

Newly Designated Wild and Scenic River: Interim Management And Steps to Develop a Comprehensive River Management Plan

This document is comprised of three sections:

1. Direction in the Wild and Scenic Rivers Act (Act) to establish a river corridor boundary and prepare a comprehensive river management plan (CRMP) for a designated wild and scenic river (WSR).
2. Guidance for interim management.
3. Generalized steps to develop a CRMP.¹

1. Statutory Direction

The enabling legislation (the Act of 1968 and its generic amendments) requires the administering agency to:

- Establish a detailed river corridor boundary of an average of not more than 320 acres per river mile within one year from date of designation.²
- Prepare a CRMP within three full-fiscal years after the date of designation.

It also requires a CRMP to:

- Describe the existing resource conditions including a detailed description of the outstandingly remarkable values (ORVs);
- Define the goals and desired conditions for protecting river values;

¹ The guidance in this document does not modify or replace any agency's policy.

² Please note that subsequent legislation that add rivers to National Wild and Scenic Rivers System (National System) may contain specific direction regarding the area to be included in the river corridor and/or guidance for development of the CRMP or for river management. For example, rivers designated by the Alaska National Interest Lands Conservation Act and outside national parks may include an average of not more than 640 acres per river mile. A 640-acre boundary was also established for Fifteen Mile Creek WSR, one of the rivers added by the Omnibus Public Land Management Act of 2009.

- Address development of lands and facilities;
- Address user capacities;
- Address water quality issues and instream flow requirements;
- Reflect a collaborative approach with all stakeholders;
- Identify regulatory authorities of other governmental agencies that assist in protecting river values; and
- Include a monitoring strategy to maintain desired conditions.

2. Interim Management

Corridor Boundary

Section 4(d) of the Act establishes an interim corridor boundary of “one-quarter mile from the ordinary high water mark on each side of the river” prior to publication of boundaries in conformance with Section 3(b) of the Act.

Interim Management of Activities on Federal Lands

Prior to completion of the CRMP, evaluate proposed projects and new decisions (e.g., issuance of a special-use permit) on federal lands to ensure they protect and, to the extent possible, enhance river values (free-flowing condition, water quality and ORVs). The necessary evaluation framework is a detailed description of the existing conditions of these values. Absent this information it may not be possible to evaluate the effects of an activity relative to the nondegradation and enhancement standard of Section 10(a) of the Act.³

This resource description is not a decision; rather, it is a first step in developing the CRMP. Previous eligibility findings and other pre-designation studies may partially or completely provide adequate detail. Refer to the *Document Baseline Conditions* section in Part 3 for additional guidance and reference to an example.

Review of Water Resources Projects Subject to Section 7(a)

Prior to completion of the CRMP, evaluate federally assisted water resources projects based on the detailed description of the existing conditions of river values (free-flowing condition, water quality

³ For projects with a final decision and not yet implemented at date of river’s designation, the responsible official should evaluate in light of this protection requirement and provide documentation (a few-paragraph note) to the file.

and ORVs).⁴ Please note: The WSR-administering agency is responsible for review of any federally assisted water resources project, including a project proposed on nonfederal lands.

Stewardship Groups

Consider exploring the interest of the groups who supported designation in forming a stewardship group. Such a group could gather and synthesize data for use in the planning process, as well as begin to serve a long-term role in monitoring and other river management needs.

3. Steps to Develop a CRMP

This section is not a stand-alone product; rather, it expands on the content of the Council's technical report, *Wild and Scenic River Management Responsibilities* (2002). The steps in this section are presented sequentially; however, aspects of most will occur concurrently and many are iterative. References are provided to other Council products for further explanation of a step or concept.

Set the Stage

This step is critical to the success of all subsequent efforts.

- Brief leadership as soon as possible after designation to increase their understanding of the protection framework for a WSR and requirements for a CRMP. More specifically:
 - » Explain requirements for interim management (refer to Section 2).
 - » Describe how a CRMP is developed under NEPA and is related to the agency's programmatic plan (e.g., National Park Service General Management Plan, U.S. Forest Service Land and Resource Management Plan).
 - » Outline the likely decision environment (e.g., management issues and opportunities, decisions to be made).
 - » Discuss the need for an interagency approach for contiguous or proximate segments administered by the Secretary of Agriculture or the Interior, respectively.
 - » Identify staffing and funding needs.
- Charter and brief an interdisciplinary planning team. This team will function as the core team working with partners and, through the team leader or other governance structure, to engage agency leadership.

⁴ Refer to *Wild and Scenic Rivers Act: Section 7* (2004), a technical report of the Interagency Wild and Scenic Rivers Coordinating Council (Council) for additional definition, standards and evaluation procedures.

Describe Baseline Conditions

Establish baseline conditions for the values for which each river is added to the National System—free-flowing condition, water quality and ORVs. Previous eligibility findings and other pre-designation studies typically provide much of this information.

Values

- Free-flowing Condition – Describe the in-channel condition to guide future analyses under Section 7(a), i.e., describe what, if any, structure(s) exists in the river’s bed or its banks and general hydrologic function.⁵
- Water quality – Work with Environmental Protection Agency and state water quality agency to:
 - » Establish baseline conditions.
 - » Identify water quality-related issues.
 - » Define parameters from which to monitor relative to protecting ORVs.⁶
- ORVs:
 - » Describe in detail based on pre-designation study and/or other existing information. As needed, engage subject matter experts for each ORV to develop a contemporary description, working with their peers in local, state and other federal agencies and with others who have information about the significance of the values relative to established criteria.
 - » Include information about the specific or general location of ORVs, to the extent meaningful.
 - » Describe the flow dependency of ORVs in anticipation of future need to quantify instream flow

Refer to Appendix A for a template for describing ORVs. For an example of a completed ORV description, see the Upper Deschutes WSR and State Scenic Waterway CRMP (Appendix C at www.fs.fed.us/r6/centraloregon/projects/planning/major-plans/wsr-upperdeschutes.pdf). Please note: This “resource assessment” was completed in 1994 to clarify and provide detail as to the

⁵ Refer to *Wild and Scenic Rivers Act: Section 7* (2004), a technical report of the Council.

⁶ Refer to *Water Quantity and Quality as Related to the Management of Wild and Scenic Rivers* (2003), a technical report of the Council.

significance of ORVs. The eligibility criteria were a precursor to that adopted and slightly modified by the Council in its study paper. It also includes locally developed criterion for several “other similar values” (e.g., hydrology, vegetation) and identifies the “special attributes” as an Oregon State Scenic Waterway. In contemporary resource descriptions, wilderness is not evaluated separately; rather remoteness is considered as part of recreation setting and opportunities.

In addition to values for which the river was designated, describe resource conditions, infrastructure and activities within the 1/4-mile interim WSR corridor and, as appropriate, in the larger watershed(s).

Resource/Infrastructure/Activity Description

- Prepare an ownership and other base maps.
- Describe resource conditions, which are not ORVs.
- Describe existing infrastructure on federal lands (e.g. transportation, including roads, railroad, trails; power and pipe lines; recreation and administrative facilities).
- Describe existing activities on federal lands (e.g., vegetative management, grazing, mineral activities).
- Describe private and commercial recreation activities, including relative amounts.
- Identify any easements, rights-of-ways or other encumbrances on federal lands.
- Describe private land developments and activities.
- Describe the regional context, i.e., the plans and policies of other entities that influence management in the corridor and watershed.

Planning Context

- Describe plans and policies of other entities (e.g., Endangered Species Act recovery plan).
- Document local, state and federal laws and regulations applicable to river and watershed protection on nonfederal lands.
- Identify local, state and federal incentive programs for river protection on nonfederal lands.⁷

⁷ Refer to *Protecting Resource Values on Nonfederal Lands* (1996), a technical report of the Council.

Data Collection

- Determine what, if any, additional information is needed to adequately describe values (free-flowing condition, water quality, ORVs) for use in the planning process.
- Determine what, if any, additional information is needed to adequately describe resource/infrastructure/activities in the corridor and watershed.
- Determine what, if any, information is needed to adequately describe recreation user capacities.
- Work with the state to identify existing water rights.
- Work the state and U.S. Geological Survey to determine the location and sufficiency of gages for future water quantity assessment.⁸

Public Involvement

- Identify communities of interest as first step in developing a public involvement strategy.
 - » Private landowners in and adjacent to the 1/4-mile interim corridor.
 - » Interested publics, including nonprofit organizations.
 - » Local, state and federal agencies.
 - » Tribal governments.
- Develop public involvement strategy to:
 - » Meaningfully engage public in data collection and establishing baseline conditions.
 - » Identify public issues, opportunities for consideration in the planning process.
 - » Determine which other agencies, tribal governments and interested organizations and users have a role in river protection.

Protection and Decision Framework

- Review existing agency direction for federal lands, informed by public input, and identify issues, concerns and opportunities (i.e., need for change).

⁸ Refer to *Water Quantity and Quality as Related to the Management of Wild and Scenic Rivers* (2003), a technical report of the Council.

- Identify likely decisions to be made.
- Evaluate local, state and federal laws and regulations on nonfederal lands and identify any recommended changes to these authorities necessary to protect values.⁹
- Evaluate other entities' plans and policies and identify any recommended changes to these authorities to protect values within the WSR or its watershed(s) (e.g., recommendation to a state fish agency re stocking program).
- Engage land survey staff regarding the boundary (early coordination will insure the intent of the boundary can be efficiently described and located, if such on-the-ground location is ever required).¹⁰

Content of CRMP¹¹

- Describe regional river setting.
- Describe resource conditions, including detailed description of river values (free-flow, water quality and ORVs).
- Develop goals and desired conditions to protect river's free-flowing condition, water quality and ORVs.
- Develop direction for visitor use and capacity management.
- Provide framework for future development and activities on federal lands.
- Describe (and thereby assign) responsibility for river protection by local, state, federal agencies, tribal governments and nonprofit partners.¹²
- Provide a voluntary framework for future development and activities on nonfederal lands.¹³

⁹ Refer to *Protecting Resource Values on Nonfederal Lands* (1996), a technical report of the Council.

¹⁰ Refer to *Establishment of WSR Boundaries* (1998) and pages 4-6 of the *Wild and Scenic River Management Responsibilities* (2002), technical reports of the Council.

¹¹ Refer to the outline presented in *Wild and Scenic River Management Responsibilities* (2002), Appendix A, a technical report of the Council.

¹² Refer to *Implementing the WSRA: Authorities and Roles of Key Federal Agencies* (1999), a technical report of the Council.

¹³ Refer to *Protecting Values on Nonfederal Lands* (1996), a technical report of the Council.

- Develop, if appropriate, criteria for acquisition of private lands from willing sellers.
- Develop a monitoring strategy, specifically related to protecting river's free-flowing condition, water quality and ORVs.
- Identify possible nonprofit stewardship groups to help protect and enhance values (consider the groups who advocated designation).

Appendix A – Template for Describing Baseline ORV Conditions

For each ORV, provide the criterion, a description focusing on the factors of the criterion, and a conclusion as to the significance of each value at a regional or national scale. Provided below is a template for two ORVs.

Recreation

Criterion for Recreation ORV: Recreational opportunities 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. River-related opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional usage or competitive events.

Description

Conclusion

Fish

Criterion for Fish ORV: Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.

- a. *Populations.* The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.
- b. *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 sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

Description

Conclusion