 7(a)

¹² There is a glossary of terms and examples of reports and procedures for WSR classification.