

## Objection Issues

### WILD AND SCENIC RIVERS SUMMARY

#### PRIMARY OBJECTORS:

Sierra Forest Legacy, **Craig Thomas and Michael Graf**

**Steve Evans**, Friends of the River

**Summary:** The Sierra Forest Legacy and Friends of the River contend that the Lake Tahoe Basin Management Unit (LTBMU) failed to appropriately complete and document a comprehensive evaluation and systematic inventory of the potential for rivers on the unit to be eligible for inclusion in the National Wild and Scenic Rivers System. They do not believe the LTBMU adequately completed and documented an eligibility determination for the Upper Truckee River tributaries. Forest Legacy and their co-objectors are also concerned that the Basin is using other protective laws such as ESA instead of the WSRA when determining both eligibility and suitability, “Nothing in FSH 1909.12, Ch. 82.4 requires or even suggests that the Forest Service should reject WSR protection in favor of supposed existing “equivalent” or “higher” protections.

They also allege that the suitability assessment was, “conducted without collaboration or participation by the public, uses imprecise and confusing language, incorrectly applies some suitability criteria while ignoring others, and introduces extraneous issues (grazing)”. Also submitted is the concern that the LTBMU Land Resource Management Plan (LRMP) provides adequate interim protection for the Upper Truckee Recommended Wild & Scenic River (WSR).

#### What is Required

FSH 1909.12 (83.11-12, 84.11a) If the suitability determination is delayed for separate study, “the land management plan shall provide for protection of the eligible river corridor until a decision is made on the future use of the river and adjacent lands.” FSH 1909.12 (83.1)

Forest Service Handbook (FSH) 1909.12, Chapter 80 does not require that a specific management area be created for river segments determined to be eligible or suitable for WSR designation. Instead, FSH 1909.12, section 82.52 simply provides that “the special area recommendation should include the desired conditions, objectives, guidelines, and suitability of areas to be used in the design of projects and activities consistent with management guidelines of eligible or suitable rivers at FSH 1909.12, section 82.51.”

**Review Team Summary:** Section 5(d)(1) of the Wild and Scenic Rivers Act (“WSRA”) directs federal agencies, including the Forest Service, to consider and evaluate potential national wild, scenic, and recreational river areas as part of its planning processes. Forest Service Handbook (FSH) 1909.12 (81.2) provides that “[t]he land management planning process shall include a comprehensive evaluation of the potential for rivers in an administrative unit to be eligible for inclusion in the National System....If a systematic inventory of eligible rivers...has been previously completed and documented, additional assessment and study at time of land management plan revision need only be done if changed circumstances warrant additional review of eligibility....”

FSH 1909.12 (82) provides that “[t]he assessment of a river(s) identified as having potential for wild and scenic river designation follow a three-step process: 1. Determination of eligibility; 2. Potential classification (wild, scenic, or recreational); 3. Determination of suitability.” With regard to suitability, FSH 1909.12 (83) states the following:

A detailed study report shall be prepared...for all other rivers identified by the Forest Service as eligible for inclusion in the National Wild and Scenic Rivers System (National System) (sec. 5(d)(1) of the act). The purpose of the study is to document the Forest Service’s analysis and conclusions on the suitability of eligible rivers for designation as components of the National System.

The suitability process can either occur during the land management plan revision process or can proceed as a separate National Environmental Policy Act (NEPA) process. If the suitability study occurs in the plan revision process, the following agency guidelines apply:

The [environmental impact statement] EIS...accompanying the land management plan should address suitability factors, and alternatives...related to wild and scenic river recommendation. The EIS...should discuss the existing conditions and likely environmental consequences...of wild and scenic recommendation on the identified river values and other resource activities.... Within the appendix, there should be separate river narratives for each river or river system and a detailed map of the river corridor. The detailed river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability factors. Refer to section 84.11b, exhibit 01 for the contents of the summary information document.... Information on rivers that were evaluated for potential wild and scenic river designation must be included in the appropriate [DEIS] planning documents for public review.

- LTBMU must appropriately complete *and document* a comprehensive evaluation and systematic inventory of the potential for rivers in the unit to be eligible for inclusion in the National Wild and Scenic Rivers System. Upon completion, LTBMU should then take *and document* other appropriate river assessment process steps as necessary, consistent with FSH 1909.12, Chapter 80 – Wild and Scenic River Evaluation. Current documentation related to the “changed circumstances” analyzed for the Truckee River and Upper Truckee River segments found eligible and evaluated in the Eastside Rivers Study is adequate.
- However, LTBMU is not required to complete a suitability study for eligible rivers as part of the LRMP revision process. Following completion of a comprehensive evaluation and systematic inventory of the potential for rivers in the unit to be eligible for inclusion in the National Wild and Scenic Rivers System, the LTBMU should make final eligibility determinations for all 11 upper Truckee River tributaries and preliminary classifications for each tributary determined to be eligible.
- If LTBMU decides to complete a suitability study for the upper Truckee River tributaries or any other eligible stream segments, that study must comply with FSH 1909.12 (83-84).
- If LTBMU decides to delay the suitability study, “the land management plan shall provide for protection of the eligible river corridor until a decision is made on the future use of the river and adjacent lands.” FSH 1909.12 (83.1).
- The LTBMU should revise the existing Backcountry Management Area narrative to state that a suitable wild and scenic river (classified as wild) is located within the Management Area and delineate the Upper Truckee River corridor as such in Backcountry Area maps. Update Standard and Guide 168 to provide for more specific management direction related to the Upper Truckee River (but without simply repeating the management guidelines in FSH 1909.12, section 82.51). These changes should also be appropriately applied to any other river or stream segments found eligible or suitable as a result of the completion of the Basin-wide systematic river inventory and evaluation.
- Additionally, the revised LRMP, Draft ROD, and FEIS should also be corrected to accurately state that the Upper Truckee River has been found “suitable” for designation and classified as “wild.” See Revised LRMP pp. 101, 103 (Figure 5); Draft ROD pp. R-11, R-12; FEIS pp. 3-574, 3-578 (all of which currently only connote that the Upper Truckee River has been found “eligible”).

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## REMEDY(S) PROPOSED BY OBJECTORS

- “Convene an ID Team to conduct a systematic inventory and comprehensive evaluation of all potential wild and scenic rivers on the LTBMU. Collaborate with and involve the public in the process (particularly independent resource professionals not employed by the Forest Service). If any streams are identified as eligible, provide interim protection until a suitability study can be completed. If a supplemental or revised LRMP is required for the LTBMU, include the systematic inventory, and any eligibility and suitability decision that may be derived from it, in the supplemental or revised document.”
- “Create a management area specifically for the recommended river with identified suitable, non-suitable, and restricted uses that ensure protection of the river’s free-flowing condition and ORVs. Delineate the recommended river management area on the appropriate LRMP and EIS maps. At the minimum, revise the existing Backcountry Management Area narrative description to explicitly mention the recommended river and list specific suitable, non-suitable, and restricted uses that ensure protection of the recommended river. Delineate the recommended river in the Backcountry Management Area maps for the LRMP and EIS.”