

## **INTRODUCTION**

The Wild and Scenic Rivers Act (Public Law 90-542; 16 U.S.C 1271-1287) was enacted by Congress to address the need for a national system of river protection on October 2, 1968. As an outgrowth of a national conservation agenda in the 1950s and 1960s, the Wild and Scenic Rivers Act (Act) was in response to the dams, diversions, and water resource development projects that occurred on America's rivers between the 1930s and 1960s. The Act concluded that selected rivers should be preserved in a free-flowing condition and be protected for the benefit and enjoyment of present and future generations. Since 1968, the Act has been amended many times, primarily to designate additional rivers and authorize the study of other rivers for possible inclusion.

As of September 2002, some 160 river segments comprising 11,292 miles have been protected in the National Wild and Scenic Rivers System (National System). These nationally recognized rivers comprise a valuable network of natural and cultural resources, scenic beauty, and recreational opportunities. The focus of this appendix is on the study initiated by the Forest and the rivers identified as eligible for Wild and Scenic River designation.

## **INTENT OF THE WILD AND SCENIC RIVERS ACT**

The Wild and Scenic Rivers Act seeks to protect and enhance a river's natural and cultural values and provide for public use consistent with its free flowing character, water quality, and outstandingly remarkable values. Designation affords certain legal protection from development. For instance, no new dams can be constructed, nor are federally assisted water resource development projects permitted that might negatively affect the designated river values. Where private lands are involved, the federal managing agency works with local governments and owners to develop protective measures.

There are two ways rivers are designated into the National System: (1) by Act of Congress, or (2) by the Secretary of Interior if the river has first been designated into a valid state river protective system by state law and the appropriate Governor has applied for a Wild and Scenic River designation. To be eligible for designation, a river must be free flowing and contain at least one outstandingly remarkable value that can be scenic, recreational, geological, fish, wildlife, historic, cultural, botanical, hydrological, paleontological, or scientific.

There are two ways rivers can be identified for study as potential additions to the National System; by Act of Congress under Section 5(a) or through an agency-initiated study under Section 5(d)(1) of the Act which requires that "in all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential wild, scenic, and recreational areas."

Through Section 5(d)(1) the Forest Service is required to assess rivers under its management jurisdiction and determine whether these rivers are eligible by applying standardized criteria through a documented evaluation process. River areas that are found to be eligible are then classified as wild, scenic, or recreational, based on the development of shoreline, watercourse, and access. Proposed boundaries and/or river areas and protective management requirements are developed at the time of eligibility determination. For river segments on federal lands determined to be eligible under Section 5(d)(1) of the Act, direction to protect the river as a potential addition to the National System is in effect until such a time as a "suitability" evaluation and subsequent decision is made. A Wild and Scenic River suitability analysis involves determining the best use of the eligible river and the best method to protect the ORV within the river corridor. Rivers subsequently determined suitable will continue to be protected as potential additions to the National System.

Protective management of federal lands in the river area begins at the time the river segment is found eligible. Specific management prescriptions for eligible river segments provide protection, pending a suitability determination, in the following ways:

- **Free-flowing values.** The free-flowing characteristics of eligible river segments cannot be modified to allow stream impoundments, diversions, channelization, and/or riprapping to the extent authorized under law.
- **River-related values.** Each segment is managed to protect outstandingly remarkable values (subject to valid existing rights) and, to the extent practicable, such values are enhanced.

**Classification impacts.** Management and development of the eligible river and its corridor cannot be modified, subject to valid existing rights, to the degree that its eligibility or classification would be affected.

## **REVIEW OF ELIGIBILITY METHODOLOGY**

### **1988 Payette National Forest Land and Resource Management Plan**

A Wild and Scenic River Eligibility Study was completed as part of the 1988 Payette National Forest Land and Resource Management Plan (USDA Forest Service 1988). The Forest used outstandingly remarkable values, stream order identification, impoundments, and water quality as criteria to determine eligibility. The intent of using stream order inventory as a screening criterion was to select the largest stream and trace back its longest reach. Of the rivers evaluated for eligibility, the Payette Forest recommended 11 river segments. Of the 11 river segments, six are entirely within the boundary of the Frank Church-River of No Return Wilderness, of which the Salmon Challis National Forest is the lead management agency.

The absence of outstandingly remarkable values and free-flowing condition was not documented. Identification of river corridors where outstandingly remarkable values exist was documented in the Payette National Forest Land and Resource Management Plan. Public review was provided for through the Payette National Forest Land and Resource Management Plan public involvement process.

### **2000 Draft Payette National Forest Land and Resource Management Plan**

In 1997, the Forest Supervisor approved the need for a Wild and Scenic River eligibility study based on new information and changed conditions. In May 1997, the Southwest Idaho Ecogroup Wild and Scenic River Assessment Team was formed to develop alternative strategies for the completion of Wild and Scenic River eligibility and suitability studies and interim management direction. This effort was designed to provide a basis for the Wild and Scenic Rivers analysis in the Forest Plan Revision process or in amendments to the Forest Plan

In the fall of 1997, the Ecogroup established an interdisciplinary process to review over 600 streams on the Forest for potential Wild and Scenic River eligibility. The process incorporated the Interagency Wild and Scenic River Reference Guide; FSH 1909.12, Chapter 8, "Wild and Scenic River Evaluation"; the Region 4 Desk Guide – Bridge to Revision (USDA Forest Service 1993); the Washington Office Wild and Scenic River Protocol; and the Intermountain Region Wild and Scenic River Protocol. For the review, a corridor of approximately one-quarter mile on either side of the river was used when evaluating eligibility.

The Wild and Scenic River Act states that, in order to be found eligible, a river segment must be free-flowing and contain at least one outstandingly remarkable value (ORV). The Forest determined rivers eligible for inclusion into the Wild and Scenic River System through a process of elimination. That is, if a river did not have a potential ORV in at least one resource, it was not evaluated further. The steps used for this inventory are as follows:

- Determine and document potential ORVs;
- Determine and document ORVs and free-flowing status;
- Determine and document drainage segmentation; and
- Determine and document river classification(s).

### **Criteria For Inclusion In The Eligibility Inventory**

The Wild and Scenic Rivers Eligibility study inventoried the following rivers, within the Forest's administrative boundaries:

- All perennial rivers represented in the Geographic Information System's (GIS) 1:100,000 scale USGS rivers layer (also known as the "major rivers" layer). These rivers were evaluated first for potential outstandingly remarkable values.
- All rivers included in the Pacific Northwest Rivers Study, or the Norwest Power Planning Council Protected Rivers list. These rivers were also first evaluated for potential outstandingly remarkable values.
- All rivers included in the Nationwide Rivers Inventory, or the State of Idaho Comprehensive Water Plan.
- All rivers currently eligible for inclusion into the Wild and Scenic Rivers System. These rivers were updated during the eligibility process for new information and changed conditions since the previous inventory.
- Any rivers identified as part of the public involvement process.

Three major elements contributed to whether a river was found eligible for further study:

**1. Are there any outstandingly remarkable values present within the river corridor?**

In order for a river to become eligible for further study as a possible wild, scenic, or recreational river, it must have one or more outstandingly remarkable resource values present on the National Forest System lands. The outstandingly remarkable values fall into categories that are defined in Section 1(b) of the Act as "scenic, recreational, geologic, fish, wildlife, historic, cultural, or other similar values." "Other similar values" include, but are not limited to, hydrologic, ecological/biological diversity, paleontological, botanical, and scientific study opportunities. A defined Region of Comparison was used as context to assess the uniqueness or rarity of the outstandingly remarkable values.

**2. Is the drainage considered a river consistent with the river definition?**

Using the definition of a river as "a flowing body of water or estuary or a section, portion or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes," all creeks and rivers on the major river GIS coverage were considered in this evaluation.

**3. Is the river free flowing?**

In order for a river to become eligible for further study, it must be free flowing. To be considered free flowing, the river must be free of impoundments or diversions.

A public involvement process was initiated to provide the public an opportunity to nominate streams or stream segments on the Forest for potential eligibility. An information packet explaining the evaluation process and a "Frequently Asked Questions" fact sheet were mailed to more than 1,000 individuals or groups. This information was also posted on the Southwest Idaho Ecogroup Forest Plan Revision Project's web page ([www.fs.fed.us/r4/sawtooth](http://www.fs.fed.us/r4/sawtooth)).

An interdisciplinary team from each Ranger District reviewed all the streams on the 1:100,000 major river GIS coverage in order to determine if there were rivers with "potential" outstandingly remarkable values. Each stream was evaluated to first broadly screen for potential outstandingly remarkable values using a generalized set of criteria. Streams that were not identified as having one or more potential outstandingly remarkable value were dropped at that time from further consideration for eligibility.

### **Draft Land And Resource Management Plan Findings**

With an initial inventory of 704 individual rivers considered for eligibility, a first screen using broad criteria and a second, more detailed assessment, using specific criteria for determining the presence of outstandingly remarkable values were applied and resulted in 37 streams identified with potential ORVs. These 37 streams were segmented according to the established criteria to determine tentative classification, and they were presented in the Draft Land and Resource Management Plan (USDA Forest Service 2000).

These streams were listed and identified in the Draft Land Management Plan and Draft Environmental Impact Statement (USDA Forest Service 2000) as potentially eligible for inclusion in the Rivers System. The streams were considered "potentially" eligible because: (1) the identified rivers had not been reviewed and commented on by the public, and (2) further analysis was needed to ensure the ORV criteria had been applied consistently.

### **Changes from the Draft to Final Land and Resource Management Plan**

The Forest received comments on the "potentially" eligible rivers presented in the Draft Land and Resource Management Plan during the public comment period following the release of the documents. Comments urged the Forest to reconsider the Region of Comparison as it appeared to be too narrow in scope or applied inconsistently. The Forest also received comments supporting the eligibility of the draft list or suggesting that none of the rivers were eligible and the study should be discontinued. To address these comments a three Forest interdisciplinary team re-evaluated the Regions of Comparison and the ORV criteria to ensure they were national in scope, as mandated by the Wild and Scenic Rivers Act, and that the criteria had been applied consistently by resource specialists throughout the Ecogroup. During this re-evaluation some changes were made to the Regions of Comparison and outstandingly remarkable values criteria. This re-evaluation also determined that the criteria used to assess ORV's had been inconsistently applied. The following summary describes the changed criteria used to determine ORV's and its associated region of comparison. Please refer to the Southwest Idaho Ecogroup Wild and Scenic River Eligibility Inventory User's Guide (USDA Forest Service 2001), for a full discussion of criteria components.

#### **Scenic Outstandingly Remarkable Values**

To define the scenic outstandingly remarkable values resource specialists considered the landscape elements of landform, vegetation, water, color and related factors that result in notable or exemplary visual features and/or attractions within the nation or region. They also considered:

- Whether or not the riverine landscape is distinctive enough to attract visitors from outside the Region of Comparison (Columbia River Basin); and

- If visitors were willing to travel long distances or travel across backcountry specifically to view, photograph, or record the outstanding scenic resource along the riverway.

Additional factors were also considered when determining scenic outstandingly remarkable values, including:

- Whether or not seasonal variations in vegetation exist;
- The scale of cultural modifications; and
- If scenic and visual attractions were highly diverse over the majority of the river or river segment.

### **Recreation/Interpretive Outstandingly Remarkable Values**

To define recreation/interpretive outstandingly remarkable values, resource specialists considered:

- Whether or not recreation opportunities are or have the potential to be distinctive enough to attract visitors from outside the Region of Comparison (Columbia River Basin);
- If visitors are willing to travel long distances to use the river resources for recreation purposes. River-related opportunities could include, but are not limited to, sight-seeing, wildlife observation, photography, hiking, fishing, hunting, tubing, and floating, including white-water rafting, kayaking, or canoeing
- If interpretive opportunities were exceptional and attract, or have the potential to attract, visitors from outside the Region of Comparison; and
- Whether or not the river may provide, or have the potential to provide settings for national or regional usage or competitive events.

### **Geological and Hydrological Outstandingly Remarkable Values**

To help define geological/hydrologic outstandingly remarkable values, resource specialists considered:

- If the river or corridor contains an example of a hydrologic or geologic features;
- If the feature is a process or phenomena that is rare to the province or subbasin, or if it is an outstanding example of a commonly occurring feature; and
- If the feature is in an unusually active state of development, represents a “textbook” example, and/or represents a rare or important combination of hydrologic or geologic features or landforms (erosional, volcanic, glacial, drainage patterns, etc.).

The Region of Comparison to determine geologic/hydrologic outstandingly remarkable values is the Province as defined by McNab and Avers in “Ecological Subregions of the United States: Section Descriptions”, USDA publication WO-WSA-5, July 1994 (McNab and Avers 1994). There are three Provinces that occur within the Ecogroup: (1) Province M332-Middle Rocky Mountain Steppe-Coniferous Forest-Alpine Meadow (this encompasses all of the Boise, and most of the Payette and Sawtooth Forests); (2) Province 342-Intermountain Semi-Desert (this encompasses the southern portion of the Sawtooth Forest); and (3) Province 331A-Great Plains - Palouse Dry Steppe (this encompasses the northern central tip of the Payette Forest).

### **Fish Outstandingly Remarkable Values**

When defining outstandingly remarkable fish values resource specialists considered:

- If the river contains more than one fish species listed under the Endangered Species Act;
- If there is sufficient documentation to support the existence of a listed species in the river corridor within the past 20 years, if the fish species was not currently present;
- Whether or not spawning and rearing habitat exists for listed threatened, endangered, and sensitive species;
- If the river provides near natural assemblages of native fish species, including multiple life histories for the same species, or contains one or more unique/narrow endemic fish species;
- If the river is in a watershed designated Pacfish or Infish high priority (not just key);

- Whether or not the river provides a near-natural condition; and
- If the river represents other habitat for threatened, endangered, and sensitive species in the same types of streams in that geologic setting.

The Region of Comparison for determining fishery values is the Columbia River Basin.

#### **Wildlife Outstandingly Remarkable Values**

When defining outstandingly remarkable wildlife values resource specialists considered:

- If the river corridor contains one or more “unique”/narrow endemic wildlife species;
- If the river corridor contains wintering range for more than two big game species, such as elk, mountain goat, and big horn sheep;
- If the river corridor contains clustered nesting/denning/calving locations used by wildlife species listed under the Endangered Species Act; and
- If the wildlife resource value is tied to unique features associated with the corridor.

The Region of Comparison for determining wildlife values is the Columbia River Basin.

#### **Heritage Outstandingly Remarkable Values**

Heritage values are comprised of three components: Prehistoric, Historic, and Traditional Cultural.

When defining outstandingly remarkable **prehistoric values**, resource specialists considered:

- Whether or not the river corridor contains a site where there is evidence of occupation or use by American Indians or other prehistoric culture; and
- If the sites have national or regional importance for interpreting prehistory; may have been used concurrently by two or more cultural groups or may have been used by cultural groups for rare or sacred purposes.

Of particular significance are sites or features listed in or eligible for inclusion in the National Register of Historic Places (NRHP). The evaluation is based on existing inventory information.

The Regions of Comparison for evaluating prehistoric values are identified as the *Plains, Great Basin, and Columbia Plateau Culture* areas. Generally, prehistoric values have been associated with American Indian prehistory, although other ethnographic groups could be considered if they left traces of their activity on the landscape, or significant events were associated with certain special places.

When defining outstandingly remarkable **historic values**, resource specialists considered:

- If the river corridor contains a site or feature associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or important in the region; and
- Whether or not a historic site and/or feature, in most cases, is 50 years old or older.

Of particular significance are national Historic Landmarks or sites or features listed in, or eligible for inclusion in, the NRHP.

The Region of Comparison used to evaluate historic outstandingly remarkable values is the Western United States.

When defining outstandingly remarkable **traditional cultural values**, resource specialists considered:

- Whether or not the river or area with the river corridor contains location(s) of regional importance to Indian tribes (religious activities, fishing, hunting, and gathering). Locations may have unusual characteristic or exceptional cultural value integral to continued pursuit of such activities.

The Regions of Comparison used to evaluate traditional cultural values were the traditional territories of American Indian cultures native to this area.

**Ecological/Botanical Outstandingly Remarkable Values**

When defining outstandingly remarkable ecological/botanical values resource specialists considered:

- If the river corridor contains an important element in a regional plan to conserve biological diversity while maintaining ecosystem integrity.

The Region of Comparison used to evaluate ecological/botanical values was identical to those used to evaluate geologic and hydrologic outstandingly remarkable values. Please refer to that section for further information.

**River Classification**

The types and amounts of activities and changes acceptable within an eligible, suitable, or designated river corridor depend on whether it is classified as a Wild, Scenic, or Recreational river. Activity compatibility with classification can be found in the Wild and Scenic Rivers portion of Chapter 3 in the Environmental Impact Statement. Below is a summary of the criteria used to determine tentative river classification.

**Table D-1. Criteria Used to Determine Tentative Classification**

Tentative Classification	Criteria Used
<b>Wild River</b>	The river is free of impoundments. The shoreline is essentially primitive. The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable. A limited amount of domestic livestock grazing or hay production is acceptable. There is little or no evidence of past timber harvest, and no ongoing timber harvest. The river is generally inaccessible except by trail. There are no roads, railroads, or other provisions for vehicular travel within the river area. A few existing roads leading to the boundary of the river area are acceptable. The river meets or exceeds federal criteria or federally approved state standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming), except where exceeded by natural conditions.
<b>Scenic River</b>	The river is free of impoundments. The shoreline is largely primitive and undeveloped. There is no substantial evidence of human activity. The presence of small communities or dispersed dwellings or farm structures is acceptable. The presence of grazing or crop production is acceptable. Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank. The river is accessible, in places, by road. Roads may occasionally reach or bridge the river. Short stretches of conspicuous, or longer stretches of inconspicuous roads or railroads are acceptable.
<b>Recreational River</b>	Low dams, diversions, or other modifications of the waterway are acceptable, provided the waterway remains generally natural in appearance. The shoreline has substantial evidence of human activity. Extensive residential development and a few commercial structures are acceptable. Lands may have been developed for the full range of agricultural and forestry uses. The shoreline may show evidence of past and ongoing timber harvest. The river is readily accessible by road or railroad. Parallel roads or railroads on one or both banks, as well as bridge crossings and other river access points, are acceptable.

**FINAL LAND AND RESOURCE MANAGEMENT PLAN FINDINGS**

Two rivers with three segments were found eligible through this revised process. The rivers and their segments, classification(s), and ORVs are described in Tables D-2 and D-3, below.

**Table D-2. Payette National Forest Eligible Wild and Scenic Rivers**

River Name	Tributary To	Segment	Segment Location	Class <sup>1</sup>	Scenic <sup>2</sup>	Recreation	Geologic	Hydro	Fish	Wildlife	Heritage	Eco/Bot
Hard Creek	Little Salmon River	1	Headwaters at Hard Creek Lake to Forest boundary	W	0		0	0				
Hazard Creek	Little Salmon River	1	Headwaters to confluence with Vance Creek	W	0		0	0				
Hazard Creek	Little Salmon River	2	Confluence with Vance Creek to Forest boundary	W	0		0	0				

**Table D-3. Outstandingly Remarkable Values of the Eligible Rivers**

River Name	ORV Description
Hard Creek	<p><b>Scenic:</b> The river area contains very scenic cascading waterfalls, cirque basins, high mountain lakes, rock forms, and offers outstanding views. Fall colors highlight the scenic beauty of the area.</p> <p><b>Geologic/Hydrologic:</b> A combination and extent of several outstanding hydrologic and geologic features are found within this drainage. The landform within the lower half of the Hard Creek dominantly consists of steep to extremely steep mountain headlands and deeply entrenched canyon walls that are adjacent to a major stream. The landforms within the upper half dominantly consist of glacial headlands, uplands, troughs, and cirque basins.</p>
Hazard Creek	<p><b>Scenic:</b> The river area contains very scenic cascading waterfalls, cirque basins, high mountain lakes, rock forms, and offers outstanding views. Fall colors highlight the scenic beauty of the area.</p> <p><b>Geologic/Hydrologic:</b> A combination and extent of several outstanding hydrologic and geologic features are found within this drainage. The landform within the lower half of the Hazard Creek dominantly consists of steep to extremely steep mountain headlands and deeply entrenched canyon walls that are adjacent to a major stream. The landforms within the upper half dominantly consist of glacial headlands, uplands, troughs, and cirque basins.</p>

<sup>1</sup> Class = Classification of the river segment. W = Wild, R = Recreational, and S = Scenic

<sup>2</sup> Scenic, Recreation, Geologic, Hydro, Fish, Wildlife, Heritage, Eco/Bot = Outstandingly Remarkable Values. Scenic = Scenic Value, Recreation = Recreation Value, Geologic = Geologic Value, Hydro = Hydrologic Value, Fish = Fish Value, Wildlife = Wildlife Value, Eco/Bot = Ecological/Botanical Value.

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