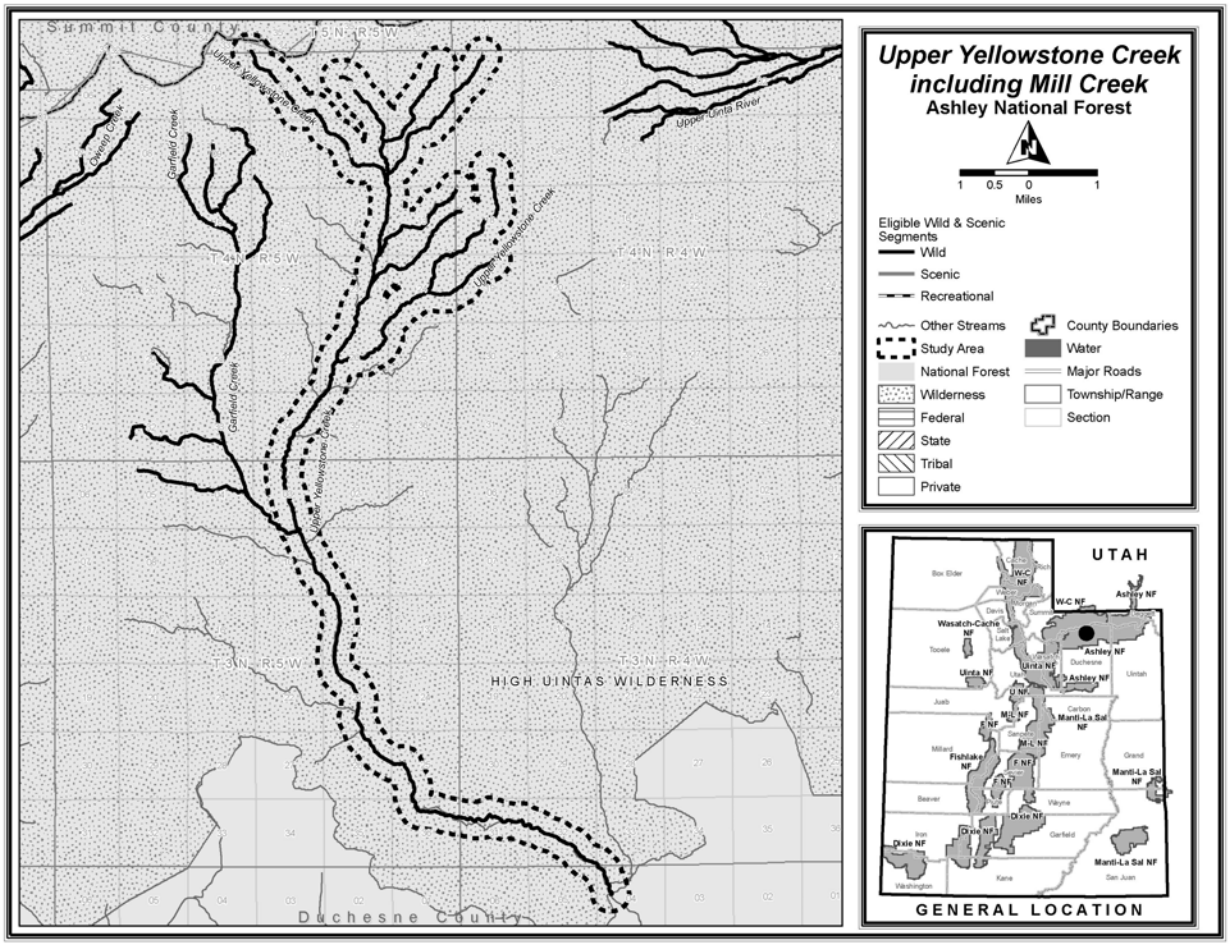
Upper Yellowstone Creek, including Milk Creek
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River:Upper Yellowstone Creek, including Milk Creek

River Mileage:

Studied: 33.46 miles from the headwaters to the southern boundary of the High Uintas Wilderness

Eligible: Same

Location:

	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TSR)	End(TSR)	Classification	Miles
Upper Yellowstone Creek	SE ¼ NW ¼ Sect. 2, T 4 N, R 5 W, USM	SW ¼ NW ¼ Sect. 4 T 2 N, R 4 W, USM	Wild	33.46

This segment extends from the headwaters along the crest of the Uinta Mountains at Smith's Fork Pass and Anderson Pass to the southern boundary of the High Uintas Wilderness – 33.46 miles.

These watercourses consist of several lakes, including Kings Lake south of Kings Peak and Milk Lake within the headwaters, and Upper Yellowstone Creek and adjacent intermittent and perennial tributaries.

Physical Description of River Segment:
The main drainages are characterized by a relatively broad glacial canyon bottom covered by a think veneer of hummocky ground moraine and outwash, and a few wet meadows, seeps and springs. In many places the segment flows over bedrock with gradients of 3 percent to15 percent. Watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring more than any other areas in the Uinta Mountains. There is not much sediment in the segment, except where shale outcrops exist. The streams flow through three landform features in this area; wet meadows in the swales, dry meadows on the hummocks, and conifer covered areas on the larger hummocks. The corridors of the segment contain most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consist predominantly of riparian features. The water table is close to the surface throughout most of the segment. Low gradient streams dominate this portion of the stream segment. These canyon areas are located below moderately steep to very steep glacial valley walls of lateral moraines. A few wet meadows, seeps and springs are located in the canyon areas.

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 forest interdisciplinary team determined there are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values. All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline.

Summary of Outstandingly Remarkable Values:
Scenic– There are outstanding scenic views of waterfalls and forested slopes along the stream corridors, along with alpine lakes, glaciated cirques and basin, and meadows in the upper headwaters. The Yellowstone's headwaters collect from the alpine cirques along the crest of the Uinta Mountains. The river then descends through one of the most picturesque basins in the Uintas. Small waterfalls and cascades abound – often following one after another like a staircase. Beaver dams form deep pools throughout the canyon. Wildflowers and lush riparian areas stretch along the length of the waterways. The highest point in Utah (Kings Peak) is located north of the headwaters of Yellowstone Creek. Seasonal variation in color is limited to the lower portion of the segment where large stands of Aspen and streamside riparian vegetation exist. Wildflowers provide variation in color in the higher basins and meadows during mid- and late summer months. The segment rated high in Diversity of View, Special Features, low in Seasonal Variations, with highly appropriate cultural modifications. It rated high overall with a regional scale of importance.

Geologic/Hydrologic– The main drainages are characterized by a relatively broad glacial canyon bottom covered by a think veneer of hummocky ground moraine and outwash, and a few wet meadows, seeps and springs. Throughout are thin hummocky ground moraines and outwash, with inner gorges cut deep into the underlying quartzite bedrock. In many places the segment flows over bedrock with gradients of 3 percent to15 percent. The segment rated high in Feature Abundance and Diversity of Features and moderate on educational/Scientific. Overall it rated high with a regional scale of significance.

Wildlife– The watercourses have a "high" rating for winter and summer range for mountain goat; and critical summer range for big horn sheep. Valuable summer range exists for deer, elk, and moose, as well as picas, ground squirrels and marmots in the upper end of the watercourses. There is a large population of beaver and a high potential for amphibians, ptarmigan, and moose in the mid-section of each watercourse. Bear frequent the lower portions of the drainage. Lincoln sparrows and song sparrows are also in the lower portions. There is potential goshawk habitat in the lower portions.

CLASSIFICATION

Basis for the Classification of River Segment: Wild

All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline (with the exception of Milk Lake). The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 33.46	Ashley National Forest	10707.2

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

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). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

Water Resources Development – There are no dams, diversions or channel modifications, except for a small dam and outlet structures on Milk Lake. As with various other dams in the High Uintas Wilderness, these structures provide additional water storage and controlled releases. As these segments are entirely within the High Uintas Wilderness Area, no new water developments are expected. There are no known Bureau of Reclamation withdrawn lands on these segments. 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.

In scoping comments, the Utah Div. of Water Resources identified three potential water developments below the studied segments:

Upper Yellowstone B, T02N R04W Section 10, 134 ft height, 6,440 ac-ft capacity. This on-stream dam site is located 1.5 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and would inundate the Pineview Campground.

Upper Yellowstone C, T02N R04W Section 15, 275 ft height, 61,350 ac-ft capacity. This on-stream dam site is located 0.75 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate both the Swift Creek and Riverview Campgrounds.

Upper Yellowstone E, T02N R04W Section 15, 330 ft height, 101,040 ac-ft capacity. This on-stream dam site is located 0.25 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,700 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate Swift Creek, Riverview and Reservoir Campgrounds.

Transportation, Facilities, and Other Developments – The well-known Highline Trail crosses the headwaters of Upper Yellowstone Creek. Wilderness trails cross and parallel Yellowstone Creek. Trail signs and foot bridges are located at various places on these trails.

Due to longer and more difficult road access to trailheads and longer stretches of trail, Yellowstone Creek is not as heavily used as other watercourses along the south slope of the Uinta Mountains. The main access points are Swift Creek Trailhead in Yellowstone Canyon at the terminus of Forest Development Road 124, and Center Park Trailhead on Forest Development Road 227 in Hells Canyon.

Grazing Activities – Upper Yellowstone Creek, from the wilderness boundary to the Swasey Hole Creek Confluence, is within the Yellowstone cattle allotment, which permits 234 cow/calf pairs from June 16 – September 25. The headwaters of Upper Yellowstone Creek, upstream of the confluence with Milk Creek are part of the Tungsten sheep allotment, which permits 1500 ewes from July 12 – September 6. The Tungsten sheep allotment is rotated on two year intervals with the Painter Basin sheep allotment (to the east in the headwaters of the Uinta River). Allotments are managed under allotment management plans and annual operating procedures.

Recreation Activities – Recreation related activities in the High Uintas Wilderness are the principal uses of this the watercourse corridors. Most visitors to Kings Peak access it from Henry's Fork on the North Slope, but horse packers frequently use Yellowstone Creek Trail (FDT 057) to travel to the peak.

The streams serve as the corridors for primitive trails to the lakes, basins and meadows in the headwaters of the segment. Most use is concentrated in these headwater areas and consists of backpacking, recreation stock use and dispersed camping.

Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months.

Other Resource Activities – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

Special Designations - These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, "designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people."

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

Socio-Economic Environment – The Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), "The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state."

Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest

community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local 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 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 of the county, 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 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.

(3) **Support or opposition to designation.**
Comments received during the eligibility study
Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

The High Uintas Preservation Council, the Uinta Mountain Club, the Utah Rivers Council, and various members of the publice were in support of designation. Some reasons in support of designation were the preservation of various outstandingly remarkable values and the prevention of further development and modification of river segments.

Comments received during scoping for the suitability study
Several letters specifically mentioned the Upper Yellowstone Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Garfield Creek in combination with Upper Yellowstone. Values cited included diverse and dramatic scenery, presence of native cutthroat trout populations, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Upper Yellowstone.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into Yellowstone Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. Some letters also described plans to stabilize five reservoirs that drain into this segment in the future, which might be more difficult if additional management restrictions were in place. They recommended that no designation be made until stabilization is completed and there is no possibility of water rights being affected. Furthermore, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Yellowstone Creek is already protected by wilderness management policies.

The State of Utah identified three potential reservoir sites on the Yellowstone River. All appear to be at least three miles below the Wilderness boundary and would not affect the Upper Yellowstone segment.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.

Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

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**.
These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Garfield Creek and Upper Yellowstone segments together.

(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.

This segment extends 17.26 miles from the from the Five Points Lake area to the confluence with Upper Yellowstone Creek. The segment consists of the tributary from Five Points Lake to Garfield Creek, the two tributaries located to the south of this tributary, and Garfield Creek.

Physical Description of River Segment:
The headwaters of Garfield Basin are located above tree line in a scoured cirque basin with ground moraine and drift. The watercourses enter a broad glacial valley basin consisting of hummocky ground moraine, and descend along the glacial valley bottom below tree-line containing lakes, ponds, wet depressions and forested knolls. The segments then enter a mid portion of the drainages, consisting of V-shaped valleys of moderately steep to very steep canyon sides slopes covered with a thin veneer of boulder glacial moraine. The segment continues descending to the main drainages. In the head of the drainages, streams flows over glacially scoured and drift deposited cirque basins in the Uinta Mountain group. Watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring more than any other areas in the Uinta Mountains. There are areas of glacially polished bedrock. In most areas, the till is very thin, but it can be quite thick where glaciers have scoured out pockets. There is not much sediment in the segments, except where shale outcrops exist. There are numerous small lakes in the upper areas, with bedrock lips from the glaciation. A few wet meadows, seeps and springs are located in the canyon areas. Throughout most of the length, streams have cut a gorge in the quartzite bedrock beneath the drift. However, there are locations where the streams are still flowing through the till, and others where they are flowing over bedrock.

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: Diversion and Channel Modifications—The segment is free from channel modifications and structures. The natural stream flow of the river is unimpaired. The segment is free-flowing. There are sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values.

Summary of Outstandingly Remarkable Values:
Cultural Value – There are prehistoric sites (archaic, Fremont and late prehistoric) in the upper lakes region of Garfield Creek, rating high in significance, number of cultures, site integrity, education/interpretation, and listing/eligibility, with a low rating in current uses. Overall rating is high with a Regional scale of importance.

CLASSIFICATION
Basis for the Classification of River Segment: Wild
This segment is essentially primitive with little or no evidence of human activity and there are no roads in the area. The well-known Highline Trail crosses the headwaters of Garfield Creek. Wilderness trails cross and parallel the Creek. Trail signs and foot bridges are located at various places on these trails.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 17.26	Ashley National Forest	5523.2

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

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 these river segments (www.geocommunicator.gov). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

Water Resources Development – Bluebell, Drift, Five Point, and Superior lakes have dams and outlet structures in the Garfield Basin area, the segment begins below these structures. Currently, these structures provide additional water storage and controlled releases to downstream water users. The dams are managed by Moon Lake Water Association under US Forest Service permit. However, all four of these lakes are part of the High Lakes stabilization project and will be stabilized in coming years. Stabilization of these dams will restore a stable lake level and natural flows. The water storage capacity of these lakes will be transferred downstream to Big Sand Wash reservoir. The segment between Superior Lake and Five Points Lake is a canal, and was removed from the eligible segment. As this segment is entirely within the High Uintas Wilderness Area, no new water developments are expected. There are known Bureau of Reclamation withdrawn lands on this segment for the Bonneville Unit of the Central Utah Project.

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.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are 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 – The well-known Highline Trail crosses the headwaters of Garfield Creek. Wilderness trails cross and parallel Yellowstone Creek. Trail signs and foot bridges are located at various places on these trails.

Due to longer and more difficult road access to trailheads and longer stretches of trail, Garfield Creek is not as heavily used as other watercourses along the south slope of the Uinta Mountains. The main access points are Swift Creek Trailhead in Yellowstone Canyon at the terminus of Forest Development Road 124, and Center Park Trailhead on Forest Development Road 227 in Hells Canyon.

Grazing Activities – The upper half of Garfield basin, above Doll and Superior lakes, is within the Tungsten sheep allotment, which permits 1500 ewes from July 12 – September 6. The Tungsten sheep allotment is rotated on two year intervals with the Painter Basin sheep allotment (to the east in the

headwaters of the Uinta River). Allotments are managed under allotment management plans and annual operating procedures.

Recreation Activities – Recreation related activities in the High Uintas Wilderness are the principal uses of these watercourse corridors. The streams serve as the corridors for primitive trails to the lakes, basins and meadows in the headwaters of the segment. Most use is concentrated in these headwater areas and consists of backpacking, recreation stock use and dispersed camping. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months.

Other Resource Activities – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

Special Designations - These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, "designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people."

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

Socio-Economic Environment – Some of the downstream communities in Duchesne County include Mountain Home, Talmage, Altonah, Altamont, Boneta, Mt. Emmons, Upalco, Bluebell, Cedar View Neola, and Roosevelt. The largest community in the county is Roosevelt, with an estimated population of 4,333 in 2007. These local 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 Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), "The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state."

The economy 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 of the county, 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 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.

(3) **Support or opposition to designation.**
Comments received during the eligibility study
Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

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 and the prevention of further development and modification of river segments.

Comments received during scoping for the suitability study
Several letters specifically mentioned Garfield Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Garfield Creek in combination with Upper Yellowstone. Values cited included diverse and dramatic scenery, presence of native cutthroat trout populations, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Garfield Creek.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on operation of existing reservoirs that drain into Garfield Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. Some letters also described plans to stabilize these reservoirs in the future, which might be more difficult if additional management restrictions were in place. They recommended that no designation be made until stabilization is completed and there is no possibility of water rights being affected. Furthermore, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Garfield Creek is already protected by wilderness management policies.

The State of Utah identified three potential reservoir sites on the Yellowstone River. All appear to be at least three miles below the Wilderness boundary and would not affect the Upper Yellowstone or Garfield Creek segments.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

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.

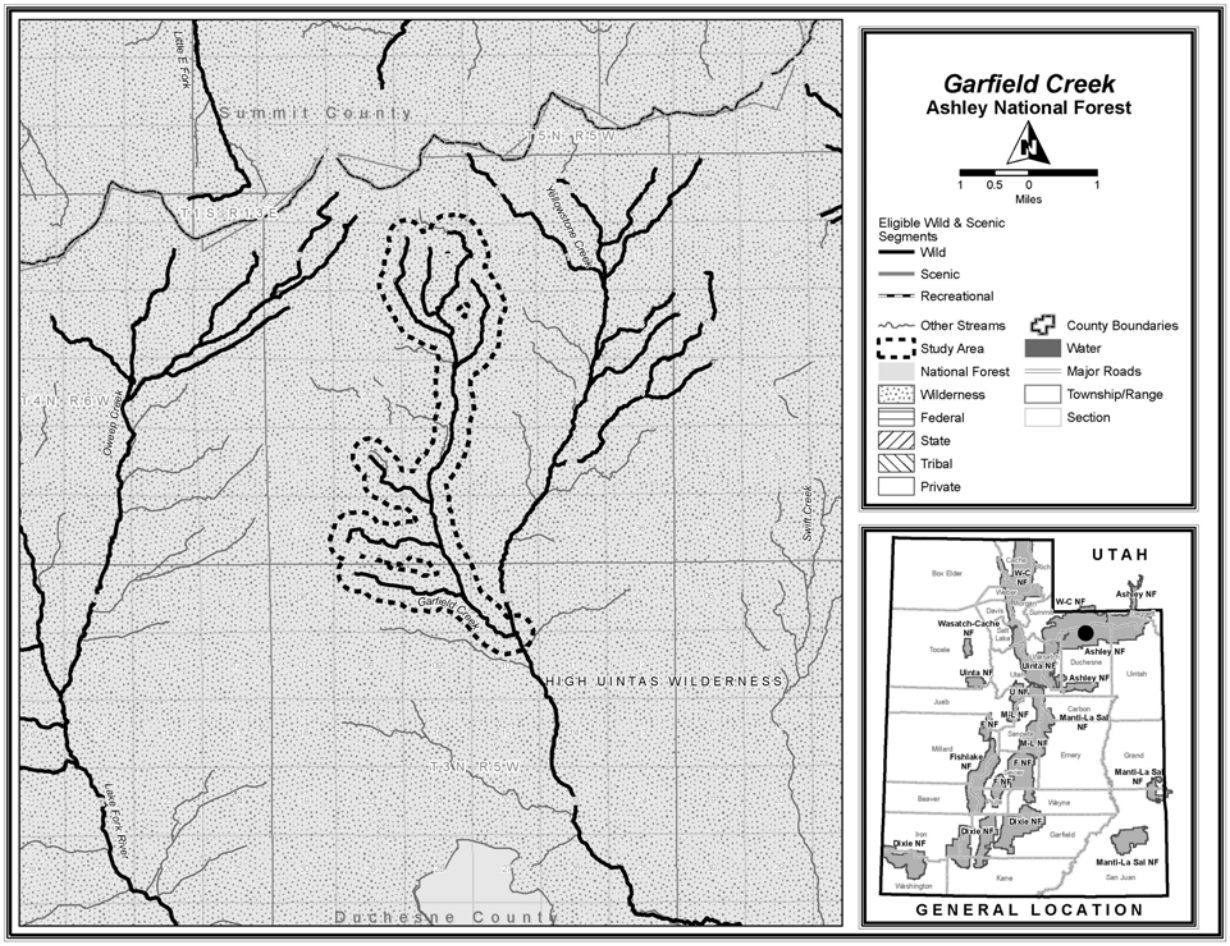
With respect to Wild and Scenic Rivers, County support will be withheld until:

- 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**.
These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Garfield Creek and Upper Yellowstone segments together.

(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.

Garfield Creek
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Garfield Creek
River Mileage:

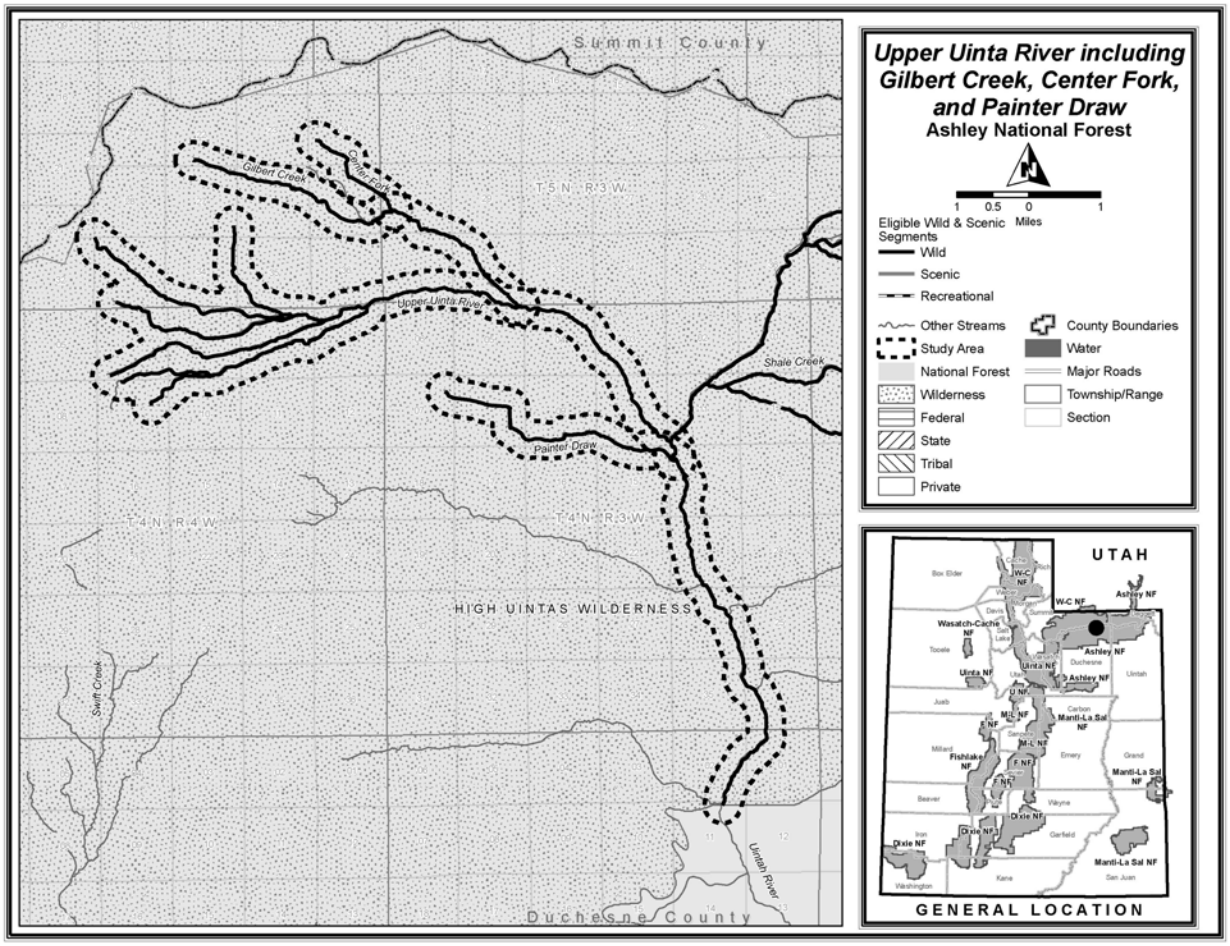
Studied: 17.26 miles, this segment starts below the lakes and reservoirs within the Five Points Lake area downstream to the confluence with Upper Yellowstone Creek.

Eligible: Same

Location:

Garfield Creek	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 9 T 4 N, R 5 W, USM	NW ¼ NE ¼ Sect. 10 T 3 N, R 5 W, USM	Wild	17.26

Upper Uinta River, including Gilbert Creek, Center Fork and Painter Draw
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Upper Uinta River, including Gilbert Creek, Center Fork and Painter Draw

River Mileage:
Studied: 39.87 miles
Eligible: Same

Location:

Upper Uinta River	Ashley National Forest, Roosevelt/Duchesne Ranger Districts, Duchesne County, Utah		Congressional District UT-2	
	Start (TWR)	End (TWR)	Classification	Miles
Segment 1	SW ¼ SW ¼ Sect. 28 T 5 N, R 4 W, USM	NW ¼ NE ¼ Sect. 11 T 3 N, R 3 W, USM	Wild	39.87

This segment extends 39.87 miles from the headwaters along the crest of the High Uinta Mountains to the Uinta River crossing at the southern boundary of the High Uintas Wilderness. The segment consists of the numerous lakes along the divide, Gilbert Creek, Center Fork, the lakes in Painter Draw, the Upper Uinta River, and adjacent intermittent and perennial tributaries.

Physical Description of River Segment:
Upper Uinta River and its tributaries, including Gilbert Creek, Center Fork and Painter Draw have their headwaters above tree line in a scoured cirque basin with ground moraine and drift. The watercourses enter a broad glacial valley basin along a glacial valley bottom consisting of hummocky ground moraine. As the watercourses descend below tree line, they pass by or through lakes, ponds, wet depressions and forested knolls. The segment then enters a mid portion of the drainage consisting of a V-shaped valley of moderately steep to very steep canyon side slopes that are covered with a thin veneer of boulder glacial moraine. They enter the main drainage, which is characterized by a relatively broad glacial canyon bottom covered by a thick veneer of hummocky ground moraine and outwash, and scattered wet meadows, seeps and springs. In many places this segment flows over bedrock with gradients of 3 percent to 15 percent. The unit contains most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consists predominantly of riparian features. The water table is close to the surface throughout most of the unit. Low gradient streams dominate this portion of the stream segments.

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 sufficient flows in the watercourses throughout the year to maintain the outstandingly remarkable values of “Geologic/Hydrologic” and “Wildlife” values.

Summary of Outstandingly Remarkable Values:
Geologic/Hydrologic –The watercourses are located on the floor of the higher cirques, and have been affected by glacial scouring. There are areas of glacially polished bedrock. In most areas, the till is very thin, but it can be quite thick where glaciers have scoured out pockets. There is not much sediment in this segment, except where there are shale outcrops. There are numerous small lakes in the upper area, with bedrock lips from the glaciations. The broad glaciated basins below tree line occur in hummocky ground moraine along the glacial valley bottoms that exhibit a well-developed drainage pattern. The streams flow through three landform features in this area: wet meadows in the swales, dry meadows on the hummocks, and conifer-covered areas on the larger hummocks. The unit contains most of the larger glacial lakes and wet meadows in the Uinta Mountains, and consists predominantly of riparian features.

The V-shaped canyons at mid elevation have many benches with bedrock outcrops of the Uinta Mountain quartzite. Frost action is active along the stream courses where the low cohesion and steep stream gradients have combined to form the V-shaped valley. The coarse material eroded from these slopes is deposited in the wider glacial bottom below. The wider canyon bottom below the above-described steep V-shaped canyon is characterized by thin veneer of hummocky ground moraine and outwash, which is located below moderately steep to very steep glacial valley walls of lateral moraines. Wet meadows, seeps and springs are located in the wide canyon bottom. Throughout much of the length, the streams have cut a gorge in the quartzite bedrock beneath the drift. However, there are locations where the streams are still flowing through the till, and others where they are flowing over bedrock.

Wildlife – The watercourses have a "high" rating for winter range for mountain goat; and critical summer range for mountain goat and sheep, deer, elk, moose, beaver, raptors, grouse, and pine martin. Picas, ground squirrels, and marmots are also found in this high elevation area.
Bear are found in the lower portion. Lincoln sparrow and song sparrows are also in the lower portion, and there is potential goshawk habitat in the lower portion.

CLASSIFICATION
Basis for the Classification of River Segment: Wild
All segments of this watercourse are in a designated Wilderness area and have no modifications of the waterway or shoreline. The segments are generally inaccessible except by trail and essentially primitive with little or no sign of human activity. Developments are limited to trails, trail signs and foot bridges.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 39.87	Ashley National Forest	12758.4

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

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 these river segments (www.geocommunicator.gov). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

Water Resources Development – There are no existing water developments (dams, diversions or channel modifications) on these segments. As these segments are entirely within the High Uintas Wilderness Area, no future water developments are expected. Lake Atwood reservoir is not on any of these eligible segments, but Atwood Creek drains into the Upper Uinta River about 3 miles upstream from the wilderness boundary. Upper and Lower Chain Lake reservoirs drain down Krebs Creek to the mainstem Uintah River, but the confluence is at the lower boundary of the eligible segment.

There are Bureau of Reclamation withdrawn lands along the Uinta River corridor that extend approximately 4.5 upstream of the wilderness boundary.

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. The Central Utah Water

Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of "potential reservoirs that could be considered" was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. However, a withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, overlapping the bottom 4.6 miles (approx.) of the eligible segment.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are 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.

Grazing Activities – The headwaters of the Uinta River, in the Painter Basin, are part of the Painter Basin sheep allotment, which permits 1200 ewe/lamb pairs from July 12 – September 6. The Painter Basin sheep allotment is rotated on two year intervals with the Tungsten sheep allotment (to the west in the headwaters of Yellowstone Creek). Allotments are managed under allotment management plans and annual operating procedures.

Transportation, Facilities, and Other Developments – The Uinta Canyon Trailhead near U-Bar Ranch provides access to the trails leading to the Upper Uinta River. Forest development trails (FDTs), including the High Line Trail cross the upper headwaters of the segment. FDT 044 and 043 are within the corridors of Upper Uinta River.

Recreation Activities – Uses in the wilderness portion of this watershed are similar or the same as those occurring in the North Fork of the Duchesne River, Rock Creek, Upper Lake Fork River, and Yellowstone Creek. Wilderness recreation related activities annually attract hundreds of visitors. Areas of concentration exist around the perimeter of the lakes in the headwaters, while the stream corridors receive light to moderate use as part of trail access to lake areas. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months. Deer and elk hunting occur in the lower portions of the segment. The season of use for the segment is about four to five months, from late June to mid-October.

Other Resource Activities – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

Special Designations - These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, "designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people."

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

Socio-Economic Environment – Downstream communities in the Uintah Basin include both Duchesne and Uintah counties. Roosevelt and Vernal are the largest communities in the Uintah Basin with populations of 4,333 and 7, 577 respectively (2007 estimates). The smaller, surrounding 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 Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), "The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state."

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 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.

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

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

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 and the prevention of further development and modification of river segments.

Comments received during scoping for the suitability study
Several letters specifically mentioned the Upper Uinta River as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Shale Creek in combination with the Upper Uinta. Values cited included diverse and dramatic glacial scenery, wildlife habitat, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Upper Uinta.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into the Uinta River. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. The Duchesne County Water Conservancy District and Dry Gulch Irrigation Company also stated that Ditch Bill easements have been issued in relation to Fox and Crescent Reservoirs, which they believe should have affected the eligibility finding. Although this comment was made in reference to the Upper Uinta River, both of those reservoirs are actually on Shale Creek which is a separate eligible segment.

The Central Utah Water Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of "potential reservoirs that could be considered" was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. However, a withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, overlapping the bottom 4.6 miles (approx.) of the eligible segment.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts were concerned about the potential for additional management restrictions to impede high lakes stabilization work in general. Although no reservoirs have been targeted for stabilization in the Uinta River drainage at this time, new proposals may developed as part of ongoing work in the Uinta Basin.

Finally, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Upper Uinta River is already protected by wilderness management policies.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

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.

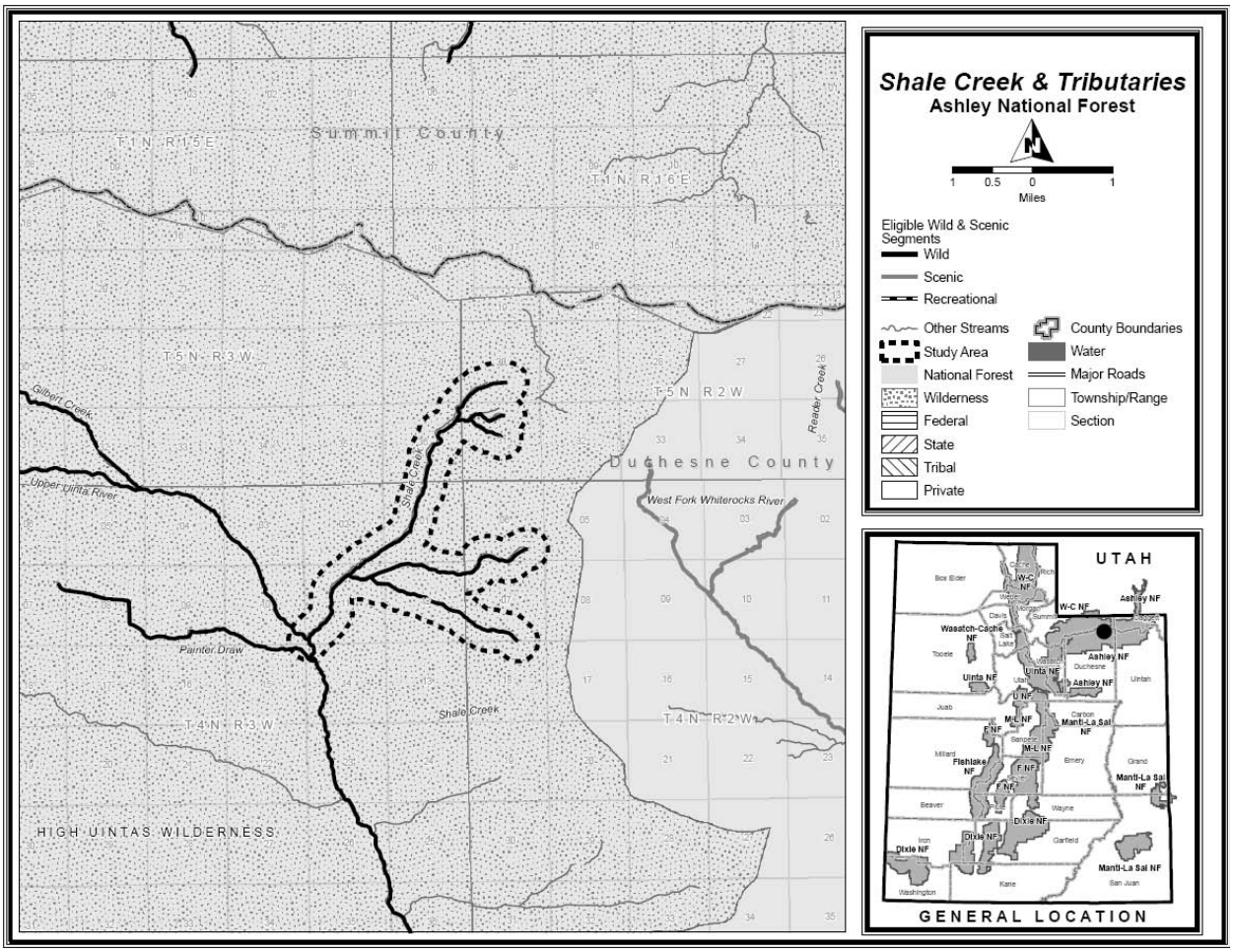
With respect to Wild and Scenic Rivers, County support will be withheld until:

- 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**.
These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Upper Uinta River and Shale Creek segments together.

(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.

Shale Creek and Tributaries
Suitability Evaluation Report (SER)



STUDY AREA SUMMARY

Name of River: Shale Creek and tributaries

River Mileage:

Studied: 10 miles, from below Fox and Crescent Reservoirs to the confluence with the Upper Uinta River

Eligible: Same

Location:

Shale Creek and Tributaries	Ashley National Forest, Duchesne Ranger District, Duchesne County, Utah		Congressional District UT-2	
	Start (TRS)	End (TRS)	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 31, T 5 N, R 2 W, USM	SW ¼ SW ¼ Sect. 11, T 4 N, R 3 W, USM	Wild	10

Segment extends 10 miles from the outlets of Fox and Crescent Reservoirs to the confluence with Upper Uinta River. Fox and Crescent Reservoirs, surrounding smaller lakes, glaciated cirques, basins and meadows within the headwaters, and Shale Creek and adjacent intermittent and perennial streams are included in this segment.

Physical Description of River Segment:
The watercourses enter a broad glacial valley basin along a glacial valley bottom consisting of hummocky ground moraine. As the watercourses descend below tree line, they pass by or through lakes, ponds, wet depressions and forested knolls. The segment then enters a mid portion of the drainage consisting of a V-shaped valley of moderately steep to very steep canyon side slopes that are covered with a thin veneer of boulder glacial moraine. The streams flow over glacially scoured and drift deposited cirque basins in the Uinta Mountain group in the head of the 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: There are sufficient flows in the watercourses throughout the year to maintain the historic and cultural outstandingly remarkable values.

Summary of Outstandingly Remarkable Values:
Historic –Historic themes include water supply systems, forest management, dispersed recreation and hunting. The historic Fox and Crescent Reservoirs and Dams are located in the upper headwaters of this watercourse.
Cultural – There are large numbers of prehistoric sites (archaic, Fremont and late prehistoric) in the upper area of Shale Creek and several professional archeological publications exist for this area.

CLASSIFICATION

Basis for the Classification of River Segment: Wild
This segment is essentially primitive with little or no evidence of human activity and there are no roads in the area. River is not accessible by road. The High Line Trail (Forest Development Trail 025) crosses the upper headwaters of the segment. These water developments are located upstream of the segment.

SUITABILITY REPORT

Landownership and Land Uses – This segment is located on the Ashley National Forest, Roosevelt/Duchesne Ranger District, and is entirely within the High Uintas Wilderness Area.

River Mile	Ownership	Acres
0 – 10	Ashley National Forest	3900.8

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

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 these river segments (www.geocommunicator.gov). Because this river segment is located entirely within the High Uintas Wilderness, where minerals and energy development activities are prohibited, no future mineral or energy extraction activities would be expected.

Water Resources Development – Dams and outlet structures exist on Fox and Crescent Lakes which are upstream of the segment. As with various other dams in the High Uintas Wilderness, these structures provide additional water storage and controlled releases. The dams are managed by Dry Gulch Irrigation Co. under US Forest Service permit. As these segments are entirely within the High Uintas Wilderness Area, no new water developments are expected. Fox and Crescent Lakes are not a part of the High Lakes Stabilization Project, and will continue to store and release water. There are no known Bureau of Reclamation withdrawn lands on these segments.

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.

None of these proposed water development projects in the Utah State Water Plan for the Uintah Basin are 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 – The Uinta Canyon Trailhead near U-Bar Ranch provides access to the trails leading to Shale Creek. The High Line Trail (Forest Development Trail 025) crosses the upper headwaters of the segment. Many visitors use the West Forks Whiterocks Trailhead and Trail (FDR 047) in the adjacent Whiterocks River Watershed to access Fox Lake and Shale Creek.

Grazing Activities – There are no permitted grazing allotments on these segments.

Recreation Activities – Uses in the wilderness portion of this watershed are similar or the same as those occurring in the North Fork of the Duchesne River, Rock Creek, Upper Lake Fork River, and Yellowstone Creek. Wilderness recreation related activities annually attract hundreds of visitors. Areas of concentration exist around the perimeter of the lakes in the headwaters, while the stream corridors receive light to moderate use as part of trail access to lake areas. Camping and fishing are the primary recreation activities in the corridors, with moderate to heavy use through the spring, summer and fall months. Deer and elk hunting occur in the lower portions of the segment. The season of use for the segment is about four to five months, from late June to mid-October.

Other Resource Activities – As these segments are within designated wilderness, no additional resource activities such as timber harvest are planned in the area.

Special Designations - These segments are entirely within the High Uintas Wilderness Area, which was created by the Utah Wilderness Act of 1984. The establishing legislation for the High Uintas Wilderness Area specified that the purpose was to, "designate certain national forest system lands in Utah as components of the National Wilderness Preservation System in order to preserve the wilderness character

of the land and to protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people."

The specific management direction for the High Uintas Wilderness was developed as amendments to the 1985 Wasatch-Cache and 1986 Ashley National Forest Plans through an EIS completed in 1997. This amendment directs land managers to maintain a wilderness where ecosystems are influenced primarily by the forces of nature, provide diverse opportunities for public use, enjoyment and understanding of wilderness, and preserve a high quality wilderness resource for present and future generations. The overall management goals for the High Uintas Wilderness are to:

Wilderness:	Manage the wilderness in accordance with the Wilderness Act of 1964 and the Utah Wilderness Act of 1984. Allow ecosystems to function naturally.
Air:	Protect air quality to wilderness standards.
Water and Soil:	Protect soil and water resources. Allow development, protection, and monitoring of water resources as provided for in Title III of the Utah Wilderness Act.
Wildlife and Fish habitats:	Allow natural processes to shape terrestrial and aquatic habitats. Cooperate with Utah DWR in managing fish and wildlife resources. (FSM 2323.3)
Vegetation:	Protect the wilderness resource while allowing established livestock grazing to continue, including maintenance of improvements and predator control, as provided for in Title III of the Utah Wilderness Act. Allow fire to play, as nearly as possible, its natural role in maintaining wilderness values and natural processes.
Recreation:	Manage recreation to sustain the wilderness resource.
Minerals:	Protect the wilderness resource by limiting mineral development and exploration activities to that necessary to exercise valid existing rights.

The Uinta Shale Creek RNA, established in 1996 encompasses the southern tributaries to Shale Creek. Direction for RNAs is to allow natural processes to occur, with little or no management intervention.

Socio-Economic Environment – Downstream communities in the Uintah Basin include both Duchesne and Uintah counties. Roosevelt and Vernal are the largest communities in the Uintah Basin with populations of 4,333 and 7, 577 respectively (2007 estimates). The smaller, surrounding 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 Duchesne County General Plan (1997, amended 1998 and 2005) identifies the importance of water resources to downstream communities. The plan the infrastructure and communities of Duchesne County are dependent on water that flows to them from watersheds located on public lands. The rivers and streams flowing from these watersheds supply water for municipal, industrial, livestock, irrigation, and recreation use. As set forth in Utah Code 63-38d-401 (5) (c), "The waters of the state are the property of the citizens of the state, subject to appropriation for beneficial use, and are essential to the future prosperity of the state and the quality of life within the state."

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.

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

Comments received during the eligibility study

Duchesne County officials, the Duchesne Water Conservancy District, the Ute Indian Tribe, and various members of the public were opposed to designation. Some reasons for opposition to designation were that these segments are already protected by the High Uintas Wilderness, potential effects to water rights and management of reservoirs, human structures and development should preclude rivers from being classified as free flowing, and interference with grazing, hunting, and fishing rights.

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 and the prevention of further development and modification of river segments.

Comments received during scoping for the suitability study

Several letters specifically mentioned Shale Creek as worthy of designation. These letters were submitted by one individual and several non-profit groups, and all discussed Shale Creek in combination with the Upper Uinta. Values cited included diverse and dramatic glacial scenery, wildlife habitat, contributions to river system or basin integrity, and recreational values. In addition, some letters were received that recommended all eligible segments within the High Uintas Wilderness be found suitable. This would include Shale Creek.

Water users, water conservancy districts, the State of Utah and the Central Utah Project Completion Act office raised concerns about the effect of designation on management of existing reservoirs that drain into Shale Creek. One concern is that designation would result in a year-round flow requirement, which would negatively impact holders of existing water rights. The Duchesne County Water Conservancy District and Dry Gulch Irrigation Company also stated that Ditch Bill easements have been issued in relation to Fox and Crescent Lakes, which they believe should have affected the eligibility finding. Although this comment was made in reference to the Upper Uinta River, both of those reservoirs are actually on Shale Creek. Some letters also commented on stream sections between Fox and Crescent Lakes, and above Fox Lake, describing them as intermittent and/or carrying very little water - therefore not appropriate for further study.

The Central Utah Water Conservancy District submitted a Water Development Prospectus identifying the Uinta River Basin as having good potential for future water developments. A map of “potential reservoirs that could be considered” was submitted with their comment letter, showing various proposals below the Forest Service boundary and one that appears to be just above the USFS boundary. All sites are several miles or more outside the Wilderness, and do not overlap with the eligible segment. A withdrawal on the Uinta River encompasses the potential Forest Service reservoir site and extends into the Wilderness, but does not extend as far as the confluence with Shale Creek.

The State of Utah, Central Utah Project Completion Act office, and various water users and water conservancy districts were concerned about the potential for additional management restrictions to impede high lakes stabilization work in general. Although no reservoirs have been targeted for stabilization in the Uinta River drainage at this time, new proposals may developed as part of ongoing work in the Uinta Basin.

Finally, some of these letters stated that there is no need for additional protection through Wild and Scenic River designation since Shale Creek is already protected by wilderness management policies.

(4) **The consistency of designation with other agency plans, programs or policies and in meeting regional objectives**.
Designation may conflict with some elements of downstream zoning and land use, but would be completely consistent with the management direction in the High Uintas Wilderness. Since these segments are within the Wilderness boundary, designation is not expected to impede other socioeconomic goals downstream, or change the existing situation.

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**.
These segments are entirely within the High Uintas Wilderness Area, so designation would provide additional but similar protection. Basin integrity and ability to develop holistic protection strategies are excellent, given the existing management direction in wilderness. Basin integrity could also be improved by considering the Shale Creek and Upper Uinta River segments together.

(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.