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**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**

**CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

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This chapter describes the process for identifying and evaluating potential additions to the National Wild and Scenic Rivers System (National System) on National Forest System (NFS) lands pursuant to the Wild and Scenic Rivers Act.

### 80.1 – Authorities

Wild and Scenic Rivers Act of October 2, 1968, as amended (16 U.S.C. secs.1271-1287) (the Act). This Act describes the National Wild and Scenic Rivers System (National System, or System), sets out the process for evaluating specific rivers Congress identifies as potential additions to the System as legislatively mandated study rivers (sec. 5(a) of the Act), and directs Federal agencies to identify and evaluate additional potential rivers for inclusion in the System during Agency planning (sec. 5(d)(1) of the Act).

### 80.2 – Objective

The objective of chapter 80 is to provide guidance on the determination of eligibility, suitability, and recommendation for designation of wild and scenic rivers for legislatively mandated or Forest Service-identified study rivers. The chapter also describes interim protection measures applied to eligible and suitable rivers and the process to submit a recommendation for designation of a wild and scenic river.

### 80.5 – Definitions

Classification. Identification of the class (wild, scenic, or recreational) that appropriately describes an eligible river or river segment, based on the criteria established in section 2(b) of the Wild and Scenic Rivers Act.

Determination. A finding in a study report that a river segment does, or does not, meet the criteria found in this chapter to be eligible; or a finding that an eligible river is or is not suitable for inclusion in the National System.

Eligible River. A river segment that has been evaluated, and found to be free-flowing and, in combination with its adjacent land area, possesses one or more outstandingly remarkable values.

Forest Service-identified Study Rivers. Rivers that the Forest Service has identified for study to determine potential inclusion in the National System, as directed under section 5(d)(1) of the Wild and Scenic Rivers Act. These include the inventory of rivers being studied for eligibility, eligible rivers being studied for suitability, and rivers that have been determined to be suitable but are not yet designated.

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Legislatively Mandated Study Rivers. Rivers that Congress has identified under section 5(a) of the Wild and Scenic Rivers Act for study to determine their suitability for inclusion in the National System. Legislatively mandated study rivers are considered eligible rivers unless a study determines the river to be ineligible (sec. 83.1). A river determined to be not suitable is no longer considered to be eligible.

Outstandingly Remarkable Value. A scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar river-related value that is unique, rare, or exemplary feature and is significant when compared with similar values from other rivers at a regional or national scale.

Region of Comparison. The geographic area of consideration for each outstandingly remarkable value that will serve as the basis for meaningful comparative analysis.

River. A flowing body of water or estuary, or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

River Corridor. The geographic area generally encompassed within one-quarter mile on either side of a river studied for eligibility or suitability that contains the river and its outstandingly remarkable values.

River Segment. A distinct section of a river; in the context of wild and scenic river planning, refers to a distinct portion of a river that has a beginning, an endpoint, and specific classification. A river may be one segment with a classification or have multiple segments, each with a different classification.

Study Process. The generic term applied to both the process of inventorying rivers to determine if they are eligible for inclusion in the National System or evaluating eligible rivers to determine if they are suitable for inclusion in the National System.

Study Report. The documentation for the inventory and evaluation of wild and scenic river eligibility or suitability.

Study River. See “Forest Service-identified Study River” or “Legislatively-mandated Study River.”

Suitable River. A river segment that a Federal agency has studied and determined to be suitable for inclusion in the National System, but has not been statutorily designated. A river found suitable for inclusion in the National System is a river that the Forest Service will recommend or has recommended for inclusion in the System.

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## **81 – GENERAL GUIDANCE PERTAINING TO ALL STUDY RIVERS**

The evaluation of potential wild and scenic rivers follows a three-step process:

1. Determining eligibility.
2. Assigning potential classification (wild, scenic, or recreational).
3. Determining suitability.

Eligibility studies are completed with a finding that each river is eligible or not, and with each eligible river segment assigned a classification. A suitability study may begin following a determination of eligibility and classification, or may be deferred to a later time (sec. 83). Additional guidance on the wild and scenic study process is contained in a technical report of the Interagency Wild and Scenic River Coordinating Council (IWSRCC) at <http://www.rivers.gov>, entitled “The Wild and Scenic River Study Process,” December 1999.

### **81.1 – Public Participation in the Study Process and Land Management Planning**

When evaluating rivers and river segments for either eligibility or suitability, the Responsible Official:

1. Shall provide opportunities for public participation and collaboration, intergovernmental coordination with State and local governments, and Tribal consultation, which is required as part of the broader planning process (36 CFR 219.4 and FSH 1909.12, ch. 40).
2. Shall engage the public and other governments early and throughout the process identified in this chapter to provide feedback and input on the inventory, evaluation, and analysis of rivers considered for eligibility and suitability.
3. May provide additional participation opportunities specifically on this topic as necessary.

## **82 – EVALUATING RIVER ELIGIBILITY**

### **82.1 – Identification of Study Rivers**

Rivers are identified for Forest Service study for potential inclusion in the National System by one of two means:

1. Identification by Congress under section 5(a) of the Wild and Scenic Rivers Act directing a Federal agency to study a river (“legislatively mandated study rivers”).

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2. Identification for study by the Forest Service under section 5(d)(1) of the Wild and Scenic Rivers Act (“Forest Service-identified study rivers”). River segments may be identified for study under section 5(d)(1) during the land management planning process and when project plans may affect the use and development of water and related land resources.

## **82.2 – Evaluating Eligible Rivers in Plan Development and Revision**

The planning rule requires that, when developing a plan or plan revision, the Responsible Official shall:

**Identify the eligibility of rivers for inclusion in the National Wild and Scenic Rivers System, unless a systematic inventory has been previously completed and documented, and there are no changed circumstances that warrant additional review.**  
(36 CFR sec. 219.7(c)(2)(vi))

Unless a systematic inventory of study rivers has been completed and eligible rivers identified, the Interdisciplinary Team shall develop and conduct a comprehensive inventory and evaluation to determine which rivers are eligible for inclusion in the National System. A legislatively mandated study river is automatically assumed eligible unless there are changed circumstances (sec. 82.4).

If a systematic inventory of eligible rivers has been completed, the extent of the study process during plan development or revision can be limited to evaluation of any rivers that were not previously evaluated for eligibility and those with changed circumstances (sec. 82.4). The Interdisciplinary Team shall complete the evaluation of rivers to be studied for eligibility, considering best available scientific information and public input.

When conducting an eligibility study of Forest Service-identified rivers (sec. 5(d)(1) of the Act) during land management plan development or revision, the Interdisciplinary Team shall include all potential wild, scenic, and recreational rivers flowing wholly or partially on National Forest System lands as identified in the Nationwide Rivers Inventory and by other sources. The rivers to be studied for eligibility include all rivers named on a standard U. S. Geological Survey 7.5 minute USGS quadrangle map.

## **82.3 – Evaluating Eligible Rivers in Plan Amendments**

The Responsible Official may choose to evaluate or reevaluate a river for eligibility at any time through a plan amendment. This may occur in relationship to project planning or as a result of changed circumstances (sec. 82.4)

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### 82.4 – Evaluating Eligible Rivers with Changed Circumstances

Generally if a river segment has been studied in the past and a determination was made of its eligibility, it does not need to be studied again for eligibility during any subsequent land management planning, unless changed circumstances warrant additional review of eligibility.

Changed circumstances are changes that have occurred to the river or the river corridor that have affected the outstandingly remarkable values (sec. 82.73). Such changes indicating a stronger presence of outstandingly remarkable values may include the listing of a species within the river, broad recognition of the river for certain recreational opportunities, and changes that now make the river's values more unique. Changes that indicate weaker outstandingly remarkable values may include recovery and delisting of a species, floods, or other events that have adversely affected the river's recreational opportunities, or changes that now make the values of the river more common. Changed circumstances may also include, but are not limited to, commitments made through settlement agreement or appeal decisions.

When there are river segments affected by changed circumstances, the Interdisciplinary Team shall reevaluate the segments for eligibility during plan development and revision and may reevaluate the segments during plan amendments. The results of the reevaluation could, based on changed circumstances, verify whether legislatively mandated study rivers are still eligible for further study.

### 82.5 – Evaluating Eligibility of Study Rivers of Rivers

The eligibility of a study river for inclusion in the National System is determined by applying the criteria in sections 1(b) and 2(b) of the Wild and Scenic Rivers Act (see sec. 82.7). These criteria are further described in the U.S. Department of Agriculture (USDA) and U.S. Department of the Interior (USDI) "Guidelines for Eligibility, Classification and Management of River Areas" dated September 7, 1982 (USDA-USDI Guidelines). The USDA-USDI Guidelines are included in FSH 1909.12, Zero code.

### 82.6 – Defining River Termini, Boundaries and Segments

#### 82.61 – River Termini and Area Boundaries

The river and its corridor form the area that is to be considered for the river study. When establishing boundaries of the study river, the Interdisciplinary Team should:

1. Identify the beginning and ending points of each river segment to be studied for eligibility. Beginning points typically are the source of the river, where it forms when two small tributaries meet, or entry onto the National Forest. Ending points typically include the point of merger with a larger river or exit from the National Forest. Rivers may be extended beyond the National Forest boundary if a logical ending point is nearby,

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such as merger with the main stem of a larger river. Consider also guidance from section 82.62 of this Handbook for determining beginning and ending points of river segments.

2. Consider the entire river system, including the interrelationship between the main stem and its tributaries and their associated ecosystems which may contain outstandingly remarkable values. At a minimum, a river study area includes the length of the identified river segment (sec. 82.62) and the land within one-quarter mile of each river bank's ordinary high water mark along the river segment. The river corridor to be studied may be wider to include areas beyond the minimum one-quarter mile from a bank's high water mark that may be needed to protect river-related outstandingly remarkable values, other important river resources or facilitate management of the river area. For example, the boundary of a study river corridor may be extended to include key scenic features, upstream spawning areas in tributaries, or the entire river floodplain.

### 82.62 – River Segments

To determine eligibility and when making later determinations of river classification (sec. 82.8), it may be necessary or appropriate to divide a study river into more than one segment. When defining segment termini within a single river, the Interdisciplinary Team should consider:

1. Hydrographic and geographic features of the river, such as junctions with major tributaries, entrances or exits from major terrain types, or distinct changes in river gradient that alter the character of the river.
2. Land status or ownership.
3. Development on or near the river, such as the presence of dams and reservoirs, road access, buildings, and other constructed features. Segment breaks may be indicated where development changes would result in a classification change.
4. The presence of important resource values.
5. Segment length (there is no minimum length of a segment, but segment length should be sufficient to enable protection of the outstandingly remarkable values if the area were managed, apart from other segments, as a wild, scenic, or recreational river).

### 82.7– Criteria for Eligible Rivers

To be eligible for inclusion, a river segment must be free-flowing and, in combination with its adjacent land area, possess one or more outstandingly remarkable values.

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### **82.71 – Free-flowing Condition**

To be eligible, a river must be “free-flowing,” as defined in the Wild and Scenic Rivers Act as follows:

**“Free flowing” as applied to any river or section of a river means existing or flowing in a natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway. The existence, however, of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the [National System] shall not automatically bar its consideration for such inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the [National System]. (Section 16(b)).**

Further, the USDA-USDI Guidelines state: “[t]he 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.”

### **82.72 – Flows**

There are no specific requirements for minimum flows or for temporal or spatial continuity of flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the river would be designated.

### **82.73 – Outstandingly Remarkable Values**

For a river to be eligible for inclusion in the National System, the river and its adjacent land area (referred to as the “river area”), must have one or more outstandingly remarkable values.

Under the Act, the categories of outstandingly remarkable values: “scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” (section 1(b); see sec. 82.73a of this Handbook).

To be identified as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale. Unique, rare, or exemplary features are those that are conspicuous examples of these values, among the best representatives of these features, within a region or the nation.

While the spectrum of resources that may be considered is broad, all features considered should be directly river-related. River values should meet at least one of the following criteria:

1. Be located in the river or its corridor,

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2. Contribute substantially to the functioning of the river ecosystem, or
3. Be river-dependent and owe their location or existence to the presence of the river.

The determination that a river area does or does not contain one or more outstandingly remarkable values is a professional judgment on the part of the Responsible Official as informed by the Interdisciplinary Team, best available scientific information, and public participation. As part of this determination process, the Responsible Official should solicit and document input from organizations and individuals familiar with specific river resources. Other sources of information for identifying outstandingly remarkable values include the Nationwide Rivers Inventory; State river assessments; Tribal governments, other Federal, State, or local agencies; and the public.

The Interdisciplinary Team shall identify the “region of comparison,” for each outstandingly remarkable value. The region of comparison may vary for different rivers or categories of outstandingly remarkable values and thus, multiple regions of comparison may be used to evaluate one river. A region of comparison should be scaled at an appropriate level for the type of river value being evaluated.

For example, for one river, the appropriate region of comparison for scenic values may be an entire National Forest or Grassland, while for cultural values it may be the portion of the State in which the river is located. For geological or hydrologic values, an appropriately scaled physiographic or hydrologic unit (such as an ecoregion or multi-state area) may provide the most meaningful comparative reference point. Alternatively, the Responsible Official may conclude that a single region of comparison can encompass the evaluation of outstanding remarkable values.

Once the region(s) of comparison is (or are) identified, a river’s values can then be analyzed in comparison with other rivers in that region. A region of comparison should be large enough to encompass similar type rivers that provide a wide representation of river values so that rivers with outstandingly remarkable values can be identified.

The evaluation of small rivers and streams that are similar throughout their length and watershed may be consolidated to the most common watershed descriptor for the area. For example, if stream A, B, and C, are similar and merge to form stream D, all of which do not have an outstandingly remarkable value, then describe stream D in the evaluation as including it and its tributaries. Identify and evaluate as individual rivers those rivers which are found to have one or more outstandingly remarkable value.

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### **82.73a – Criteria for Establishing Outstandingly Remarkable Values**

Section 1(b) of the Wild and Scenic Rivers Act establishes categories of outstandingly remarkable values. For each of these categories, criteria are identified in this section to establish a baseline that fosters greater consistency within the Agency and with other Federal river-administering agencies in evaluating eligibility.

The criteria set minimum thresholds to establish outstandingly remarkable values. The criteria within the category may be modified and additional criteria may be included to make them more meaningful in the region of comparison. Additional criteria are not intended to create any subcategories within the value categories established in the Act.

1. Scenery. Landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features or attractions. 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 different parts of the river or river segment. Outstandingly remarkable scenic features may occupy only a small portion of a river corridor.
2. Recreation. Recreational opportunities are high quality and attract, or have the potential to attract, visitors from throughout or beyond the region of comparison; or the recreational opportunities are unique or rare within the region. River-related recreational opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional use or competitive events.
3. Geology. The river corridor contains one or more examples of a geologic feature, process, or phenomenon that is unique, rare or exemplary within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, or represent a unique, rare or exemplary combination of geologic features (erosional, volcanic, glacial, or other geologic structures).
4. Fish. Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.
  - a. Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance are a diversity of fish species or the presence of wild stocks and/or Federal or State-listed or candidate threatened, endangered, or species of conservation concern.
  - b. Habitat. The river provides uniquely diverse or high quality habitat for fish species indigenous to the region of comparison. Of particular significance is exemplary habitat for wild stocks and/or Federal or State-listed or candidate

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threatened or endangered species, or species of conservation concern. Consider also rare and unique habitats within the corridor.

5. Wildlife. Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions.
  - a. Populations. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species diversity, species considered to be unique, and/or populations of Federal or State-listed or candidate threatened or endangered species, or species of conservation concern.
  - b. Habitat. The river, or area within the river corridor, provides uniquely diverse or high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for Federal or State-listed or candidate threatened or endangered species, or species of conservation concern. Contiguous habitat conditions are such that the biological needs of the species are met.
6. Historic and Cultural Values. The river, or area within the river corridor, contains important evidence of historic or pre-historic occupation or use by humans. Sites may have national or regional importance for interpreting history or prehistory.
  - a. History. Sites or features are associated with a significant event, an important person, or a cultural activity of the past that is now rare or unique in the region. A historic site or feature, in most cases, is 50 years old or older.
  - b. Prehistory. Sites of prehistoric human use or occupation may have unique or rare characteristics or exemplary anthropological value such as evidence of prehistoric human practices and modes of living. Areas within the river corridor may have been used for rare sacred purposes, or represent the origin or conflict of cultures.
7. Other Similar River-related Values. While no specific national evaluation guidelines have been developed for this category, determinations consistent with the preceding guidance and section 82.73 of this Handbook may be developed for other values that may be outstandingly remarkable, including but not limited to botanic, hydrologic, paleontologic, scientific, and heritage values.

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## **82.8 – Classification**

Each river found to be eligible must be assigned a preliminary classification. The preliminary classification of a river found to be eligible is based on the condition of the river and the development level of adjacent lands as they exist at the time of the study. Section 2(b) of the Wild and Scenic Rivers Act specifies and defines three classification categories for eligible rivers:

1. Wild rivers.
2. Scenic rivers.
3. Recreational rivers.

Eligible rivers may be divided into segments having differing classifications when the levels of human use and activity create different degrees of development within the study area. In cases where a river has one or more classifications, each river segment identified should be of sufficient length to warrant its own unique management.

When determining which classification category applies, the Interdisciplinary Team should use the following table (ex. 01) incorporating the USDA-USDI Guidelines for classification criteria. A final classification will be assigned during the comprehensive river management planning process required by the Act if the river is designated by Congress.

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**82.8 – Exhibit 01**

**Classification Criteria for Wild, Scenic, and Recreational River Areas**

<b>ATTRIBUTE</b>	<b>WILD</b>	<b>SCENIC</b>	<b>RECREATIONAL</b>
Water Resource Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion. The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity.  The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable. A limited amount of domestic livestock grazing or hay production is acceptable. Little or no evidence of past timber harvest. No ongoing timber harvest.	Largely primitive and undeveloped. No substantial evidence of human activity. The presence of small communities or dispersed dwellings or farm structures is acceptable.  The presence of grazing, hay production, or row crops is acceptable.  Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	Some development. Substantial evidence of human activity.  The presence of extensive residential development and a few commercial structures is acceptable. Lands may have been developed for the full range of agricultural and forestry uses.  May show evidence of past and ongoing timber harvest.

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**82.8 – Exhibit 01--Continued**

<b>ATTRIBUTE</b>	<b>WILD</b>	<b>SCENIC</b>	<b>RECREATIONAL</b>
Accessibility	Generally inaccessible except by trail. No roads, railroads, or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the area are acceptable.	Accessible in places by road.  Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.	Readily accessible by road or railroad.  The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.
Water Quality	Meets, or exceeds criteria, or federally approved State standards for aesthetics, for propagation of fish, and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming) except where exceeded by natural conditions.	No criteria are prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States are made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists, or is being developed in compliance with applicable Federal and State laws.	

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## **82.9 – Findings and Documentation of River Eligibility**

When the study is complete, the outcome will be a finding by the Responsible Official for each river evaluated as to whether or not the river is eligible for inclusion in the Wild and Scenic River System. The Interdisciplinary Team shall document a finding of eligibility or ineligibility (sec. 82.2) for each river and, for each eligible river, its potential classification in an appendix to the environmental analysis document for a land management plan, revision, or amendment, and summarize the findings in the plan decision document.

The plan must provide for interim protection measures of the eligible river corridor(s) until a decision is made on the future use of the river and adjacent lands (sec. 84), unless a suitability study concludes that the river is not suitable (sec. 83.3).

### **82.91 – Legislatively Mandated Study Rivers**

If a legislatively mandated study river (under section 5(a) of the Act) is found ineligible, the study report should describe the basis for the ineligibility determination. The study report should be submitted to the Chief of the Forest Service for review. After the Chief's review, the Washington Office, Director, Wilderness and Wild and Scenic Rivers, shall prepare the study report for submittal to the Secretary's Office for review prior to submitting it to the President. The President will then transmit the study report to Congress in accordance with section 7(b)(i) of the Act, and the Secretary of Agriculture shall publish a notice in the Federal Register 180 days after Congress has been formally notified that such a determination has been made. This notice should also include a termination of related National Environmental Policy Act (NEPA) analysis associated with the legislatively mandated river study.

### **82.92 – Forest Service-identified Study Rivers**

The plan revision or amendment must identify the findings of eligibility for each river studied. If the study of a river identified by the Forest Service (under section 5(d)(1) of the Act) results in a finding of ineligibility by the Responsible Official during the land management planning process, or during a separate wild and scenic river study, the study of that river is complete.

If in a wild and scenic river study completed outside of the planning process, the Responsible Official determines that the river has been found to be eligible or not to be eligible for inclusion in the National System, this determination shall be documented in the appropriate environmental analysis document, administrative record, and an appropriate notification sent to interested members of the public identified during the study. A plan amendment may be needed to modify plan components that apply to the studied rivers.

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### **82.93 – Documentation of a Wild and Scenic River Study for Eligibility**

The environmental document for developing, revising, or amending a land management plan should contain an appendix containing the study report for all rivers studied for their eligibility for inclusion in the System. This section contains separate river narratives for each river segment evaluated in the planning process and a map showing the rivers, their termini and corridors. River segments may be organized or grouped by watershed to address rationale for determination of eligibility. The river narratives should be a synopsis of the pertinent information related to eligibility and classification factors.

The documentation should include:

1. A series of tables and narratives that provide the basis for making the determination of eligibility.
2. One or more tables listing each river segment with information supporting whether the river is deemed eligible or not (such as free-flowing characteristics, water quality, and presence or absence and a description of outstandingly remarkable values),
3. One or more maps showing all rivers studied for eligibility that identifies:
  - a. Eligible segments,
  - b. Proposed classification of eligible segments, and
  - c. Locations of corridors, boundaries, and termini of eligible segments.

## **83 – EVALUATING RIVER SUITABILITY**

Any eligible river may be studied for its suitability for inclusion in the National System at any time. Rivers may be studied for suitability as part of a plan development or revision, as part of a plan amendment, in conjunction with a project decision, or in a separate study.

### **83.1 – Conducting a Suitability Study of Legislatively Mandated or Forest Service-identified Eligible Rivers**

The appropriate timing for conducting a study to determine if eligible rivers are suitable for inclusion in the National System may vary. One approach is to proceed with a suitability study in land management plan development or revision. Legislatively mandated studies (sec. 5(a) of the Act) should be included in the development or revision of land management plan when the legislatively mandated river study period and the timing of the planning process are compatible.

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Another approach is to conduct a suitability study after approval of the land management plan or revision, sometimes in response to a project proposal that could potentially affect the river's eligibility. This study type would usually result in a plan amendment because the results of the study would likely mean changes either in plan components or where plan components apply.

If a proposed project has the potential to adversely affect the free-flow or outstandingly remarkable values of any river that has previously been determined to be eligible, the Responsible Official should study the suitability of that river for inclusion in the National System before approving the project. If the river is found suitable, then the proposed project must maintain free-flow and protect the outstandingly remarkable values (sec. 84).

### **83.11 – Past Suitability Studies**

River segments previously determined to be not suitable through a Federal agency planning process do not need to be restudied except at the discretion of the Responsible Official for applicable changed circumstances (see sec. 82.4). River segments previously found suitable through earlier study but not yet congressionally designated do not need to be reevaluated unless changed circumstances warrant consideration of a change in river status.

### **83.12 – Joint Suitability Study**

Where a Forest Service-identified eligible study river (sec. 5(d)(1)) touches only a small part of National Forest System lands, the lead responsibility for studying the river should rest with either another Federal agency or the State depending on who has jurisdiction over the largest proportion of the lands involved. In this situation, the Responsible Official should contact the agency with the appropriate jurisdiction to determine if or when they plan to study the river. Invite the agency or State to participate in a joint study of the river either as part of the land management planning process or as a separate study report.

If the responsible agency or State declines to study the river, or if its study schedule does not coincide with the Forest Service land management planning process, maintain interim protection measures for the river and adjacent lands of the river segment(s) on National Forest System lands (sec. 84.3).

Proceed to assess the segment's suitability on its own merits where the river segment that extends into the National Forest System lands would make a viable addition to the National Wild and Scenic Rivers System without the remainder of the river.

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## **83.2 Objective of the Suitability Study**

A suitability study provides the basis for determining which eligible rivers or river segments should be recommended to Congress as potential additions to the National System. The content of a suitability study is described in section 83.3 of this Handbook. A suitability study will address these questions:

1. Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?
2. Will the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation?
3. Will the benefits of designation exceed the benefits of nondesignation?
4. Is designation the best method for protecting the river corridor?
5. Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

In the process of considering these questions, the Interdisciplinary Team should apply the study requirements in section 83.21 of this Handbook to reach a suitability determination. The preliminary segmentation and classification of an eligible river should be reviewed and adjusted as appropriate in any suitability study of that river.

### **83.21 – Criteria for Determining Suitability**

As provided in sections 4(a) and 5(c) of the Wild and Scenic Rivers Act, the following study requirements serve as the basis for the suitability determination for each eligible river. Items 1-7 must be evaluated and documented. Items 8-13 may also be evaluated and documented, if applicable:

1. Characteristics that do or do not make the area (the corridor) a worthy addition to the National System.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The Federal agency that will administer the area should it be added to the National System.

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5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.
6. The need for, and cost to the United States of, acquiring lands and interests in lands and administering the area should it be added to the National System.
7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.
8. The adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.
9. The State or local government's ability to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of State and local governments. Such mechanisms may include, for example, State-wide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.
10. The consistency of designation with other agency plans, programs, or policies, and with meeting regional objectives. Designation may help or impede the goals of Tribal governments, or other Federal, State, or local agencies. For example, designation of a river may contribute to State or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet State-wide recreation goals for that activity or setting. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.
11. Support or opposition to designation. Assessment of this factor will define the political context. The interest in designation or nondesignation by other Federal agencies; State, local and Tribal governments; national and local publics; and the State's Congressional delegation should be considered.
12. The river's contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach. For example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed could contribute to river system integrity. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.
13. The potential for water resources development. The intent of the Act is to preserve selected rivers in free-flowing condition and to protect their immediate environments.

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Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization. Describe specific or types of projects that may be foreclosed by designation of the segment as suitable and the implications for future water resource needs. The description may include discussion of alternative water resources projects or project sites (outside a river segment being considered), or modified projects, that may be considered if a river is recommended for designation.

The interdisciplinary study team may identify and consider additional suitability factors as directed by the Responsible Official.

### **83.3 – Findings and Documentation of River Suitability**

A detailed study report must be prepared for all legislatively mandated study rivers under section 5(a) of the Act, and for all other rivers identified by the Forest Service as eligible for inclusion in the National System (sec. 5(d)(1) of the Act). The purpose of the study report is to document the Forest Service's analysis and conclusions on the suitability of legislatively mandated and Forest Service-identified rivers for designation as components of the National System.

When the suitability study is complete, the outcome will be a finding by the Responsible Official in the applicable decision document for each eligible river evaluated as to whether or not the river is suitable for inclusion in the Wild and Scenic River System. This finding should clearly demonstrate the reasons for or against recommending an individual river or river segment to Congress.

The Interdisciplinary Team shall provide documentation for the determination in the river study report. For rivers found suitable the report must also identify the classification of each segment in the river. A river found suitable for inclusion in the National System is a river that the Forest Service will recommend or has recommended for inclusion in the System. A river that is determined to be not suitable for inclusion is also determined to no longer be eligible, and interim protection measures (sec. 84) would no longer apply.

To meet the requirements of NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508, FSM 1950, and FSH 1909.15), the river study report must be contained in an environmental analysis document. To reduce duplication and paperwork, the study report may be combined with the applicable NEPA environmental analysis in one document (FSH 1909.15, ch. 10, sec. 11.32a). The combined document needs to meet the content and format requirements of both the study report and CEQ regulations.

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**83.31 – Documentation of River Suitability with Development or Revision of a Land Management Plan**

When a wild and scenic river suitability study is conducted during the development or revision of a land management plan, the accompanying environmental impact statement should describe the existing conditions and likely environmental consequences for the identified river values and other resource activities should the river be added or not added to the National System. The study report (secs. 83.2 and 83.21) should be included in an appendix to the environmental impact statement. Either the environmental impact statement or the study contained in the appendix should include the content described in 83.32a through 83.32h for each river being studied for suitability. The appendix should include detailed maps showing the river segments studied for suitability, their termini, corridors, and proposed classification.

**83.32 – Documentation of River Suitability as Separate Study outside of Plan Development or Revision**

When a Forest Service-identified wild and scenic river suitability study is not conducted during revision of the land management plan, or when Congress legislatively mandates a study with a due date not compatible with land management plan revision, a combined study report and applicable environmental analysis document shall be prepared. (See FSH 1909.15 to determine the applicable environmental analysis documentation.)

The study must meet specific statutory requirements (sec. 83.2) and make a determination if the river is suitable for designation or not suitable and thus ineligible for designation. See FSH 1909.15 to determine the applicable NEPA analysis documentation. This study is limited to the eligible rivers evaluated for suitability.

Where a plan area contains more than one river previously identified as eligible or a river identified by Congress for study, the Responsible Official may combine study of such rivers into a comprehensive study report for all of these rivers as long as this approach meets Congressionally mandated deadlines and specific statutory requirements for any legislatively mandated study rivers (sec. 83.2). A combined study report and environmental analysis document covering more than one river, such as a forest, grassland, prairie, or other comparable Administrative Unit-wide study report, should follow the same content requirements as those for an individual river.

The USDA-USDI Guidelines describe the way in which the required information should be presented in the suitability study report. The following document sections and chapters should be included in the combined study report and NEPA analysis document:

1. Summary
2. Table of Contents

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3. Chapter I: Purpose and Need for Action
4. Chapter II: Description of Area
5. Chapter III: Findings of Eligibility and Classification
6. Chapter IV: Alternatives Including the Proposed Action
7. Chapter V: Environmental Consequences
8. Chapter VI: Distribution of the Report
9. Chapter VII: List of Preparers
10. Appendix

The following sections (sections 83.32a-83.32h of this Handbook) describe the objective and suggested content of each chapter and the appendix.

**83.32a – Purpose and Need for Action (Chapter I)**

This section of the document should state what is being proposed (the proposed action) and why (the purpose and need for the proposal). The proposed action is typically to study a river to determine suitability for potential inclusion in the National System. In cases where a Forest, Grassland, Prairie, or other comparable Administrative Unit has a specific proposal, the proposed action may be a suitability recommendation for specific rivers or river segments by classification. This section of the report should do the following:

1. State the purpose and need for the proposal, which is the underlying objective of the proposed action.
2. Explain why the proposed action is needed, citing the intent of the Wild and Scenic Rivers Act to protect the study river's free-flowing character, water quality, and outstandingly remarkable values.
3. Describe the programmatic, as opposed to site-specific, nature of the combined study report and environmental analysis document.
4. Explain the roles of the Forest Service, Secretary of Agriculture, cooperating agencies, and Congress in the study process.
5. Indicate whether the river study was conducted in response to Congressional direction (sec. 5(a) of the Act) or through a Forest Service land management planning process (sec. 5(d)(1)).

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6. Explain the concept of a combined study report and environmental analysis document.
7. Describe the nature of proposed changes to the land management plan as part of the proposed action.

**83.32b – Description of Area (Chapter II)**

This chapter is an overall description of the river corridor and the surrounding area. Provide the status of landownership and use in the area, a brief description of the regional setting, and clear and detailed maps and illustrations that show the area covered by the report. Describe with reasonable specificity any potential developments such as water resource projects, roads, or private land use conversions.

**83.32c – Findings of Eligibility and Classification (Chapter III)**

This chapter should summarize the eligibility determination of each river to provide a clear and concise description of the river and its immediate environment. The section should focus on the river's free-flowing character and outstandingly remarkable values, and describe the unique, rare, or exemplary nature of the river's values (sec. 82.7). The description of river values should enable people who have never seen the river to determine that the river has outstanding values that may be worthy of protection.

Potential classification should be based on the situation existing at the time of the study. It should not anticipate expected development or other changes along the river corridor; considering possible future changes is an aspect of evaluating suitability documented in chapters IV and V. The criteria listed in the USDA-USDI Guidelines are presented in section 82.8 of this Handbook, exhibit 01.

**83.32d – Alternatives Including the Proposed Action (Chapter IV)**

The suitability of the river for designation should be evaluated with alternatives. An analysis of the existing situation provides the foundation for alternative development. The impacts of continuing present trends and uses should be identified to help formulate reasonable alternatives. The no-action alternative assumes current management of each river as directed by the current land management plan. Other alternatives must reflect pertinent issues and opportunities while meeting the purpose and need of the proposal to some extent.

The type and range of alternatives to consider will vary depending on the affected environment, issues, and opportunities associated with each specific river. However, every study report and environmental analysis document must present an array of alternatives broad enough to encompass all reasonable proposals for use of the river area. Each alternative should be clear as to whether the river segment is found suitable or not suitable, and whether interim protection measures will apply or not. Each alternative should identify the plan components that would be

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added, removed, or modified. If the emphasis of an alternative is to protect the outstandingly remarkable values by means other than designation, include in that alternative any plan components needed to do so.

Study reports generally include the following types of alternatives:

1. The no action alternative, which maintains current management; this alternative is required.
2. An alternative in which all eligible segments are found suitable and are recommended for Congressional designation.
3. An alternative in which some eligible segments are found suitable and are recommended for Congressional designation, while other eligible segments are found not suitable. This type of alternative may also include a recommendation to designate eligible segment(s) at a less restrictive classification (for example, scenic to recreational) to allow a specific resource activity.
4. An alternative in which no eligible segments are found suitable and in which protection of river values in eligible segments will be by means other than Congressional designation. This type of alternative could also conclude that all or part of the river is not suitable for designation and no longer needs interim protection measures.
5. An alternative in which no eligible river segments are found suitable for designation.

### **83.32e – Environmental Consequences (Chapter V)**

This chapter presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed. The chapter describes the effects of changes in plan components and designation status of the river. This includes the type of projects that might occur in the area for each alternative and the potential outcomes that could happen. Discussions should include general reasons for acquisition of land or interest in land as well as the effect of these acquisitions. The analysis should also include an estimate of the kinds and amounts of public use that can be accommodated without long-term or irreversible impacts on the values of the river area. The information in this chapter will provide the basis for a management plan should Congressional designation of the river corridor occur. Refer to section 83.1 of this Handbook for additional guidance on suitability studies.

### **83.32f – Distribution of the Report (Chapter VI)**

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

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**83.32g – List of Preparers (Chapter VII)**

Follow the guidance in FSH 1909.15 for the preparation of this chapter.

**83.32h – Appendix**

Follow the guidance in FSH 1909.15, chapter 20 for the preparation of this chapter.

**84 – INTERIM MANAGEMENT OF ELIGIBLE OR SUITABLE RIVERS**

Rivers legislatively mandated for study (sec. 5(a) of the Act), and other rivers the Forest Service determines to be eligible or suitable for inclusion in the National System (sec 5(d)(1) of the Act), must have certain interim protection measures. These protection measures apply until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a determination that the river is not suitable. Along with the interim protection measures provided in section 84.3 of this Handbook, additional statutory, regulatory, or policy requirements may apply if the study river is located within a wilderness area or other designated area (FSM 2354.42e).

**84.1 – Management Direction for Legislatively Mandated Study Rivers**

Legislatively mandated study rivers (as defined in sec. 5(a) of the Act) are afforded statutory protection under the Act, including the requirements in section 7(b), water resources projects; section 8(b), land disposition; section 9(b), mining and mineral leasing; and section 12(a), management policies.

For all legislatively mandated study rivers, classification identified by Congress must be maintained until Congress receives the study report and during the protection period specified in the Act, even if the study report recommends managing the river at a less restrictive class (such as from wild to scenic or scenic to recreational).

In addition, interim protection measures must be applied to Forest Service-identified Study Rivers as described in section 84.3 of this Handbook.

**84.2 – Management Direction for Forest Service-identified Study Rivers**

The planning rule at 36 CFR 219.10 provides for interim management of Forest Service-identified eligible or suitable rivers or segments, to protect their values prior to a congressional decision whether to designate them as part of the National System:

**(b) The plan must provide plan components, including standards and guidelines, to provide for:**

...

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**(v) Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system. (36 CFR 219.10)**

A Responsible Official may authorize site-specific projects and activities on National Forest System lands within eligible or suitable river corridors only where the project and activities are consistent with all of the following:

1. The free-flowing character of the identified river is not adversely modified by the construction or development of stream impoundments, diversions, or other water resources projects.
2. Outstandingly remarkable values of the identified river area are protected.
3. For all Forest Service-identified study rivers, classification of an eligible river must be maintained as inventoried unless a suitability study is completed that recommends management at a less restrictive classification (such as from wild to scenic or scenic to recreational).

### **84.3 – Interim Protection Measures for Eligible or Suitable Rivers**

The following protection measures apply to interim management of legislatively mandated study rivers (sec. 5(a) of the Wild and Scenic Rivers Act), and Forest Service-identified eligible or suitable rivers (sec. 5(d)(1) of the Act). Responsible Officials shall apply these measures on National Forest System lands when planning and implementing projects and activities or where the Forest Service holds an interest on non-Federal lands, such as scenic or access easements to protect river values.

This direction applies until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a change in eligibility or suitability status from a future study.

Legislatively mandated study rivers must be protected, as directed in sections 7(b), 8(b), 9(b), and 12(a) of the Act for the period specified in section 7(b). The protection period is 3 years from the date the study report is transmitted to Congress unless a different time period is specified in legislation.

Forest Service-identified eligible and suitable rivers must be protected sufficiently to maintain free flow and outstandingly remarkable values unless a determination of ineligibility or non-suitability is made. A river determined through a suitability study to be not suitable shall no longer be considered eligible and interim protection measures no longer need to be applied to those rivers.

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Results of any suitability study may create a need for a plan amendment. See the review and approval process in section 85 of this Handbook.

A Responsible Official may authorize site-specific projects and activities on National Forest System lands within legislatively mandated study river corridors, or within Forest Service-identified eligible or suitable river corridors when the project and activities are consistent with the following interim protection measures (see sec. 84.4 of this Handbook). These interim protection measures apply to all identified eligible and suitable rivers except as described in items 1-3:

1. Water Resources Projects. A water resources projects is defined in 36 CFR part 297 as the construction or development of water supply dams, diversions, flood control works, and other water resources projects that affect the river's free-flowing characteristics.

Wild, Scenic, and Recreational Rivers. For legislatively mandated (sec. 5(a)) study rivers, water resources projects that would have a direct and adverse effect on river values (free-flow, water quality, and outstandingly remarkable values) are prohibited under section 7(b) of the Wild and Scenic Rivers Act.

For Forest Service-identified (sec. 5(d)(1)) eligible or suitable rivers, water resources projects proposed on these segments are not subject to section 7(b) of the Act; however, these projects shall be analyzed as to their effect on a river's free-flow, water quality, and outstandingly remarkable values, with adverse effects to be prevented to the extent of existing agency authorities (such as special-use authority).

2. Hydroelectric Power Facilities.

Wild, Scenic, and Recreational Rivers. For legislatively mandated rivers, development of hydroelectric power facilities on or directly affecting the study river is not allowed. Section 7(b) of the Act is interpreted as a prohibition of new hydroelectric facilities within the study boundary.

Forest Service-identified eligible rivers are to be protected pending a suitability determination. Forest Service-identified suitable rivers are to be protected for their free-flowing condition, water quality, and outstandingly remarkable values pending a designation by Congress.

3. Minerals.

- a. Wild Rivers.

(1) Locatable Minerals. Subject to valid existing rights, mining claims are prohibited within one-quarter mile of a legislatively mandated study river under section 9(b) of

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the Act. Existing mining activity on a legislatively mandated study river and existing or new mining activity on a Forest Service-identified eligible or suitable river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation, pollution, and visual impairment.

(2) Leasable Minerals. For all eligible or suitable rivers, leases, licenses, and permits under mineral leasing laws must include conditions necessary to protect the values of the river corridor that make it eligible or suitable for inclusion in the National System.

(3) Saleable Minerals. For all eligible or suitable rivers, disposal of saleable mineral material is prohibited.

b. Scenic and Recreational Rivers.

(1) Locatable Minerals. Subject to valid existing rights, mining claims are prohibited within one-quarter mile of a legislatively mandated study river under section 9(b) of the Wild and Scenic Rivers Act. Existing mining activity on a legislatively mandated study river and existing or new mining activity on a Forest Service-identified eligible or suitable river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation, pollution, and visual impairment.

(2) Leasable Minerals. For all eligible or suitable rivers, leases, licenses, and permits under mineral leasing laws must include conditions necessary to protect the values of the river corridor that make it eligible or suitable for inclusion in the National System.

(3) Saleable Minerals. For all eligible or suitable rivers, saleable mineral material disposal is allowed if the values for which the river may be included in the National System are protected.

4. Transportation System.

a. Wild Rivers. Roads and railroads are generally not compatible with a wild river classification. Prevent actions related to the road system that would preclude protection of the river as wild. Do not plan roads outside of the corridor that would adversely affect the wild classification. New trail construction should generally be designed for non-motorized uses. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. New airfields may not be developed.

b. Scenic Rivers. New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values (including the river's free-flowing character). Bridge crossings and river access are allowed.

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New trail construction or airfields must be compatible with and fully protect identified values.

c. Recreational Rivers. New roads and railroads are permitted to parallel the river if such construction fully protects river values (including the river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.

5. Utility Proposals.

Wild, Scenic, and Recreational Rivers. New transmission lines such as gas lines, water lines, and similar linear facilities are not compatible and are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way would be necessary for a utility line, the proposed project must be evaluated as to its effect on the river's outstandingly remarkable values and classification. Any portion of a utility proposal that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

6. Recreation Development.

a. Wild Rivers. As stated in the USDA-USDI Guidelines, major public-use areas such as large campgrounds, interpretive centers, or administrative headquarters must be located outside the river corridor. Minimum facilities, such as toilets and refuse containers, may be provided if necessary to protect and enhance water quality and other identified river values, while also providing for public recreation uses that do not adversely impact or degrade those values. All facilities must be located and designed to harmonize with the primitive character, natural, and cultural settings of the river corridor. The facilities must protect identified river values including water quality and be screened from view from the river to the extent possible.

b. Scenic Rivers. Public-use facilities such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, or river access developments, and so forth are allowed within the river corridor. All facilities must be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

c. Recreational Rivers. Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development. All facilities must be located and designed to harmonize with their natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible.

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7. Motorized Travel.

a. Wild Rivers. Motorized travel on land or water may be permitted, but is generally not compatible with this classification. Where motorized travel options are deemed to be necessary, such uses should be carefully defined and impacts mitigated.

b. Scenic and Recreational Rivers. Motorized travel on land or water may be permitted, prohibited, or restricted to protect the river values.

8. Wildlife and Fish Projects.

a. Wild Rivers. Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive character and fully protect identified river values. Any portion of a proposed wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

b. Scenic Rivers. Construction of structures and vegetation management designed to protect and enhance wildlife and fish habitat should harmonize with the area's largely undeveloped character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the free-flowing character must be evaluated as a water resources project.

c. Recreational Rivers. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

9. Vegetation Management.

a. Wild Rivers. Cutting of trees and other vegetation is not permitted except when needed in association with a primitive recreation experience, to protect users, or to protect identified outstandingly remarkable values. Examples of such exceptions include activities to maintain trails or suppress wildfires. Prescribed fire and wildfires managed to meet resource objectives may be used to restore or maintain habitat for threatened, endangered, or sensitive species or restore the natural range of variability.

b. Scenic and Recreational Rivers. A range of vegetation management and timber harvest practices are allowed, if these practices are designed to protect users, or protect, restore, or enhance the river environment, including the long-term scenic character.

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10. Domestic Livestock Grazing.

- a. Wild Rivers. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's essentially primitive character.
- b. Scenic Rivers. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable, including the area's largely undeveloped character.
- c. Recreational Rivers. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable.

**84.4 – Interim Protection Measures in Land Management Plan Development or Revision**

For interim management of legislatively mandated study rivers (sec. 5(a)) or of Forest Service-identified eligible or suitable rivers (sec. 5(d)(1)), the set of plan components must meet the intent of the of the interim river protection measures identified in 84.3. Land management plans need not duplicate these interim protection measures as plan components. Responsible officials may meet the intent of the interim measures in 84.3 with any one or a combination of the following methods:

1. The plan may contain a set of plan components applicable to identified eligible or suitable rivers in the plan area that achieve the outcomes of the interim protection measures.
2. The set of plan components developed for other aspects of the plan, such as riparian area plan components, will likely also provide for outcomes for management of eligible and suitable rivers consistent with some parts of the interim protection measures. The Responsible Official should review such plan components, and if needed, develop additional plan components so that the set of plan components applicable to eligible and suitable rivers achieves the full set of outcomes identified in the interim protection measures.
3. Reference all or part of the interim protection measures described in section 84.3 of this Handbook within a plan component.

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4. Repeat the interim protection measures described in section 84.3 of this Handbook as appropriate plan components.

## **85 – THE REVIEW AND APPROVAL PROCESS**

The procedure for review and approval of the combined wild and scenic river study report and environmental analysis document varies depending on whether the study was directed by Congress (under sec. 5(a) of the Act) or initiated by the Forest Service (under sec. 5(d)(1) of the Act).

For a legislatively mandated study (sec. 5(a)), follow the process outlined in section 85.1 of this Handbook, regardless of the outcome of the study. However, if a legislatively mandated study river is found to be not eligible or not suitable, then do not prepare any proposed legislation.

For a Forest Service-initiated study in which the Agency recommends designation of a river into the National System, follow the procedures in section 85.2 of this Handbook. If such a study does not recommend a river for inclusion in the National System, the study is then concluded after following the steps outlined in section 83 of this Handbook.

### **85.1 – Legislatively Mandated Study**

#### **85.11 – Study Report and Applicable Environmental Analysis Document**

See section 83.32 of this Handbook for information on preparing a combined study report and applicable environmental analysis document. Once the draft study document is complete:

1. The Regional Forester shall send two copies of the document to the Chief of the Forest Service for review. The Chief authorizes the approval to print the document or requests to make changes.
2. When the document is printed, the Regional Forester shall transmit 10 copies to the Chief. The Washington Office, Director of the Wilderness and Wild and Scenic Rivers, prepares the transmittal letter from the Secretary to the heads of the following agencies for a 90-day review as required in section 4(b) of the Wild and Scenic Rivers Act:
  - a. Secretary of the Interior.
  - b. Secretary of the Army.
  - c. Chairman of the Federal Energy Regulatory Commission.
  - d. Head of any other affected Federal department or agency.

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e. Governor of the State where the river is located (unless the Federal Government already owns, or has been authorized to purchase, the area within the proposed boundaries).

**85.12 – Review of Comments Required by Wild and Scenic Rivers Act**

1. The Washington Office, Director of the Wilderness and Wild and Scenic Rivers, is responsible for sending any comments received from other Federal and State officials through the Regional Forester to the Administrative Unit conducting the analysis.
2. The Administrative Unit responds to these and other comments received on the draft study report and prepares a preliminary final study report and applicable environmental analysis document.
3. Following Regional Forester concurrence of the preliminary report and analysis document, the Unit sends two copies of the document to the Washington Office, Director of the Wilderness and Wild and Scenic Rivers staff.
4. Upon the Chief's approval, the responsible Administrative Unit prints the final combined study report and environmental analysis document.

**85.13 – Final Study Approval Process**

After printing of the final combined study report and NEPA analysis document, the Regional Forester shall:

1. Prepare a summary information document highlighting key information about the study river including a map showing the segments recommended for designation.
2. Prepare a draft transmittal letter from the President to the Congress (ex. 01). This letter serves as notice of a final Agency determination.

The Region should also send 10 copies of the combined study report and environmental analysis document to the Washington Office, Director of the Wilderness and Wild and Scenic Rivers staff for background and for coordination with the Office of Management and Budget (OMB) through the Department of Agriculture.

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**85.13 – Exhibit 01**

**Sample Transmittal Letter**

Honorable (name)  
President of the Senate  
S-212 Capitol  
Washington, D.C. 20510

Dear Mr. President: (or Dear Mr. Speaker)

I take pleasure in transmitting the enclosed study findings and report for the upper White Salmon River. Also enclosed is draft legislation “To amend the Wild and Scenic Rivers Act to designate a segment of the upper White Salmon River in the State of Washington as a component of the National Wild and Scenic Rivers System, and for other purposes.”

The Columbia River Gorge National Scenic Area Act of 1986 (P.L. 99-663) directed the study of the upper White Salmon River for possible designation into the National Wild and Scenic Rivers System. Based on the analysis documented in the enclosed *Final Legislative Environmental Impact Statement and Study Report for the upper White Salmon River*, I strongly support designation of this river and recommend introduction and enactment of the draft bill to preserve its free-flowing condition and outstandingly remarkable scenery, hydrologic and geologic features, and whitewater recreation.

The upper White Salmon River is located in south-central Washington, approximately 60 miles from the Portland metropolitan area and adjacent to the Columbia River Gorge National Scenic Area. A 38.4-mile segment is recommended for designation, from the headwaters of Cascade Creek and the White Salmon River on Mt. Adams (within the Gifford Pinchot National Forest) to the Gilmer Creek confluence. The segment of the White Salmon River from Gilmer Creek downstream to Buck Creek (8 miles) is an existing component of the National Wild and Scenic Rivers System.

The designated segment, which flows entirely through private lands, was added to the National Wild and Scenic Rivers System to protect and enhance the same outstandingly remarkable values identified in the upriver study process. Management activities on lands within the study corridor, and throughout the basin, influence the instream values of the study segment and the designated segment of the river. Adding the study segment, which was expanded to include the upstream headwaters on the National Forest, to the National Wild and Scenic Rivers System would result in the entire, free-flowing portion of the White Salmon River being administered as a system in partnership with local, State, and Federal agencies and Indian Tribes.

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**85.13 – Exhibit 01--Continued**

Of the 38.4 miles of the upper White Salmon River (including Cascade Creek) recommended for designation, 6.7 miles in the Mt. Adams Wilderness would be classified as “wild” with the remaining 31.7 miles classified as “scenic.” The river segment extending from the boundary of the Gifford Pinchot National Forest downstream to the confluence of Gilmer Creek (18.4 miles) is currently managed under the provisions of a Shoreline Master Plan developed in accordance with the Washington State Shorelines Management Act of 1971. To provide managerial continuity and adequate protection for the predominantly instream resource values, the recommended boundary for this segment is the same as that contained in the Shoreline Master Plan – 200 horizontal feet from the ordinary high-water mark on each side of the river. This proposed river corridor would include approximately 7,279 acres, of which 6,400 acres are National Forest System lands, 12 acres are State of Washington lands, and 867 acres are private lands.

Other alternatives considered in the upper White Salmon River study report include:

Alternative 1 – No action.

Alternative 2 – Manage the river by increasing enforcement of existing laws. The river, from the National Forest boundary downstream to Gilmer Creek, would be recommended for addition to the Washington State Scenic Rivers System.

Alternative 3 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Management would be implemented by a committee composed of the Forest Service, Klickitat County, State of Washington, and the Yakama Indian Nation.

Alternative 4 – Designate the entire 38.4 miles as a component of the National Wild and Scenic Rivers System. Manage the river using a comprehensive program of federal acquisition to enhance river corridor resources and provide significantly more recreation opportunities with management implemented by the Forest Service.

The intent of designating the recommended segments would be to maintain the character of the upper White Salmon River and its immediate shorelines close to the way it appears today. This intent is reflected in the goals of the Shoreline Management Act and the Wild and Scenic Rivers Act. Long-term protection of significant river-corridor resources, including rural lifestyle and local economy, would be provided through existing regulation (with increased enforcement and interagency coordination) supplemented by limited purchase of scenic easements or fee title to lands from willing sellers.

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**85.13 – Exhibit 01--Continued**

Designation of the upper White Salmon River would not have a significant effect on other resource values in the area. There are no proposed water resource developments, mining claims, or current mineral leases on the recommended section of this river. Potential timber harvest would not be significantly reduced. Recreational use in the river corridors is expected to increase slightly because of improved public access. Designation would also support continuation of agricultural practices on private lands.

A high level of public and other Agency involvement was a key part of the study process and led to agreement on the recommendation of the designation of the upper White Salmon River as a component of the National Wild and Scenic Rivers System. The Klickitat County Board of Commissioners supports the designation of the entire White Salmon River.

The outstanding natural, scenic, and recreational values of the recommended segment of the upper White Salmon River are unique and irreplaceable resources. Adding this 38.4-mile segment to the existing White Salmon Wild and Scenic River would provide the best protection of the river and its immediate environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.  
Sincerely,

President of the United States

Enclosures

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### **85.13a – Office of Management and Budget Coordination**

The Forest Service shall coordinate with the Office of Management and Budget to prepare proposed legislation for designation of a river in the National System as follows:

1. The Washington Office, Director, Legislative Affairs, works with the Region in preparation of proposed legislation for the designation(s) recommended in the study report. This legislation is in the form of an amendment to the Wild and Scenic Rivers Act. The proposed legislation and supporting documentation are transmitted to the Secretary of Agriculture with a cover letter for transmittal to the Office of Management and Budget.
2. The Office of Management and Budget coordinates the final review with other Federal agencies. Recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the draft legislation. Occasionally, where significant changes occur, it may be necessary to revise the combined study report and environmental analysis document.
3. When the Office of Management and Budget review is complete, the President will sign and forwards the transmittal letter and legislative proposal including the combined study report and environmental analysis document to the Congress. The responsible Administrative Unit then distributes copies of the document and the transmittal letter to the public.

The proposal then awaits legislative action by the Congress.

## **85.2 – Forest Service-identified Study**

### **85.21 – Review of Public Comment and Deciding Whether to Recommend**

#### **85.21a – Recommendations from Land Management Planning**

1. After the proposed land management plan and accompanying environmental analysis document have been prepared, the Responsible Official shall make them available for public review. Information on rivers that have been evaluated for potential wild and scenic river designation must be included in the appropriate planning documents for public review.
2. Following analysis of the comments received on the proposed land management plan and draft environmental analysis document, the Responsible Official shall direct the Interdisciplinary Team to prepare final documents. A new conclusion (as different from previous published conclusions by the Forest Service) that a river or river segment is not eligible or suitable should be briefly documented in the record of decision. A wild and

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scenic river recommendation in the decision document based on a suitability evaluation in the environmental analysis document should be identified as a “preliminary administrative recommendation for wild and scenic river designation” using the following statement in the plan approval document:

*“This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, or the President of the United States. Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.”*

The plan is effective 30 days after publication of notice of its approval (36 CFR.219.17(a)). Implementation of the plan is not dependent on congressional designation of the wild and scenic river recommendation.

**85.21b – Recommendations Resulting From Separate Suitability Study**

1. After the proposed suitability study and accompanying environmental analysis document have been prepared, the Responsible Official shall make them available for public review. Information on rivers that have been evaluated for potential wild and scenic river designation must be included in the appropriate planning documents for public review.
2. Following analysis of the comments received on the proposed suitability study and draft environmental analysis document, the Responsible Official shall direct the Interdisciplinary Team to prepare final documents. A new conclusion (as different from previous published conclusions by the Forest Service) that a river or river segment is not eligible or suitable should be briefly documented in the record of decision. A wild and scenic river recommendation in the record of decision based on a suitability evaluation in the environmental analysis document should be identified as a “preliminary administrative recommendation for wild and scenic river designation” using the following statement in the plan approval document:

*“This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Regional Forester, Chief of the Forest Service, Secretary of Agriculture, or the President of the United States. Congress has reserved the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.”*

The preliminary administrative recommendation is effective upon the signing of a record of decision. The Responsible Official shall transmit the recommendation to the Regional Forester

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for further review and transmittal to the Chief. Upon review and approval, the Chief shall provide the recommendation to the Secretary of Agriculture for review and submittal to Congress.

### **85.22 – Agency Recommendation**

Once a final agency determination that a river is suitable for inclusion in the System has been made and documented, a notification letter documenting the recommendation will be prepared by the Chief for submittal to Congress. This letter should be forwarded to Congress by the Secretary of Agriculture.

### **86 – DESIGNATION**

Rivers are designated as part of the National System as specified in section 2(a) of the Wild and Scenic Rivers Act through:

1. An Act of Congress. Designated rivers are managed by one of four Federal agencies: the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the USDA Forest Service.
2. Secretary of the Interior. This designation process requires an act of the legislature of the State or States through which a river flows, and subsequent application by the Governor(s) of the concerned State(s) to the Secretary of the Interior.