

## I. Introduction

### A. Wild and Scenic Rivers Act

The U.S. Congress passed the Wild and Scenic Rivers Act in 1968. The Act and accompanying regulations give direction to state and federal land management agencies for the protection and management of free-flowing rivers. Section 1. (b) of the Act summarizes the basic goal of this congressional action.

*It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values shall be persevered in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.*

Rivers are defined in the WSR Act as "a flowing body of water or estuary or section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes". The term "river", although used singularly throughout this report, represents the broader definition from the WSR Act.

The Wild and Scenic Rivers Act legislation addresses three main objectives:

1. Establishment of the National Wild and Scenic Rivers System (WSR System).
2. Establishment of a policy for managing designated rivers.
3. Creation of a process for designating rivers to the system.

The Wild and Scenic Rivers Act contains a process by which rivers can be evaluated and added to the Wild and Scenic Rivers system. The Act has focused the attention of state and federal agencies and local government groups on the values of America's watercourses. This focus and accompanying dialogue has resulted in state, federal and county policies for watercourse management, and has demonstrated the need for interagency coordination at all levels of government.

The U. S. Forest Service is charged with implementing the nation's laws on federal lands, including the Wild and Scenic Rivers Act. In compliance with this responsibility, this report documents the inventory and evaluation of watercourses on the Manti-La Sal National Forest and partially fulfills the Forest's obligation as defined in the Wild and Scenic Rivers Act. The document lists and describes the character of rivers within National Forest boundaries, and identifies those that are eligible for potential inclusion in the National Wild and Scenic Rivers System.

This report is not a National Environmental Policy Act document. In addition the report does not contain a decision regarding designation, since this authority lies solely with the U.S. Congress. As part of the final process of designation, the Manti-La Sal National Forest will initiate and complete a suitability study that will contain recommendations on designation of suitable rivers. *Specific information about the Suitability Process is included in Section V, Appendix G.*

## **B. Eligibility Phase of the Wild and Scenic Rivers Act of 1968**

Regulations for the Wild and Scenic Rivers Act of 1968 were approved in 1982. These regulations defined the basics of adding rivers to the system and established an “eligibility” phase for determining whether a river should be considered for inclusion in the WSR System.

A brief description of this “eligibility” phase is as follows:

1. Watercourses are inventoried and evaluated according to “screening criteria”.

Screening criteria - (Section 2 of the WSR Act)

- a. Free flowing

The watercourse must be free flowing.

The Wild and Scenic Rivers Act definition of free flowing is:

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

Further clarifications of the definition from the WSR Act enunciates the following:

*‘The fact that a large river may flow between large impoundments will not necessarily preclude its designation. The intent of the U.S. Congress and federal regulations is that*

*rivers must be generally free-flowing, but not completely without human modification.'*

b. Outstandingly remarkable values

The watercourse must possess one or more outstandingly remarkable scenic, recreational, geological, fish, wildlife, historical, cultural, or other similar values including ecological values.

c. Minimum Size and Flow

The size of a watercourse is NOT a criterion of eligibility. Rivers are defined in the WSR Act as *"a flowing body of water or estuary, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes"*. Rivers considered eligible do not have to be outstanding white-water or boatable. Smaller rivers may be important as large rivers given their context within different ecosystems.

The flow will be considered to the extent that it must be sufficient to sustain the outstandingly remarkable value that makes a river or river segment eligible for consideration.

2. Eligible watercourses are given a potential classification as Wild, Scenic or Recreational.

To complete the inventory phase of eligible rivers, federal land managers must determine the potential classification of any eligible river. This is based on the condition of the river and the adjacent lands, as they exist at the time of the inventory. Different segments of the same river can have different classifications. Eligible rivers are classified according to the evidence of man's activities. The following descriptions define the three potential classifications that are given to eligible rivers.

Wild River:

Those rivers or sections of rivers that are free of impoundments and generally are inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.

Scenic River:

Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive or shorelines largely undeveloped but accessible in places by roads.

#### Recreational River:

Those rivers or sections of rivers that are readily accessible by road or railroad that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

### C. Guides, Agreements and Plans Used During the Eligibility Phase

Congressional direction contained in the Wild and Scenic Rivers Act of 1968, and the following Interagency Guides, Agreements, Planning Documents and Reports guided the Wild and Scenic Rivers inventory and evaluation process for the Manti-La Sal National Forest. ***(The following agreements and documents are on file at the Manti La-Sal National Forest Supervisor's Office.)***

- Wild and Scenic River Reference Guide

This guide was published by the Interagency Wild and Scenic Rivers Coordination Council and includes the Wild and Scenic Rivers Act, Final Revised Guidelines for Eligibility Classification and Management of River Areas [Federal Register/Vol.47, No. 173/Tuesday, September 7, 1982], and various Technical Papers. (See the following web site address: [www.nps.gov/rivers/publications.html](http://www.nps.gov/rivers/publications.html))

- Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use, December 13, 1994

The Bureau of Land Management (Utah State Office), the National Park Service (Rocky Mountain Region), and the USDA Forest Service (intermountain Region) signed this agreement. The agreement calls for the three agencies to "work cooperatively to define common criteria and processes for use in determining the eligibility and suitability of Utah Rivers for potential inclusion in the National Wild and Scenic Rivers (WSR) System".

- Wild and Scenic River Review in the State of Utah, 1996

In July 1996, the above three agencies adopted and published a process and criteria for achieving consistency in the inventory methodologies, subsequent eligibility determinations and reviews, and public involvement and local government coordination.

The published document also addresses the following three key points regarding the nature of Outstandingly Remarkable Values as addressed in the Wild and Scenic Rivers Act of 1968.

- 1) River related -  
All values assessed should be directly river related.
  - 2) Regionally significant -  
Resources should be at least regionally significant to be deemed outstandingly remarkable.
  - 3) Rare, unique or exemplary -  
Features that are regionally exemplary, as well as those that are rare or unique should be considered.
- Memorandum of Understanding (MOU) between the Governor (State of Utah), Regional Forester (Intermountain Region-U.S. Forest Service), State Director (Utah Bureau of Land Management), Regional Director (Rocky Mountain Region-National Park Service, and the Counties of Utah, dated December 1997

Federal and State agency and local government coordination has been further defined in this MOU. It contains agreements for conducting and coordinating studies, planning efforts, and public education and information outreach programs.

- Wild and Scenic River Studies - Inventories and Evaluation, January 5, 1998

In addition to the above agreements, the USDA Intermountain Region-U.S. Forest Service issued additional guidance on pursuing further Wild and Scenic River studies during Forest Plan revision efforts. This document contains guidelines on Eligibility Determination and direction on initiating Suitability Studies.

- Inventory and Process for Potentially Eligible Wild and Scenic Rivers on the Manti-La Sal National Forest, March 5, 2002

This document contains working papers and technical data from Forest specialists developed during the inventory and evaluation of watercourses.