

## CHAPTER 6. WILD AND SCENIC RIVERS

### Introduction

The National Wild and Scenic Rivers Act of 1968 (PL 90-542:16 USC 1271-1287, as amended) is designed to preserve certain rivers and streams with outstanding natural, heritage, or recreational features in a free-flowing condition for the enjoyment of present and future generations. There is one designated National Wild and Scenic River in Colorado, the Cache la Poudre.

Although there are other political means to establish wild and scenic rivers, the primary process is through studies by federal land management agencies, which then present recommendations to Congress. This study process requires two steps before a river can be included in the National Wild and Scenic Rivers System (NWSRS). The first is an evaluation of a river's *eligibility* for further study. This evaluation considers the area within one-quarter mile of the high water marks on both sides of a river, and other features outside this corridor if their inclusion is essential for the protection of the river's *outstandingly remarkable values*. To be eligible for further study a river must be free-flowing and have at least one outstandingly remarkable value.

The wild and Scenic Rivers Act defines "free-flowing" as existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the NWSRS does not automatically disqualify it for designation, but future construction of such structures is not allowed. The guidelines state, "the fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria."

To the extent that the Forest Service is authorized under law to control stream impoundments and diversions, the free-flowing characteristics of the study river cannot be modified by new structures that were not part of conditions when eligibility was determined.

The second step is a *suitability* evaluation for rivers identified as eligible for further study. The suitability evaluation considers possible inclusion of the river in the NWSRS in terms of social and economic values, effects on other resources, and effects on private lands and other uses of the area. The administration may recommend suitable rivers to Congress for inclusion in the system. When Congress "designates" a river for inclusion, a final boundary for the corridor is established and a management plan is developed.

Landownership within designated boundaries is often a combination of federal, state, and private lands. If designated, federal agencies are not required to acquire any private land and indeed are not authorized to acquire more than 100 acres per mile of river of private land within a designated river corridor. Moreover, recreational, agricultural, and residential uses may continue. Recreation users are cautioned to be aware of and respect private property rights. Existing water rights and existing jurisdiction of states and the

United States over waters as determined by established principles of law are not affected by designation.

The Federal Energy Regulatory Commission is prohibited from licensing projects that lie on or that directly affect designated rivers. Other federal agencies cannot assist by loan, grant, license, or otherwise in the construction of any water resources projects (such as dams, water diversions, channelization, and rip-rapping) that would have a direct and adverse effect on river values.

Regardless of classification, rivers in the NWSRS often are referred to simply as “wild and scenic.” It is important to note that the specific legal classification of a particular river – as wild, scenic, or recreational – has a direct effect on how it is administered and whether certain activities on federally owned land are permissible. Whatever the classification, each designated river is administered with the goal of non-degradation and enhancement of the values that led to its designation.

All rivers on the Forest were evaluated for their eligibility for further study. If a river is found eligible, it will be managed under the appropriate wild, scenic, or recreational management area standards and guidelines to protect those values that made it eligible and the characteristics that established its potential classification. The second phase of river study, suitability, will be initiated when:

- Strong local interest or support is demonstrated for wild and scenic river designation, and
- Congress expresses interest in a specific river for wild and scenic river designation, or
- A proposed project would alter the free-flowing character of a stream, such as by impoundment, or would affect the resources that made the stream eligible.

## Eligibility

To be eligible for designation, a river must be free-flowing and possess one or more Outstandingly Remarkable Value(s) (ORVs). Thus, the eligibility analysis consists of an examination of the river’s hydrology, including any man-made alterations, and an inventory of its natural, cultural and recreational resources.

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare or exemplary feature that is significant at a comparative regional or national scale. Dictionary definitions of the words “unique” and “rare” indicate that such a value would be one that is a conspicuous example from among a number of similar values that are themselves uncommon or extraordinary. Only one such value is needed for eligibility.

The area, region or scale of comparison is not fixed, and is defined as that which serves as a basis for meaningful comparative analysis; it varies depending on the value being considered. The “region” used in this evaluation is defined on the scale of the state of Colorado, for recreation and historic values, a physiographic unit for geologic and scenic values, an ecoregion for fish and wildlife values, a context of the Colorado River Basin

for prehistoric values and the Geographic Area for other locally identified values. These values are further defined in the following section.

While the spectrum of resources to be considered is broad, all values ought to be directly river-related. That is, they should:

- 1) Be located in the river or on its immediate shorelands (generally within 1/4 mile on either side of the river);
- 2) Contribute substantially to the functioning of the river ecosystem; and/or
- 3) Owe their location or existence to the presence of the river.

The following criteria were used to evaluate outstandingly remarkable values (ORVs) within the Grand Mesa Uncompahgre National Forest. Each criterion was evaluated against a specific region of comparison as noted below.

- 1) **Scenery:** The landscape elements of landform, vegetation, water, color and related factors result in notable or exemplary visual features and/or attractions as compared to similar scenic values within the *appropriate Ecological Section, M331G, M331H or M331I; – the South Central Highlands, Northern Parks and Ranges or the Northern Parks and Ranges Sections (respectively) of the Southern Rocky Mountain Steppe Province and Section 341B, Northern Canyon Lands of the Intermountain Semi-Desert and Desert Province. (See Table 1)*. When analyzing scenic values, additional factors—such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed—may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.
- 2) **Recreation:** Recreational opportunities are, or have the potential to be, popular enough to attract visitors *from throughout or beyond the State of Colorado* or are unique or rare within *Western Slope Region of Colorado*. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, and photography, hiking, fishing, hunting and boating.

Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison.

The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.

- 3) **Geology:** The river, or the area within the river corridor, contains one or more example of a geologic feature, process or phenomenon that is unique or rare within the *appropriate Ecological Section within the Southern Rocky Mountain Province and the Intermountain Semi-Desert and desert Province. (See Table 1)*. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial or other geologic structures).

- 4) **Fish:** Fish values will be evaluated within the *appropriate Ecological Section within the Southern Rocky Mountain Province and the Intermountain Semi-Desert and desert Province (See Table 1)*. Fish values may be judged on the relative merits of fish populations, habitat, or a combination of these river-related conditions.

*Populations:* The river is nationally or regionally an important producer of resident and/or anadromous fish species (e.g. Blue or Red Ribbon status). Of particular significance is the presence of wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. *Consideration should be given to the number of listed or sensitive species present (diversity) and/or the uniqueness of the populations (e.g. genetic purity, presence of rare life history stages – adfluvial forms that migrate from streams to lakes or reservoirs for part of their life cycle, etc.) when determining “outstandingly remarkable.”*

*Habitat:* The river provides exceptionally high quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or federal or state listed (or candidate) threatened, endangered or sensitive species. *Give consideration to aquatic ecosystems that are largely “in tact” with minimal anthropogenic influences or rare/unique habitats within the region.* Diversity of habitats is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

- 5) **Wildlife:** Wildlife values will be evaluated within the *appropriate Ecological Section within the Southern Rocky Mountain Province and the Intermountain Semi-Desert and desert Province (See Table 1)*. Wildlife values will be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat or a combination of these conditions.

*Populations:* The river, or area within the river corridor, contains nationally or regionally important (economically or rare) populations of indigenous wildlife species. Of particular significance are species considered to be unique, and/or populations of federal or state listed or proposed threatened, endangered species and *may include sensitive species whose population may be essential for the viability of that species.* Diversity of species is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

*Habitat:* The river, or area within the river corridor, provides exceptionally high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions (such as an essential migration route) for federal or state listed or proposed threatened and endangered species. *Consideration should be given to those species whose habitat is essential for the eventual recovery of the species.* Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important

consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

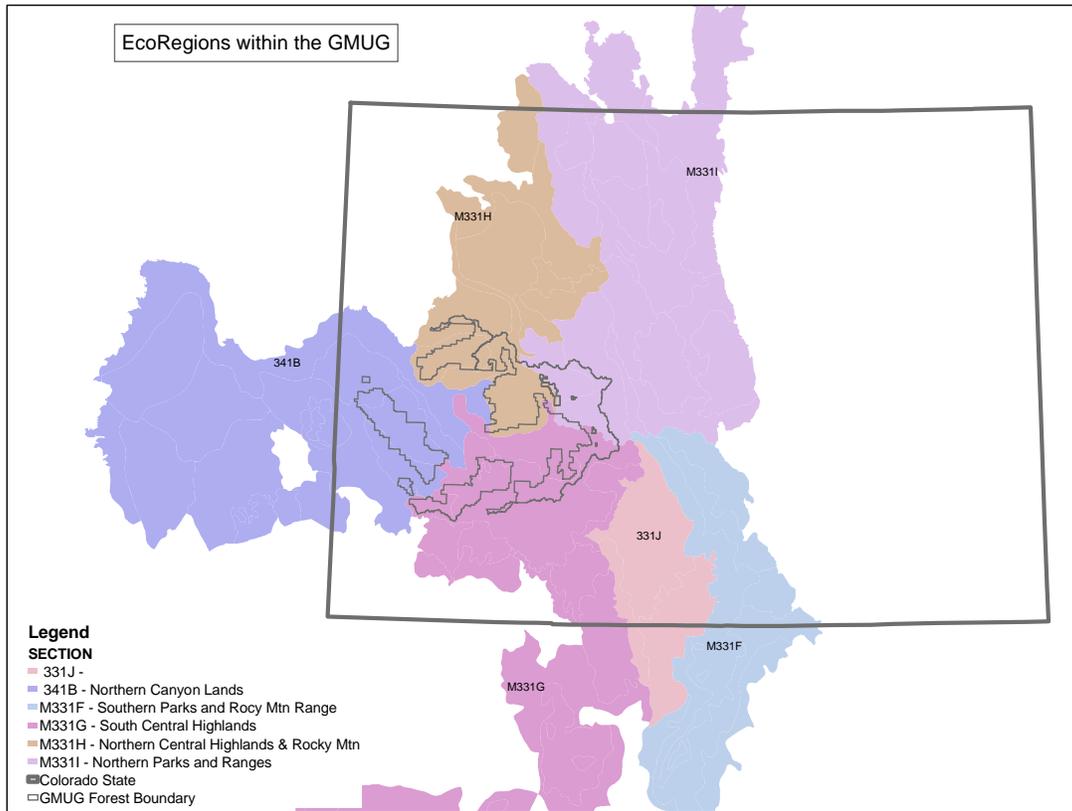
- 6) **Prehistory:** The river, or area within the river corridor, contains a site(s) where there is evidence of occupation or use by Native Americans. Sites must have unique or rare characteristics or exceptional human-interest value(s). Sites may have importance for interpreting prehistory within the region defined in *A Context for the Northern Colorado River Basin* or *A Context for the Southern Colorado River Basin*; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; and/or may have been used by cultural groups for rare sacred purposes. Many such sites are listed on the National Register of Historic Places, which is administered by the NPS.
- 7) **History:** The river or area within the river corridor contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or unique within the *State of Colorado*. Consideration should be given to the historic importance to attract visitors and historians from throughout or beyond the *State of Colorado*. Many such sites are listed on the National Register of Historic Places. A historic site(s) and/or features(s) is 50 years old or older in most cases.
- 8) **Other Values:** Rivers that have been identified locally as possessing outstanding remarkable values or highlighted by outside groups such as *National Rivers Inventory* or *American Rivers*.
- 9) **Vegetation** – The river, or area within the river corridor, provides exceptionally unique vegetation of regional significance. Consideration should be given to habitats and rare plants identified by the *Colorado Natural Heritage Program* ranked as *G1* or *S1*.

**Table 1.** Region of Comparison – National Hierarchical framework of Ecological Units (Bailey, 1994)

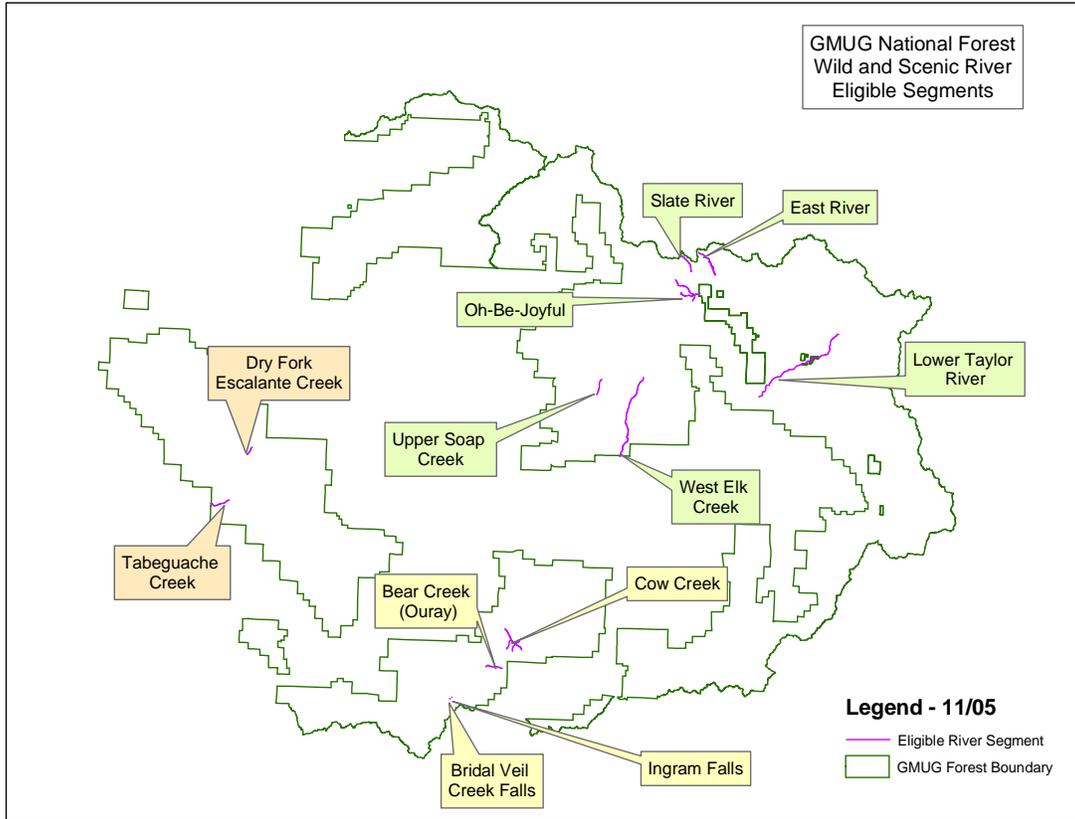
Geographic Area	Section	Section Name	Province
Grand Mesa	M331H	Northern Central Highlands & Rocky Mtn	Southern Rocky Mountain Steppe-Open Woodland- Coniferous Forest-Alpine
Gunnison Basin ( <i>Cochetopa</i> )	M331G	South Central Highlands	
Gunnison Basin ( <i>West Elks</i> )	M331H	Northern Central Highlands & Rocky Mtn	
Gunnison Basin ( <i>Taylor River Basin</i> )	M331I	Northern Parks and Ranges	
North Fork Valley	M331H	Northern Central Highlands & Rocky Mtn	
San Juan	M331G	South Central Highlands	
Uncompahgre Plateau*	341B	Northern Canyon Lands	Intermountain Semi-Desert & Desert

\*The Uncompahgre Plateau is mistyped in the national mapping schema as section M331G. Its geology, soils and vegetation is characteristic and consistent with that of Section 341B. A correction to the national map has been submitted by the GMUG. (Young, conversation 8/05).

Figure 1 illustrates the ecological regions of the GMUG National Forest and Figure 2 illustrates the locations of eligible river segments within the GMUG National Forest.



**Figure 1.** EcoRegions within the GMUG depicting the GMUG within Ecological Sections.



**Figure 2.** Wild and Scenic River Eligible Segments Locations

Tables 2, 3, and 4 summarize the attributes of Eligible River Segments.

**Table 2.** Summary of Eligible Segments by Class.

<b>Class</b>	<b>Number of River Segments</b>	<b>Approximate Miles</b>
Wild	10 segments	43 miles
Recreational	5 segments	29 miles
Scenic	3 segments	6 miles
<b>TOTALS</b>	<b>18 segments from 12 rivers</b>	<b>77 miles</b>

**Table 3.** Outstandingly Remarkable Values (ORV) of Eligible Rivers by Segment.

GA	No	Name	ORV	Class	Eligible	Length	Notes
GUN	1A	Oh Be Joyful	Scenery, Botanical	Wild	Y	4.8	Hanging garden <sup>1</sup> , Raggeds Wilderness
GUN	1B	Oh Be Joyful	Recreation	Rec	Y	1.2	Kayaking, four 25' waterfalls
GUN	1C	Oh Be Joyful	Scenery	Wild	Y	3.1	w/in Raggeds Wilderness
GUN	1D	Oh Be Joyful	Botanical	Scenic	Y	1.2	Plant community <sup>2</sup>
GUN	2	Slate River	Scenery	Wild	Y	3.5	Canyon terrain w/ waterfalls
GUN	4	East River	Scenery, Botanical	Rec	Y	6.7	Willow Carr <sup>3</sup>
GUN	5	Lower Taylor River	Recreation, fisheries	Rec	Y	20.2	Rafting, gold medal fishery
GUN	7	West Elk Ck	Geologic, Scenery	Wild	Y	15.8	Canyon in West Elk Wilder
GUN	8	Upper W Soap Ck	Geologic, Scenery	Wild	Y	2.8	Canyon in West Elk Wilder
UNC	14	Tabeguache	Prehistoric	Wild	Y	3.7	Within Area
UNC	15	Escalante Ck	Botanical	Scenic	Y	1.5	Blue Spruce RNA <sup>4</sup>
SJ	23	Bear Creek (Ouray)	Scenery, Recreation	Scenic	Y	3.0	Nat'l Rec Trail
SJ	24	Cow Creek	Geologic, Scenery	Wild	Y	5.1	Canyon w/in Unc Wilderness
SJ	24-A	Wetterhorn Ck	Geologic, Scenery	Wild	Y	1	Canyon w/in Unc Wilderness
SJ	24-B	Wildhorse Ck	Geologic, Scenery	Wild	Y	1.4	Canyon w/in Unc Wilderness
SJ	24-C	Difficulty Ck	Geologic, Scenery	Wild	Y	1.8	Canyon w/in Unc Wilderness
SJ	26	Bridal Veil Ck (falls)	Historical, Wildlife, Scenery	Rec	Y	0.01	Powerplant & diversions, Black Swift nesting site
SJ	27	Ingram Falls	Wildlife, Scenery	Rec	Y	0.01	Black Swift site

<sup>1</sup> = Hanging Garden, *Sullivantia hapemanii* var. *purpusii*

<sup>2</sup> = Iron Fen, *Carex aquatilis-sphagnum angustifolium* (S2)

<sup>3</sup> = Willow Carr, *Salix wolfii/Calamagrostis Canadensis* (S2)

<sup>4</sup> = Blue Spruce Riparian, *Picea pungens*

**Table 4.** Eligible rivers by Classification.

<b>ID</b>	<b>Wild Rivers</b>	<b>Outstandingly Remarkable Value (ORV)</b>	<b>Length</b>
1A	Oh-Be-Joyful segment A	Scenery, botany ( <i>Sullivantia hapemanii</i> )	4.8 mi
1C	Oh-Be-Joyful segment C	Scenery	3.1 mi
2	Slate River	Scenery	3.5 mi
7	West Elk Creek	Geology, scenery	15.8 mi
8	Upper West Soap Creek	Geology, scenery	2.8 mi
14	Tabeguache Creek	Cultural	3.7 mi
24	Cow Creek	Geology, scenery	5.1 mi
24A	Wetterhorn Creek	Geology, scenery	1.0 mi
24B	Wildhorse Creek	Geology, scenery	1.4 mi
24C	Difficulty Creek	Geology, scenery	1.8 mi
<i>Sub Total Wild Rivers</i>			<i>43 mi</i>
<b>ID</b>	<b>Scenic Rivers</b>	<b>Outstandingly Remarkable Value (ORV)</b>	<b>Length</b>
1D	Oh-Be-Joyful segment D	Botanical ( <i>Carex aquatillis-spagnum angustifolium</i> )	1.2 mi
15	Dry Fork Escalante Creek	Botanical ( <i>Pici pungensa</i> )	1.5 mi
23	Bear Creek (Ouray)	Geology, recreation	3.0 mi
<i>Sub Total Scenic Rivers</i>			<i>5.7</i>
<b>ID</b>	<b>Recreation Rivers</b>	<b>Outstandingly Remarkable Value (ORV)</b>	<b>Length</b>
1B	Oh-Be-Joyful segment B	Recreation (kayaking)	1.2 mi
4	East River	Scenery, botanical ( <i>Salix wolfi</i> )	6.7 mi
5	Lower Taylor	Recreation (rafting, gold medal fisheries)	20 mi
26	Bridal Veil Falls	Scenic – waterfall	.01 mi
27	Ingram Falls	Scenic – waterfall	.01 mi
<i>Sub Total Recreation Rivers</i>			<i>27.9 mi</i>
<b>Total</b>			<b><i>76.6 mi</i></b>