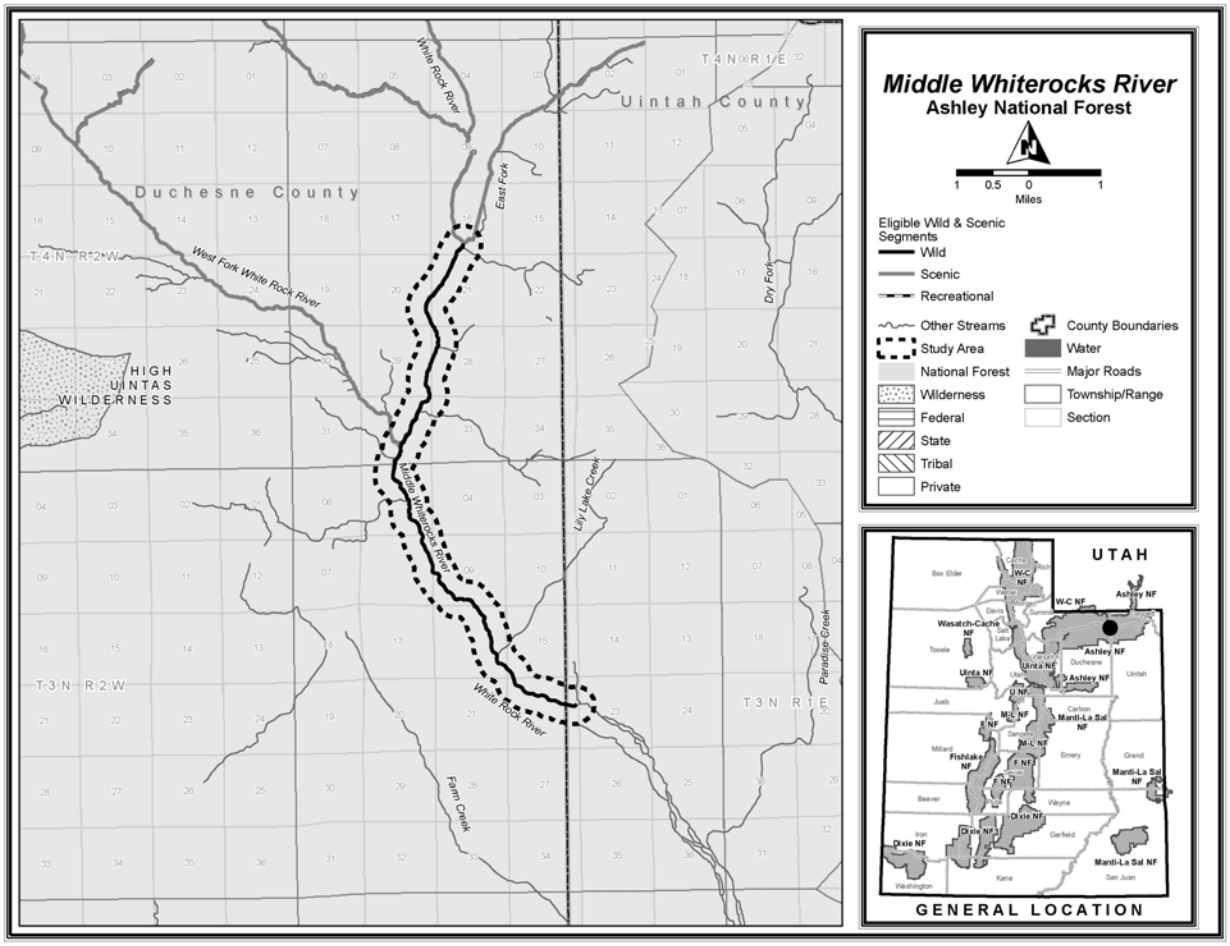
Middle Whiterocks River
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Middle Whiterocks River

River Mileage:

Studied: 8.5 miles, from the junction with East Fork Whiterocks River to the northern end of Forest Development Road 492 in Whiterocks Canyon

Eligible: Same

Location:

Middle Whiterocks River	Ashley National Forest, Vernal Ranger District, Duchesne County, Utah		Congressional District 2	
	Start	End	Classification	Miles
	SE ¼ SW ¼ Sect. 16, T 4 N, R 1 W, USM	SE ¼ NE ¼ Sect. 22, T 3 N, R 1 W, USM	Wild	8.5

Physical Description of River Segment:
The topography is thin hummocky ground moraine and outwash with some inner gorges cut deep into the underlying quartzite bedrock. Stream banks are armored with quartzite boulders and cobbles that are subject to extreme scouring with high flows associated with snowmelt in late May and early June. Stream bank stability for the most part is a function of bedrock and boulders, and in many reaches vegetation does not influence stream bank stability. Middle Whiterocks River descends through glacial canyon bottoms with mixed conifer forest at upper elevations and lodgepole pine at lower elevations. The river also passes through small wet meadows that are fed by numerous springs and seeps. This segment has high gradients, with abundant riffle habitat for fish, along with deep pools created by large pieces of wood and scour along bedrock cliffs. Currently, the watercourse has a strong population of brook trout, with a few cutthroat and rainbow trout. The segment may be included in the Colorado River Cutthroat Trout reintroduction plan as a travel corridor and habitat connectivity element. The watercourse is rated "High" for species diversity. It is part of a Colorado River Cutthroat meta population area and is important for conservation of this species. The river corridor is also critical for species migration and meta population development.

ELIGIBILITY

Name and Date of Eligibility Document: Final Eligibility of Wild & Scenic Rivers - Ashley National Forest, July 2005

Determination of Free-flowing Condition: The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing.

Summary of Outstandingly Remarkable Values (ORV):
Scenic–Middle Whiterocks River is considered pristine in character. There are no roads, trails or water diversions in the canyon bottom for the entire length. Developed trails and roads are visible at various points along the river, but are located outside of the river corridor. Sights and sound of human activity are overcome by both distance and the sound of the cascading river. The scenic Cliff Lake falls is visible from this segment. The canyon bottom is extremely rugged, with small falls, pools, steep forested side slopes, side canyons, and many rock outcrops. Small areas of riparian vegetation provide seasonal variation in color. The scenic ORV has been identified as regionally important.

CLASSIFICATION

Basis for the Classification of River – Wild
Middle Whiterocks River is eligible for the Wild and Scenic River System. It is classified as a Wild river.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

River Mile	Ownership	Acres
0-8.5	Ashley National Forest	2720

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of

open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240). http://www.duchesnegov.net/planning/05240zoningordfinal.pdf

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (http://www.co.uintah.ut.us/gis/Zoning%202005.pdf). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):
A. Forest product industries and buildings related thereto;
B. Oil and gas wells, mining and processing of minerals;
C. Gravel and rock quarries;
D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
E. Hot-road-mix plants on temporary basis for not more than six months;
F. Ski resorts, recreation camps and uses incidental to such uses;
G. Gas stations, cafes, resorts;
H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) http://www.co.uintah.ut.us/countycode/index.html

Mineral and Energy Resource Activities – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment (www.geocommunicator.gov). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

Water Resources Development – There are no dams, diversions, or other channel modifications on this segment. Upstream water developments in the headwaters include dams at Chepeta and Whiterocks lakes. No future developments in this segment are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley

National Forest, and are not expected to alter (or be altered) by potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

Transportation, Facilities, and Other Developments – There are no roads, trails in the canyon bottom for the entire length. Developed trails and roads are visible at various points along the river, but are located at least one half mile or more from the river itself.

Grazing Activities – There is no permitted livestock use on this segment.

Recreation Activities –Some fishing occurs along portions of this segment. The season of use is from late June to mid-October. The remote, inaccessible nature of the canyon provides a very isolated recreational experience.

Other Resource Activities – Timber harvest has only occurred in the upstream headwaters of this watershed. The rugged nature and limited access of the Middle Whiterocks River corridor has precluded any harvest, and no harvest activities are expected in the future.

Special Designations – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the entire segment.

This segment is located within the Tridell/LaPoint Drinking Water Source Protection Zone, as identified by the State of Utah.

All of the eligible segment on the Middle Whiterocks River is within an inventoried roadless area.

Socio-Economic Environment – Some of the downstream communities in Uintah County include Whiterocks, Tridell, Lapoint, and Fort Duchesne. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). These communities are set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (http://duchesne.net/demo/)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism (http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

Current Administration and Funding Needs if Designated –The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average $200,000 per plan for 86 segments, which would cost approximately $17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be $200,000; a moderate complexity river would be $50,000; and a low complexity river at $25,000. Using an average of complexity costs, it would cost the Forest Service around $7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

SUITABILITY FACTOR ASSESSMENT:

(1) **The extent and determination of the degree to which the agency proposes or a State or its political subdivisions might participate in the shared preservation and administration of the river, including the costs thereof, should it be proposed for inclusion in the System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

(2) **The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any conflicting local zoning and/or land use controls that could occur.**

In Duchesne County, National Forest System Lands are zoned as A-10, agricultural 10 acre minimum lot size. Purposes related to Forest management in this zone include the protection of the economic base of the county for such uses as forestry, oil and gas drilling, pipelines, petroleum storage and distribution and the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat, and range livestock (Zoning Ordinance 05-240).
http://www.duchesnegov.net/planning/05240zoningordfinal.pdf

Wild and Scenic designation would be inconsistent with the stated purposes of forestry, oil and gas drilling, pipelines, petroleum storage and distribution. Designation would be consistent with the protection of significant natural features of land, creeks, lakes, wetlands, air and the preservation of open areas for wildlife habitat.

In Uintah County, which includes a portion of Middle Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

(3) **Support or opposition to designation.**

Comments received during the eligibility study

Uintah County officials, Duchesne County officials, the Uintah County Water Conservancy District, the Duchesne Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkably values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

Comments received during scoping for the suitability study
Letters of support were received from several individuals and non-profit organizations. All of these letters addressed the Middle Whiterocks segment in combination with the other eligible segments of the Whiterocks river system. Values cited included the remote, undeveloped setting; the diversity of scenery, terrain and habitat types present; and the collective contribution of these segments to river system or basin integrity.

Letters from the Central Utah Water Conservancy District and Uintah Water Conservancy District opposed designation based on potential conflicts with operation of existing reservoirs higher in the watershed (affecting downstream flow regimes) and possible impacts to the water development potential for the area. The State of Utah commented that a potential reservoir site has been identified southwest of Ice Cave peak. This site is downstream of the Middle Whiterocks segment. A second potential reservoir site is described as being in T3N, R1W, Section 9. This site may be on the Middle Whiterocks segment.

One comment letter requested that any portion of the Whiterocks River abutting tar sands deposits not be considered suitable. The only known tar sands deposits are near the Forest boundary, several miles downstream of the lowest eligible segment of the Whiterocks River.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, and Drinking Water Source Protection Zones for Tridell/LaPoint.

Designation would also complement the joint efforts of the Ashley National Forest and the Utah Division of Wildlife Resources to restore a meta-population of native Colorado Cutthroat trout in the Whiterocks drainage.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances in Duchesne and Uintah Counties. Relevant portions of the County General Plans and Public Lands Policies are summarized as follows:

Uintah County
Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be

provided by other methods, and the area in question is truly unique when compared to other area lands.

- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield.

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec.2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

<u>Duchesne County</u>

The Duchesne County General Plan states that special designations, including wild and scenic rivers, "may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield." The County's position is that:

- The objectives of special designations can be met by well-planned and managed development of natural resources.
- No special designations shall be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by other means and that the area in question is truly unique compared to other area lands.
- Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.

With respect to Wild and Scenic Rivers, County support will be withheld until:

- It is clearly demonstrated that water is present and flowing at all times;

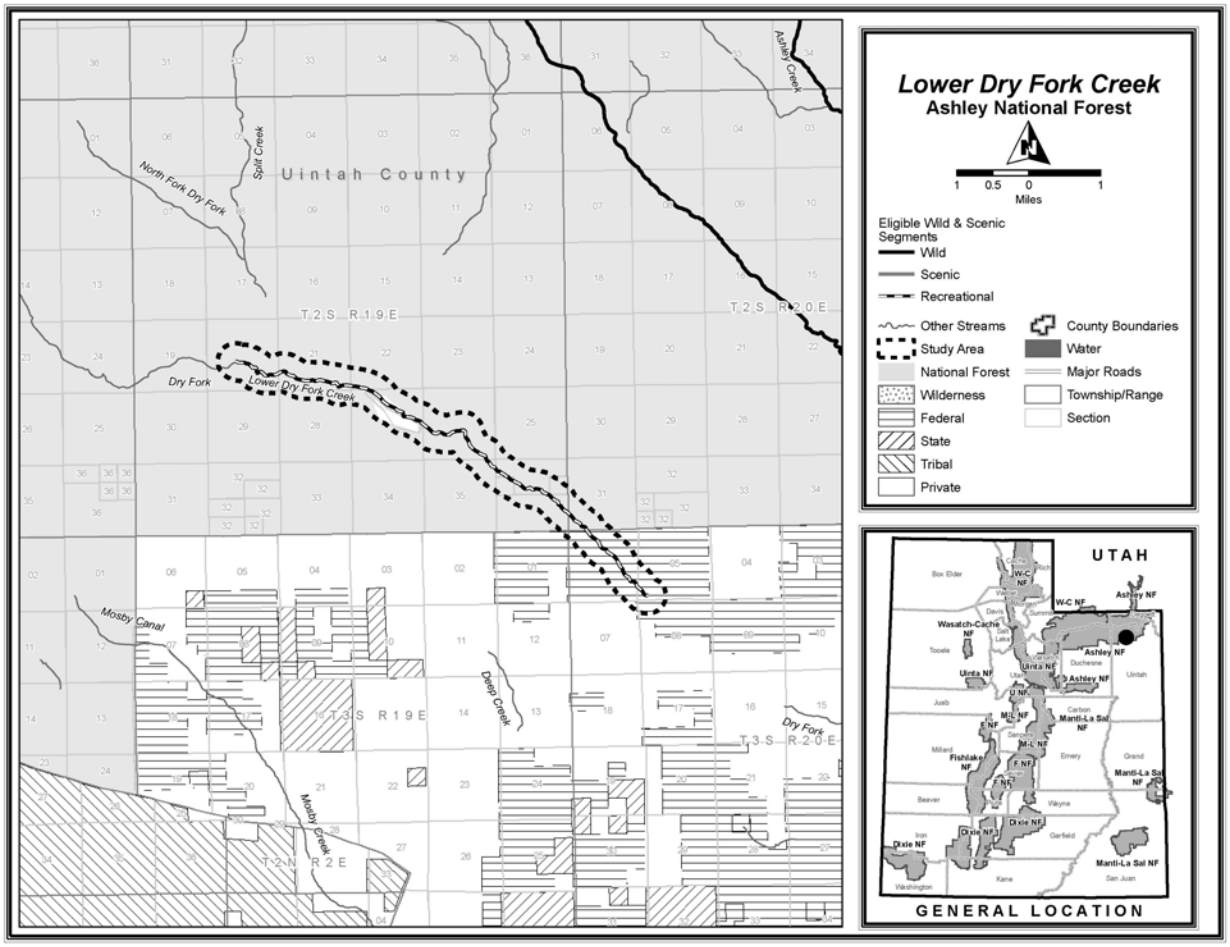
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
- The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
- It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

(5) **Contribution to river system or basin integrity**.
Designation could provide a comprehensive and holistic protection strategy with other cooperating agencies and public groups. Since the Middle Whiterocks segment only includes a portion of the entire watershed, basin integrity and the ability to design holistic protection strategies could be improved by considering the additional segments in this watershed together, including Upper Whiterocks, East Fork Whiterocks, Reader Creek, and West Fork Whiterocks.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

(6) **Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**
There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

Lower Dry Fork Creek
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Lower Dry Fork Creek

River Mileage:

Studied: 7.35 miles from the USGS Gauging Station at the large "sinks" area to the USGS Gauging Station located on land administered by the Bureau of Land Management approximately 1.75 miles south of the Ashley National Forest boundary.

Eligible: Same

Location:

Lower Dry Fork Creek	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District UT-2	
	Start (TRS)	End(TRS)	Classification	Miles
Segment 1	NE ¼ SW ¼ Sect. 20, T 2 S, R 19 E, SLM	SW ¼ SW ¼ Sect 5, T 3 S, R 20 E, SLM	Recreational	7.35

Physical Description of River:
Lower Dry Fork flows through glacial outwash bottoms and alluvial colluvial side slopes. Side slopes are rugged, and tributaries often cut into the underlying materials creating incised drainages that flow only in spring and after heavy summer storms. Flash floods carry sediment into the stream channel, and gullies have resulted where vegetation has been removed by fire and heavy summer storms. High intensity summer storms are common in this segment. Lower Dry Fork only flows after a large underground karst system is filled, and flows only through the month of June in most years. Water is diverted into the Mosby Canal below Upper Dry Fork and reduces the duration of flows in Lower Dry Fork. Flows in this segment are dependent on spring melt and recharged karst systems. Much of the water entering the karst system flows underground to the Ashley Creek Drainage.

ELIGIBILITY

Name and Date of Eligibility Document: Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

Determination of Free-flowing Condition: The Mosby Canal diversion in the Blanchett Park area of the Upper Dry Fork Creek segment and the sink areas lower stream flow to less than 20 percent. If the sinks were not present, flow rates would qualify the creek as free flowing. Since the sinks are a natural feature, the Forest interdisciplinary team classified the creek as free flowing.

Summary of Outstandingly Remarkable Values (ORV):
Geologic/Hydrologic– Lower Dry Fork flows through a glacial outwash bottom with alluvial-colluvial side slopes. Many debris deposits occur along the drainage bottom. The outwash is predominantly quartzite of the Uinta Mountain group, but limestone colluvial, and debris also occur. The slope wash has built terraces and side valley fans which stand well above the glacial outwash. Flash floods carry sediment into the stream channel, and gullies have resulted where vegetation has been removed by fire and heavy summer storms. High intensity summer storms are common in this segment. Over 200 feet of alluvium and outwash near the canyon mouth has filled and broadened the Dry Fork Canyon bottom. The eastern canyons lack this fill and are much narrower than Dry Fork. Lower Dry Fork only flows after a large underground karst system is filled, and flows only through the month of June in most years. Water is diverted into the Mosby Cannel below Upper Dry Fork and reduces the duration of flows in Lower Dry Fork. Flows in this segment are dependent on spring melt and recharged karst systems. Much of the water entering the karst system flows underground to the Ashley Creek Drainage.
Note: The Geologic/Hydrologic Value is the only value rated “High” that extends beyond the National Forest boundary on to land administered by the Bureau of Land Management.

Wildlife– This area is important summer range and travel corridor for a variety of wildlife including deer. Mountain lions and bobcats prefer the steep rugged bedrock areas of the side tributaries and bears can be found along this segment. There is potential for bats in the limestone caves and outcrops, and a wide variety of birds occur. The corridor has diverse riparian vegetation. Flammulated owl habitat exists within the corridor, and bird population diversity is high.
Note: The Wildlife Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

Historic – There are old irrigation canals and remnants of a flume used in early timber harvesting activities. Historic gold mining activities and sheep use are evident throughout the segment.
Note: The Historic Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

Cultural Value – Culture resources are significant, with uses by archaic, Fremont and prehistoric peoples. Several important sites are found in the segment and are eligible for listing. Members of the Ute Tribe used the area during the 1940's and 1950's. Current use by Native Americans is known.
Note: The Cultural Value does not extend beyond the National Forest boundary on to land administered by the Bureau of Land Management.

CLASSIFICATION
Basis for the Classification of River: Recreational
Lower Dry Fork Creek is located adjacent to the heavily traveled Red Cloud Loop Scenic Backway (Forest Development 018). The Dry Fork Flume Interpretive Trail is located along portions of the watercourse.

SUITABILITY REPORT

Landownership and Land Uses – Land ownership is separated into the following segments. Mileages begin at the upstream point (mile 0) and move downstream (mile 7.35).

River Mile	Ownership	Acres
0 – 4.60	Ashley National Forest	1472
4.60 – 5.60	Private Land (Massey Ranch)	320
5.60 – 7.35	Bureau of Land Management	560
	Total	**2352**

Readers Note: The study area boundaries displayed in Appendix A, Suitability Evaluation Reports, do not represent actual Wild and Scenic River boundaries, but the area of interest for eligible river segments. It should be noted that of the eligible rivers studied, 14 of the 86 river segments appear to include portions of private land, at the end of segments near the National Forest boundary. These typically short river stretches (1/4 to 4 miles long) were included in the eligibility study as part of the river segment length because they brought the river segment to a logical terminus at a confluence with a larger stream, also contained the ORV's of the National Forest portion of the segment, or National Forest land was located within ¼ mile of these segments. These lengths are also included in the tables found in this suitability study. The magnitude of this effect is small, representing approximately 22 miles total over 14 segments, or less than 3 percent of the total mileage in the study. Prior to finalization of this EIS, the actual miles of river segments recommended for designation will be calculated and the maps redrawn to exclude the private lands outside of the National Forest ownership to avoid the appearance of including these private lands in recommended river segments.

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (http://www.co.uintah.ut.us/gis/Zoning%202005.pdf). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):
A. Forest product industries and buildings related thereto;
B. Oil and gas wells, mining and processing of minerals;
C. Gravel and rock quarries;

D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
E. Hot-road-mix plants on temporary basis for not more than six months;
F. Ski resorts, recreation camps and uses incidental to such uses;
G. Gas stations, cafes, resorts;
H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) http://www.co.uintah.ut.us/countycode/index.html

Mineral and Energy Resource Activities –Although there are no large past or active minerals or energy development activities located adjacent to this river segment, there are several existing mining claims in the general area (www.geocommunicator.gov). Based on the limited past development of these claims, and lack of obvious valuable mineralization, it is not expected that significant future minerals development will occur in this area, or that the existing claims would affect (or be affected by) possible designation of this river segment.

Water Resources Development – The Mosby Canal diversion in Blanchett Park and the sink areas lower stream flow to less than 20 percent. If the sinks were not present, flow rates would qualify the creek as free flowing. Since the sinks are a natural feature, the Forest interdisciplinary team classified the creek as free flowing. The karst system and sinks in this drainage make it a very poor candidate for water development.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah Basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. Any proposed projects are upstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

There are two potential water developments upstream of the proposed segments. They were identified in scoping comments from the Utah Div. of Water Resources: Blanchett Park Reservoir (T01S R18E Section 28, 72 ft height, 4,600 ac-ft capacity) This reservoir site is located on the main stem of Dry Fork Creek approximately 5 miles upstream of the Wild & Scenic river section. Although a larger reservoir could be filled, topography limits the practical size of the reservoir. The second is East Cottonwood Blanchett Park Reservoir (T02S R19E Section 26, 70 ft high, 3,000 ac-ft capacity). This reservoir would be located on Dry Fork Creek at the south end of Brownie Canyon, east of Charley's Park. The reservoir would be used for flood control and summer irrigation storage.

There are BOR withdrawn lands downstream from the studied segment.

Transportation, Facilities, and Other Developments – Lower Dry Fork Creek is located adjacent to the heavily traveled Red Cloud Loop Scenic Backway (Forest Development Road 018). The Dry Fork Flume Interpretive Trail is located along portions of the watercourse.

Grazing Activities – A portion of the Lake Fork Mountain allotment is within this segment, which permits 276 cow/calf pairs from June 16 – September 29.

Recreation Activities – Hunting, dispersed camping, mountain biking, and hiking are the main recreation activities during late spring to late fall months. Some kayaking and canoeing occurs in portions of the creek for about a 30 to 40 day period during early spring runoff (class 3 and 4 experience level). Snowmobiling along the scenic backway is a popular activity during winter months. Most recreationists are from the local area.

Other Resource Activities – Timber harvest has occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor.

Special Designations – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the majority of the segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas in the segment.
- (e) Wildlife habitat emphasis. Includes portions of summer and winter ranges, calving and fawning areas or Threatened and Endangered Species Habitat. The riparian objective is to allow activity only to protect and improve wildlife habitat. This prescription applies to some areas on the north side of the river corridor.

Approximately 3.3 miles of this segment are within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone. This same area is set aside and managed as the Vernal municipal watershed

A portion of this river corridor is within the Vernal municipal watershed, and the Surface Water Protection Zone for Ashley Spring (Vernal municipal watershed).

Inventoried roadless areas are on both sides of the Red Cloud Loop Scenic Backway, which parallels this segment.

Socio-Economic Environment – Some of the downstream communities in Uintah County include Dry Fork, Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley Valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation

lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (http://duchesne.net/demo/)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism (http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

Current Administration and Funding Needs if Designated – The segment is administered primarily by the USFS. One section of the segment is private and another is administered by the BLM.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average $200,000 per plan for 86 segments, which would cost approximately $17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be $200,000; a moderate complexity river would be $50,000; and a low complexity river at $25,000. Using an average of complexity costs, it would cost the Forest Service around $7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

SUITABILITY FACTOR ASSESSMENT:

(1) **The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

(2) **The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

(3) **Support or opposition to designation.**

Comments received during the eligibility study

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkably values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

Comments received during scoping for the suitability study
Three comment letters specifically mentioned Lower Dry Fork; all were opposed to designation. The reasons given included lack of year-round flow, presence of private land along part of the segment, inconsistencies with BLM Wild and Scenic River studies (which did not find the BLM portion of this segment to be eligible), and the need to actively manage the river to provide water for human use and prevent damage to private property. The State of Utah also identified two potential reservoir projects that could be affected, both of which appear to be above the eligible segment. (Note: the State also mentioned three potential reservoir sites in connection with South Fork of Ashley Creek, which are actually located in the Dry Fork watershed. The State may have meant to include these in its comments on Lower Dry Fork. All appear to be above the eligible segment).

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, and the Vernal Municipal Watershed.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield .

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec.2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water

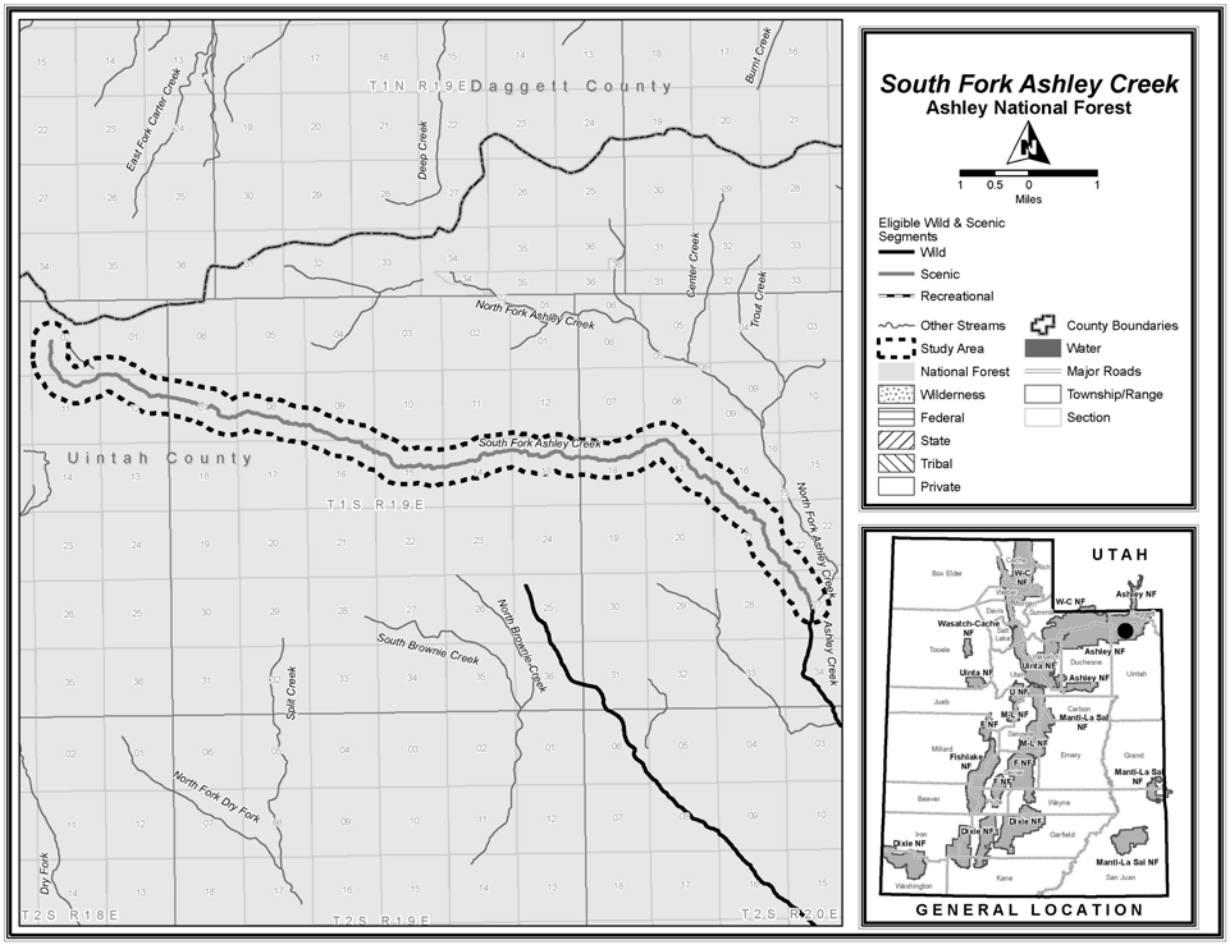
contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.

- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

(5) **Contribution to river system or basin integrity**.
This majority of this segment is on National Forest System Lands, with the last few miles on private and lands administered by the BLM. Designation could provide a comprehensive and holistic protection strategy between the Ashley National Forest, private ownership, BLM, other cooperating agencies, and public groups.

(6) **Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**
There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

South Fork Ashley Creek
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: South Fork Ashley Creek

River Mileage:
Studied: 14.53 miles from headwaters in Lakeshore Basin to the junction with North Fork Ashley Creek.
Eligible: Same

Location:

South Fork Ashley Creek	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District 1	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	SE ¼ NW ¼ Sect. 2, T 1 S, R 18 E, SLM	NE ¼ SW ¼ Sect. 27, T 1 S, R 20 E. SLM	Scenic	14.53

Physical Description of River:
The headwaters of South Fork Ashley Creek consist of glacial valley bottoms in a glaciated basin with hummocky ground moraine that contains lakes, meadows, and streams. Lakeshore Basin is part of the upper headwaters of this segment and is a highly scenic backcountry area. The stream flows through open meadows before entering the main Ashley Creek. Lush areas of riparian areas exist in the lower part of the segment as it passes through Horseshoe and Hicks Parks.

ELIGIBILITY

Name and Date of Eligibility Document: Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

Determination of Free-flowing Condition: There are no diversions or impoundments in this segment.

Summary of Outstandingly Remarkable Values (ORV):
Scenic - Lakeshore Basin is part of the upper headwaters of this segment and is a highly scenic backcountry area. Forested slopes, glaciated cirques and basins, lateral moraines, rock outcrops, steep escarpments, alpine meadow, and small lakes are located adjacent to this beautiful stream. Spruce, fir, other conifer stands, and ground vegetation provide scenic contrast with the ridges, meadows, lakes and streams in the watercourse corridor. Outstanding views of Leidy and Marsh Peaks exist along the watercourse corridor. Lush areas of riparian areas exist in the lower part of the segment as it passes through Horseshoe and Hicks Parks. Vegetative color changes occur during spring and early summer flower bloom, and during the fall as the leaves change color in small stands of aspen and riparian vegetation.

Geologic/Hydrologic – South Fork Ashley Creek is located in a glaciated valley. Meadows occur along the drainage in the lower portion of the segment. These meadows have not been glaciated; rather they are filled in lakebeds from glacial melt. Shale outcrops of the Uinta Mountain Quartzite occur at the head of the drainage, and considerable cutting and erosion is taking place. Uinta Mountain Quartzite underlies the broad tree covered drainages. In addition to the mainstream channels through the canyon bottoms, there are numerous areas of underflow with short intermittent channels. The gross shape of the landform was probably formed during Browns Park time with minor modifications, such as the formation of the stone streams during the ice age. This area was not glaciated, but large ice sheets did cover much of the area. Meadows are dominant features in areas where they formed behind bedrock constrictions, and in areas where former lakes were filled in following melting of ice sheets. These meadows are extremely wet and boggy all or most of the year and have perched water tables. Runoff is high and disturbed soils are deposited in stream channels by overland flows during summer thunderstorms and late spring snowmelt periods. Headcuts and gullies are localized near stream channels where livestock grazing and watering have been excessive. The dominant process occurring in these meadows is a slow buildup of organic material, leaching of iron from the Uinta Mountain quartzite, and slow lateral migration of the stream channels with accompanying bank caving. These areas are snowbound by early November and sometimes earlier. Diverse glaciated features exist within the watercourse corridor, i.e., Lake Wilde, other alpine lakes, unaltered streams, lateral moraines, scour, hummocky frost boreal, landslides, and a fault at the head of Lakeshore Basin. The watercourse corridor is classified as a “reference condition” for the stream type.

Wildlife Value – This segment provides high value summer range for deer, elk and moose. The corridor of the watercourse also traverses through potential lynx habitat. There is a high potential for amphibians in the numerous potholes geologic/hydrologic features within the watercourse corridor. In addition, Pine

Martins are abundant in this drainage and Northern Goshawks frequent the corridor during summer months.

CLASSIFICATION

Basis for the Classification of River: Scenic

The Red Cloud Loop Scenic Backway (Forest Development Road 018) and several undeveloped trails cross and parallel the middle portion of the segment. Forest Development Trail 026 parallels the watercourse for most of its length. Areas adjacent to Horseshoe and Hicks Parks have been part of timber sale programs for the Vernal District in both recent and past years.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

River Mile	Ownership	Acres
0 – 14.53	Ashley National Forest	4649.6

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (http://www.co.uintah.ut.us/gis/Zoning%202005.pdf). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):

A. Forest product industries and buildings related thereto;
B. Oil and gas wells, mining and processing of minerals;
C. Gravel and rock quarries;
D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
E. Hot-road-mix plants on temporary basis for not more than six months;
F. Ski resorts, recreation camps and uses incidental to such uses;
G. Gas stations, cafes, resorts;
H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) http://www.co.uintah.ut.us/countycode/index.html

Mineral and Energy Resource Activities – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment (www.geocommunicator.gov). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

Water Resources Development – There are no diversions, impoundments or channel modifications on this segment. Water developments within the watershed include dams on Ashley Twin and Goose Lakes that are upstream of the segment. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

The Utah State Water Plan for the Uintah Basin (1999) identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

There are four proposed water development projects in the Utah State Water Plan for the Uintah Basin in the vicinity of the eligible Scenic river segments. Three of the proposed projects are upstream or downstream of the studied segment, and are not expected to alter (or be altered by) potential Wild and Scenic designation. The fourth is located on the studied segment.

Four potential water developments were identified in scoping comments from the Utah Div. of Water Resources:

Dry Fork Twins Reservoir (T01S R18E Section 22, 49 ft high, 3,200 ac-ft capacity). Located on the Twin Lake Fork of Dry Fork Creek. The U.S. Natural Resources Conservation Service conducted a geologic investigation of this site and cost estimate for the dam in 1965.

Harmston Park (T01S R18E Section 23, 67 ft.high, 2,220 ac-ft capacity). This site is located near the Twin Lakes Fork of Dry Fork Creek, approximately 0.5 mile upstream from existing Dry Fork Twin Lakes and 1.0 mile down stream from proposed Reynolds Lake Reservoir. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.

Reynolds Lake Reservoir (T01S R18E Section 24, 48 ft. high 1,000 ac-ft capacity). This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.

Trout Creek Reservoir (T01S R19E Section 13, 116 ft.high, 14,400 ac-ft). This is on the South Fork Ashley Creek Wild and Scenic River segment. Proposed in a 1975 study and revisited in 1988 by Bingham Engineering for the Dry Fork/Ashley Creek Flood Control Project, this reservoir would attenuate springtime flooding by storing high flows from Trout Creek and the North Fork of Ashley Creek. The reservoir would also retain water for the late summer irrigation demands for a portion of 17,000 acres of cropland. Located 25 miles northwest of Vernal at the confluence of the two creeks, the reservoir was originally proposed at a 25,000 ac-ft capacity by the Soil Conservation Service.

Transportation, Facilities, and Other Developments – The Red Cloud Loop Scenic Backway (Forest Development Road 018) and several undeveloped trails cross and parallel the middle portion of the segment. Forest Development Trail 026 parallels the watercourse for most of its length.

Grazing Activities – The South Fork of Ashley Creek borders the Taylor Mountain allotment and includes portions of the Black Canyon allotment. The majority of use would be from the Black Canyon allotment, which permits 405 cow/calf pairs from June 16 – October 15.

Recreation Activities – Backpacking and recreation stock use occurs in the non-motorized Lakeshore Basin area of the segment. Horseshoe and Hick Parks provides a setting for dispersed camping along portions of the creek. These large open meadows areas receive moderate to heavy fishing pressure, with most use near the crossing of the Red Cloud Loop Scenic Byway (FDR 018). Use of this area is also heavy during the deer and elk hunting season. The season of use is from late June to mid-October for the dispersed recreation uses. The surrounding area also receives some snowmobile use during winter month. Snowmobilers access the area from trailheads located in both Dry Fork Canyon and on the Flaming Gorge/Uintas National Scenic Byway (US Highway 191). Most recreationists are from the local area.

Other Resource Activities – Timber harvest has occurred in this watershed and could potentially occur in the future. No harvest would be expected along the river corridor. Areas adjacent to Horseshoe and Hicks Parks have been part of timber sale programs for the Vernal District in both recent and past years.

Special Designations – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the upper half of this segment.
- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription applies to the lower half of the segment.
- (a) Research Natural Areas (RNA). These are areas of minimal management impacts. Various representative ecosystems are to be maintained for future research use. This prescription applies to the Sims Peak Potholes Research Natural Area (RNA), which overlaps with the ½ mile river corridor on the south side. This RNA was established for its representative subalpine fir/grouseberry (*Abies lasiocarpa/Vaccinium scoparium*) forest type, along with its kettle lakes and ponds, bogs, marshes, and wet meadows.

Approximately 6.3 miles of this segment are within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone.

The majority of this segment (except for 1.5 miles near the Red Cloud Loop) falls within inventoried roadless areas.

Socio-Economic Environment – Some of the downstream communities in Uintah County include Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (http://duchesne.net/demo/)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term

outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism (http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

Current Administration and Funding Needs if Designated – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average $200,000 per plan for 86 segments, which would cost approximately $17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be $200,000; a moderate complexity river would be $50,000; and a low complexity river at $25,000. Using an average of complexity costs, it would cost the Forest Service around $7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

SUITABILITY FACTOR ASSESSMENT:

(1) **The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

(2) **The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah county, which includes a portion of East Fork Whiterocks, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

(3) **Support or opposition to designation.**

Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkably values are available.

Comments received during the eligibility study:

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

Comments received during scoping for the suitability study:
Letters in support of designation were received from a local land owner and two non-profit organizations. These letters cited its scenic qualities and contribution to river system/basin integrity as reasons it should be considered suitable. One letter also expressed concern that any new reservoir construction on Ashley Creek would negatively affect recharge of the aquifer underlying Ashley Valley, and supported designation as a means of preventing further development.

Letters from the Uintah Water Conservancy District (UWCD) and a group of Ashley valley residents expressed opposition to designation. These letters cited the need for irrigation, municipal and industrial water and risk to private property if the river is not properly managed as reasons it should not be considered suitable. The State of Utah and UWCD also identified a potential reservoir site at Trout Creek, on the eligible segment. (Three other potential reservoir sites were mentioned in the State's letter as affecting the South Fork of Ashley Creek. However, all three are in the Dry Fork watershed and were perhaps intended as comments on the Lower Dry Fork segment).

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, the Vernal Municipal Watershed, and the Sims Peak Potholes Research Natural Area.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.
- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield .

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec.2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.

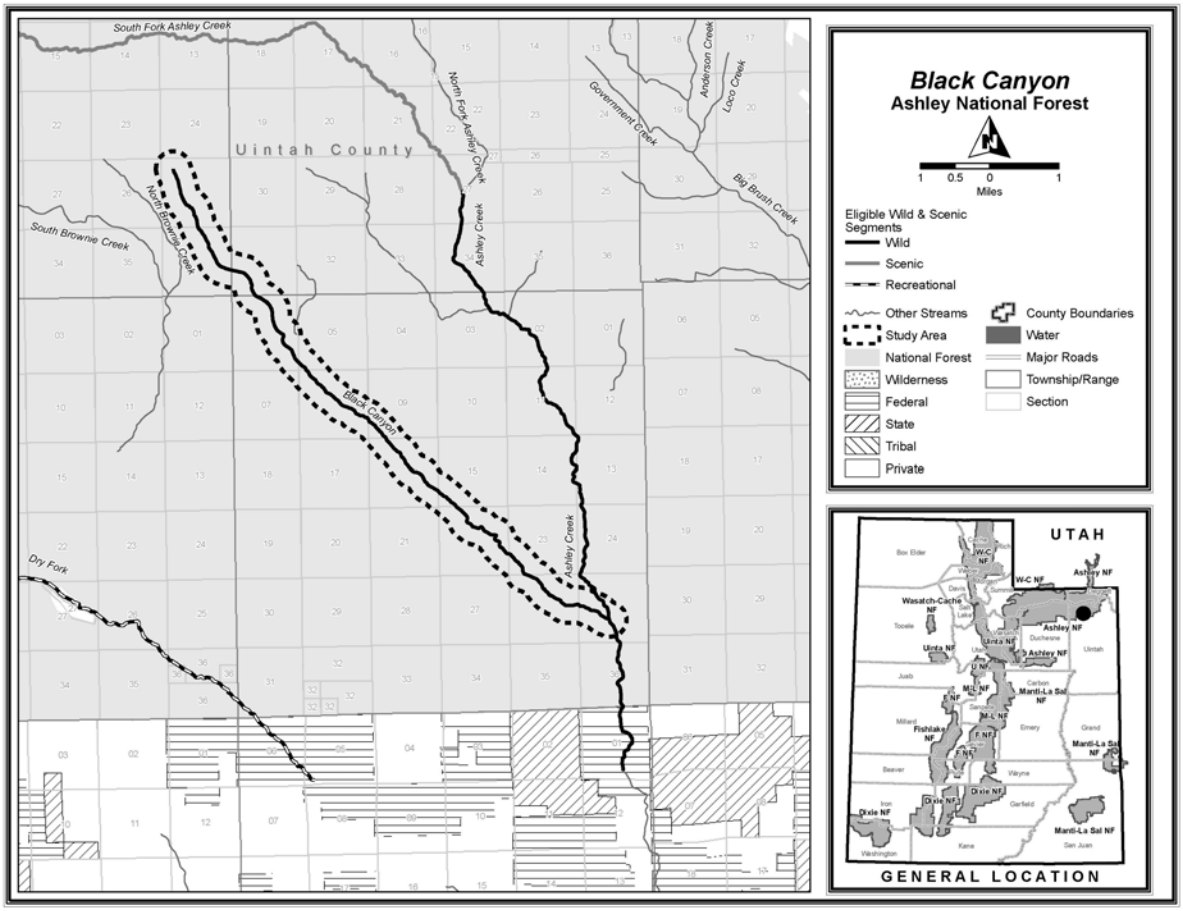
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

(5) **Contribution to river system or basin integrity**.
The proposed segment includes the majority of the South Fork Ashley watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition the basin integrity of the larger watershed area could be improved by considering Ashley Gorge, Black Canyon, and South Fork Ashley Creek together.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

(6) **Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**
There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.

Black Canyon River
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Black Canyon

River Mileage:

Studied: 9.86 miles, from the upper end of Frenches Park to the confluence with Ashley Gorge Creek.

Eligible: Same

Location:

Black Canyon	Ashley National Forest, Vernal Ranger District, Uintah County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NW ¼ Sect. 25, T 1 S., R 19 E., SLM	NE ¼ SW ¼ Sect. 25, T 2 S., R 20 E., SLM	Wild	9.86

Physical Description of River: The headwaters of Black Canyon are on a mid elevation plateau with weakly dissected drainages and moderate grade channels. The segment descends through moderately dissected slopes. The segment eventually reaches a deeply incised gorge in the lower end before entering the main Ashley Creek drainage. There are small meandering streams in the bottom, but they are not actively cutting or gulling at present. There are many sections that are intermittently dry, due to water entering or sinking in the underlying karst limestone system.

ELIGIBILITY

Name and Date of Eligibility Document: Final Eligibility of Wild & Scenic Rivers - Ashley National Forest USDA Forest Service July 2005

Determination of Free-flowing Condition: There are no diversions, channel modifications or impoundments in this segment. The sinks in the upper areas of the segment reduce stream flows. Since they are considered part of the natural stream environment, the Forest interdisciplinary team classified the segment as free flowing.

Summary of Outstandingly Remarkable Values (ORV):
Scenic– Black Canyon is located in both meadow and canyon environments, with lodgepole and aspen stands on adjacent side slopes. Black Canyon is a highly scenic canyon, with a combination of open meadows, forested side slopes, colorful rock outcrops and steep gorge-like canyons, and small stringers of riparian vegetation which provide striking diversity in the landscape. Numerous deciduous trees (aspen, maple, willow, etc.,) are located in the canyon bottom. The canyon area is relatively isolated and inaccessible.

Geologic/Hydrologic – Black Canyon begins on a nearly level plateau formed in the Bishop Conglomerate. It is an erosional surface that developed in a depositional environment prior to uplifting and down cutting of the Uinta Mountains. The colluviums of the Bishop Conglomerate overlay the lithology of other formations, including Mississippian limestones. The canyon bottoms are open and rounded at the weakly-dissected headwater area. There is little or no dissection of the side slopes, and few secondary tributaries exist.

There are small meandering streams in the bottom, but they are not actively cutting or gulling at present. There are many sections that are intermittently dry, due to water entering or sinking in the underlying karst limestones system. The lower portion of this segment consists of exceedingly steep canyon sides and vertical cliffs underlain by Weber Sandstones. The vertical nature of these slopes is caused by "jointing" in the Weber formation. In the process of down cutting the valleys, the stream also undercut the bottoms of the canyons, thus removing support from the overlying rocks. The already existing "joint sets" create natural planes of weakness for rocks to break and fall. Thus, the process of canyon formation is accompanied by frequent spectacular rock falls.

The jagged canyon sides of sandstone bedrock make access extremely limited. There are numerous boulders and down woody debris in the narrow canyon bottom, making access extremely difficult. These geological and natural features are important in a hydrologic sense, since they cause that any precipitation is rapidly discharged directly to the stream channel. Fossils can be found in various formations. The Bishop conglomerate over limestone has resulted in the karst system sinks system. There is a clear stratification of various sandstone and limestone formations exposed in canyon walls.

Wildlife – This area provides extremely important habitat for raptors, including Peregrine Falcon and Northern Goshawk. Bobcat, mountain lion and bear also inhabit the watershed corridor. The upper portion of the canyon supports heavy use by elk and deer.

CLASSIFICATION

Basis for the Classification of River: Wild
The Black Canyon area is relatively isolated and inaccessible. Logging roads are found in the upper headwaters of the segment, but are outside of the corridor of the watercourse.

SUITABILITY REPORT

This section provides an objective description of attributes of the river corridor and a subjective evaluation of "suitability factors."

Landownership and Land Uses – This segment is located entirely on the Ashley National Forest, Vernal Ranger District.

River Mile	Ownership	Acres
0 – 9.86	Ashley National Forest	3155.2

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining (http://www.co.uintah.ut.us/gis/Zoning%202005.pdf). The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. In general, this zone covers the mountainous portion of the unincorporated area of the county, and is characterized by naturalistic land areas, mountains canyons, and high grazing lands interspersed by ranches, recreational camps and resorts, outdoor recreational facilities, and mines and facilities related thereto. Natural and manmade lakes are also characteristic of this zone.

Conditional land uses that are permitted only when approved by the planning commission include (Uintah County code 17.64.030):
A. Forest product industries and buildings related thereto;
B. Oil and gas wells, mining and processing of minerals;
C. Gravel and rock quarries;
D. Reservoirs, dams, power plants, electric substations, oil and gas pipelines;
E. Hot-road-mix plants on temporary basis for not more than six months;
F. Ski resorts, recreation camps and uses incidental to such uses;
G. Gas stations, cafes, resorts;
H. Radio and television transmitter facilities.

Special provisions exist for construction near waterways and flood channels. No building shall be constructed within the boundaries of any natural waterway. Where buildings are to be constructed within seventy-five (75) feet of the exterior boundaries of the high water mark of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken, as determined by the board of county commissioners, to protect the building or structure from damage, due to floods, and so as not to increase the hazard to surrounding lands and buildings (Uintah County code 17.64.060) http://www.co.uintah.ut.us/countycode/index.html

Mineral and Energy Resource Activities – There are no large past or currently active minerals or energy development activities, mining claims, or minerals leases located adjacent to this river segment

(www.geocommunicator.gov). Based on the underlying geology, and lack of past minerals and energy development, little if any future mineral or energy extraction activities would be expected.

Water Resources Development – There are no diversions, impoundments or channel modifications on this segment. No future water developments are known or expected at this time.

The Utah State Water Plan for the Uintah Basin (1999), identifies a shortage of irrigation water that generally occurs during July and August due to inadequate reservoir storage in the Uintah basin. The recommendation of this report is that storage reservoirs should be constructed on the Yellowstone River (near Altonah), Uinta River (near Neola) and Whiterocks River (near Whiterocks), as well as upper and lower Ashley Creek (Utah State Water Plan – Uintah Basin – 1999, pages 10-6 and 13-8). The report also recommends bank stabilization along Dry Fork (near Maeser). Bank stabilization, rebuilding old meander bends, and larger bridges were also recommended along Ashley Creek.

No proposed water development projects in the Utah State Water Plan for the Uintah Basin are proposed on eligible Wild and Scenic river segments. All of these proposed projects are downstream of the Ashley National Forest, and are not expected to alter (or be altered by) potential Wild and Scenic designation. Designation into the Wild and Scenic river system does not affect existing, valid water rights.

Transportation, Facilities, and Other Developments – Black Canyon is relatively isolated and inaccessible. Logging roads are found in the upper headwaters of the segment, but are outside of the corridor of the watercourse.

Grazing Activities – The Black Canyon allotment is within this segment, which permits 405 cow/calf pairs from June 16 – October 15. The majority of use occurs in the upper two miles of the segment, downstream the canyon becomes too confined, rugged and remote.

Recreation Activities – The segment receives light recreation use in the form of hiking, horseback riding, hunting, and some fishing. Most recreationists are from the local area.

Other Resource Activities – Timber harvest has occurred in this watershed, but only in the upper headwaters, because of the rugged and inaccessible nature of the lower canyon. Any future harvesting would also occur in the upper watershed, with no direct harvest expected along the river corridor.

Special Designations – The Ashley National Forest Land and Resource Management Plan (1986) identifies the following management prescriptions for this area:

- (n) Range of resource uses and outputs. Commodity production modified for amenity production. Resource protection as needed outside of NRA. The riparian objective is to maintain and restore. This management prescription encompasses the majority of the segment.
- (f) Dispersed Recreation Roaded. Areas receiving a variety of uses in a variety of landforms and vegetation types located throughout the Forest in a roaded environment. The riparian objective is to maintain. Control as needed to protect streambank stability, minimize sedimentation, prevent compaction and maintain visuals. This management prescription applies to some scattered areas in the segment.
- (g) Undeveloped dispersed recreation – unroaded. These areas are characterized by a variety of timbered and non-timbered lands between mid and high elevations. The riparian objective is to protect. This prescription applies to the area near the confluence with Ashley Creek.

All of this segment falls within the Ashley Spring (Vernal City) Drinking Water Source Protection Zone. A portion of this same area is set aside and managed as the Vernal municipal watershed.

Except for the first mile, the remaining 9 miles of this segment are completely within an inventoried roadless area.

Socio-Economic Environment – Some of the downstream communities in Uintah County include Maeser, Naples and Vernal. Vernal is the largest community in the basin with an estimated population of 7, 577 (2007 estimate). The Ashley Valley is set in a picturesque rural environment, where traditional land uses such as agriculture, timber harvest and grazing have been important over time.

The economy in the Uintah Basin relies largely on agriculture, industry, traditional land uses, and tourism. Oil and gas, manufacturing, and construction are important growth industries. In recent years, oil and gas activities have increased dramatically. Oil and gas operations are evident in many areas, consisting of well sites, gathering lines and distribution sites. The Uintah and Ouray Indian Reservation lies within and adjacent to the county boundaries, which provides an important social and economic context to the Uintah Basin (http://duchesne.net/demo/)

The Uintah Basin has been affected by the boom and bust cycles related to the oil and gas industry over the years, but in spite of these cycles the population and economy are expected to grow. The long term outlook for the economy in the Uintah Basin is positive, with growth in oil and gas, minerals, and tourism (http://www.water.utah.gov/planning/SWP/Unitah/swp_ub02.pdf).

Travel and tourism in the area is generally related to the abundant outdoor opportunities, including motorized and non-motorized recreation, camping, hunting, fishing, Dinosaur National Monument etc.

Current Administration and Funding Needs if Designated – The current administering agency is the USFS.

The following information is based on 2001 data, which doesn't account for inflation over the past six years, but is the best available data. If a river is designated as Wild, Scenic, or Recreational, the actual cost of preparing the comprehensive river management plan would average $200,000 per plan for 86 segments, which would cost approximately $17.2 million the first two to three years following designation. It was estimated that annual management costs for a high complexity river would be $200,000; a moderate complexity river would be $50,000; and a low complexity river at $25,000. Using an average of complexity costs, it would cost the Forest Service around $7.8 million annually for 86 segments. (Estimated Costs of Wild and Scenic Rivers Program - V. 091104)

SUITABILITY FACTOR ASSESSMENT:

(1) **The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs, should it be proposed for inclusion in the National System.**

The State of Utah has not shown interest or disinterest in the designation of these segments. Local county officials do not support Wild and Scenic designation, and would not share in the costs.

(2) **The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands. Include any local zoning and/or land use controls that appear to conflict with protection of river values.**

In Uintah County, National Forest System Lands are zoned as RFM-Recreation, Forestry and Mining. The RFM zone has been established as a district in which the primary use of the land is for recreation, forestry, grazing, wildlife and mining purposes. Wild and Scenic designation could be inconsistent with the stated uses of forestry, and mining. Designation could also be inconsistent with conditional land uses

in Uintah County, including oil and gas wells/pipelines, gravel and rock quarries, reservoirs, dams, and power plants. Designation could be consistent with the purposes of recreation, permitted grazing, and wildlife. In addition, designation would be consistent with special provisions that exist for construction near waterways and flood channels.

(3) **Support or opposition to designation.**
Comments received during the eligibility study
Uintah County officials, the Uintah County Water Conservancy District, and various members of the public were opposed to designation. Some reasons for opposition were potential effects to downstream water rights, potential effects to reservoir and canal system management, potential effects to future water developments, and that other means of protecting outstandingly remarkably values are available.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the public were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values, the prevention of further development or modification of river segments, the protection of river segments within inventoried roadless areas, and the protection of water quality within municipal watersheds.

Comments received during scoping for the suitability study
Letters supporting designation were received from several individuals and nonprofit organizations. These letters cited its wild character, contribution to river system/basin integrity, scenery, and wildlife habitat values as reasons it should be considered suitable. One letter also expressed concern that any new reservoir construction on the Ashley Creek system would negatively affect recharge of the aquifer underlying Ashley Valley, and supported designation as a means of preventing further development.

A letter from the Uintah Water Conservancy District opposed designation. This letter cited seasonally dry channels in some portions of the segment as a reason it should not be considered suitable for inclusion in the Wild and Scenic River System.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation would complement the existing direction in Forest management prescription areas, inventoried roadless areas, Drinking Water Source Protection Zones, and the Vernal Municipal Watershed.

As discussed in suitability factor (2), designation could be both inconsistent and consistent with county zoning ordinances. Uintah County's General Plan (2005 draft, obtained from the County web site) states that water quality and availability are necessary for continued growth and development, and contains policies to promote efficient management and use of water resources. With respect to Wild and Scenic River designation, the County's Public Lands Policy provides the following position statements:

- Special designations, such as wilderness, Areas of Critical Environmental Concern (ACEC), wild and scenic rivers, critical habitat, semi primitive and non-motorized travel, etc., result in single purpose or non-use and are detrimental to the area economy, life styles, culture, and heritage.
- Needed protections can be provided by well planned and managed development.
- No special designations should be proposed until it is determined and substantiated by verified scientific data, that there is a need for the designation, that protections can not be provided by other methods, and the area in question is truly unique when compared to other area lands.

- Designations must be made in accordance with the spirit and direction of the acts and regulations that created them.
- Designations that are not properly planned or managed are inconsistent with the mandates that public lands be managed for multiple use and sustained yield .

Uintah County also has a Public Lands Implementation Plan. It contains the following direction related to Wild and Scenic Rivers:

- WSR classifications must be appropriate and reflect the existing conditions and uses of bordering lands and the definitions contained in Sec.2(b)(1)(2)(3) of the Act.
- The County must be provided an opportunity to participate in the preservation and/or administration of any river proposed or designated in the WSR system (Sec. 5(c) of the Act). Such designations must be provided for protections of water rights and access to water contained in that right. No WSA [*sic*] may be designated that have the effect of reducing water rights or access to those rights.
- Boundaries or buffers for designated water courses shall not exceed 320 acres/mile measured from the ordinary high water mark [Sec. 3(b)] and 1/4 mile from the ordinary high water mark on each side of the river [Sec. 4(d), Sec. 8(b), Sec. 9(a)(iii)].
- In addition to the boundary limitation provided in the Wild and Scenic Rivers Act, Congress and the Department of Interior have found these limitations to be adequate on sections of the lower Green River where protection of scenic value was requested by them [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].
- Any protection applied to streams or rivers must provide that such protections will in no manner affect, impair, or limit the ability of holders of water rights to utilize their water rights. This is consistent with Department of Interior and congressional actions where similar protections were requested by them. [Cooperative Government to Government Agreement Concerning Transfer of Naval Oil Shale Reserve Number 2, Public Law 106-398 Sec. 3405 (2)(c)].

(5) **Contribution to river system or basin integrity**.
The proposed segment includes the majority of the Black Canyon watershed, which would offer good basin integrity and the opportunity to develop holistic protection strategies. In addition the basin integrity of the larger watershed area could be improved by considering Ashley Gorge, Black Canyon, and South Fork Ashley Creek together.

This entire segment is on National Forest System Lands, so the current proposal could not be expanded to other jurisdictions or ownerships.

(6) **Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment.**
There has not been a demonstrated interest or disinterest in public volunteers, partnerships or stewardship commitments.