

Appendix A

DECISION NOTICE
Finding of No Significant Impact, and
Finding of Non-Significant Amendment
BRIDGER-TETON LAND AND RESOURCE MANAGEMENT PLAN
AMENDMENT 11

WILD AND SCENIC RIVERS MANAGEMENT

USDA FOREST SERVICE
Intermountain Region
Bridger-Teton National Forest

Located Within Teton, Lincoln and Sublette Counties, Wyoming

December 2, 2013

Responsible Official

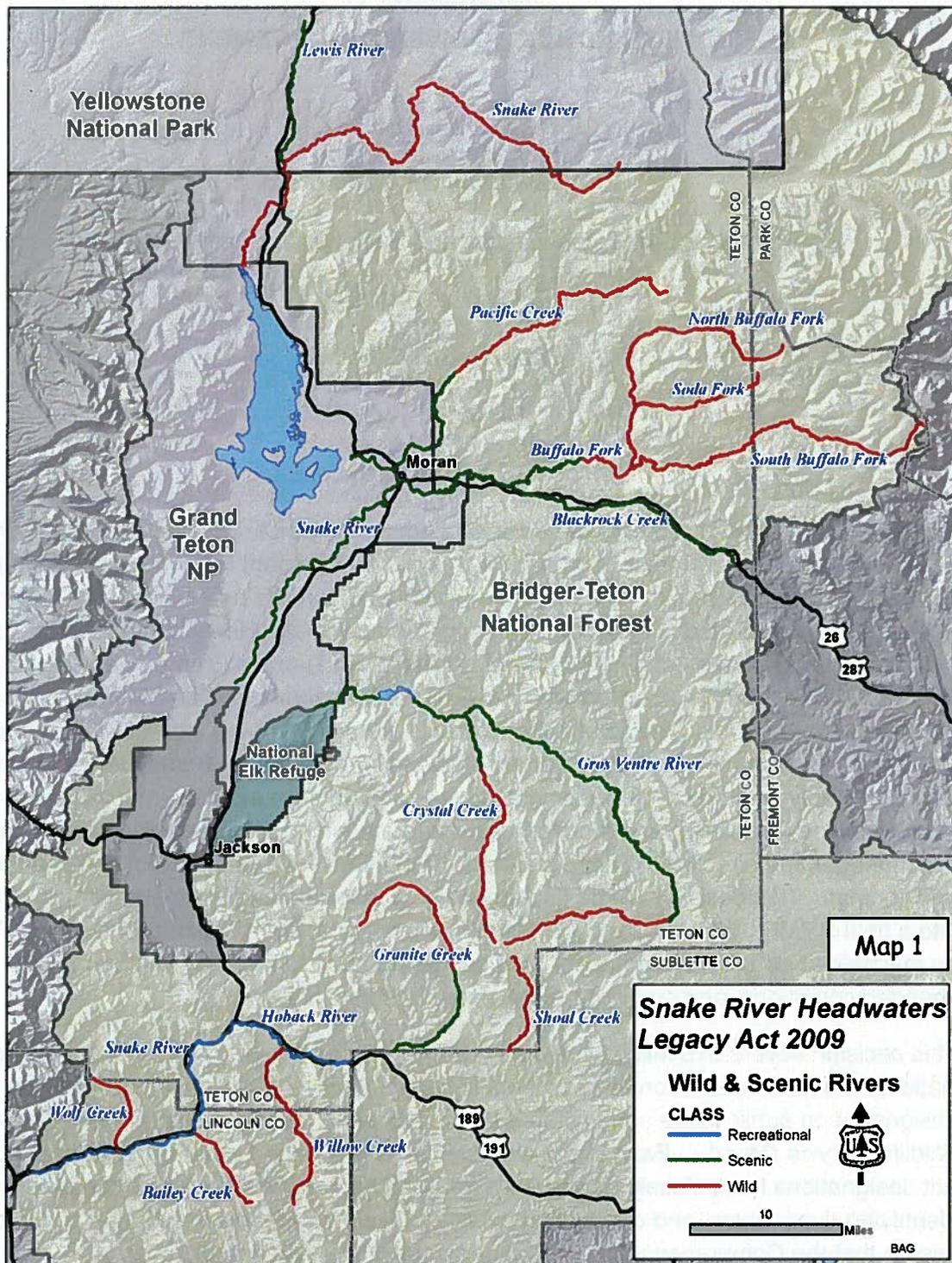
Clinton D. Kyhl
Forest Supervisor
Bridger-Teton National Forest

This Decision Notice documents the decision I am making with respect to amending the Bridger-Teton National Forest Land and Resource Management Plan (hereinafter referred to as "Forest Plan") to include management direction and corridor boundaries for Wild and Scenic rivers designated in 2009 by the Craig Thomas Snake Headwaters Legacy Act. The Wild and Scenic Rivers Act of 1968 as well as the Craig Thomas Snake Headwaters Legacy Act require development of a Comprehensive River Management Plan (CRMP) to document baseline conditions and provide direction that will protect the rivers' free-flowing character, water quality, and outstandingly remarkable values into the future. Some elements of the CRMP, notably desired conditions and associated corridor boundaries, management standards and guidelines, and monitoring, require amending the Forest Plan to incorporate this management direction. These elements of the CRMP are the subject of this decision and findings. This decision will be implemented by incorporating the management direction into a final CRMP. With the exception of this amendment, the remainder of the CRMP will be maintained as a "living document" that can be updated to reflect new information, changed conditions, and emerging management challenges.

This decision covers 315 miles of designated river corridor located on the Bridger-Teton National Forest as shown on Map 1. An additional 99 miles of Wild and Scenic River were designated on public lands administered by the National Park Service and the U.S. Fish and Wildlife Service (Map 1). Each of the agencies involved in the Snake Headwaters Legacy Act designations have closely coordinated and worked concurrently during the processes of identifying river values, and conducting public involvement and environmental analyses to assure that the Comprehensive River Management Plans are complementary.

Bridger-Teton National Forest

The environmental consequences of this decision and concerns identified by the public and cooperating agencies are contained in the Wild and Scenic Snake River Headwaters Forest Plan Amendment Environmental Assessment and project file, which have been thoroughly considered in the development of my decision.



Decision and Rationale for the Decision

Background

Direction for managing eligible Wild and Scenic Rivers was first included in the Bridger-Teton National Forest Land and Resource Management Plan (Forest Plan) approved in 1990. In 1992, Amendment Two of the Forest Plan added a number of rivers and streams to the list of those considered eligible for National Wild and Scenic designation, and it added a table of standards and guidelines for management. Since that time, research and monitoring have contributed to increased knowledge regarding the social, economic, and ecological benefits associated with free-flowing rivers and healthy watersheds. On March 30, 2009, passage of the Craig Thomas Snake Headwaters Legacy Act added all or segments of 13 rivers and streams in the Snake River Headwaters to the National Wild and Scenic Rivers System. The purpose of this designation is to protect or enhance the free-flowing condition, water quality, and 'outstandingly remarkable' values, collectively described as "river values" of the Headwaters for the benefit and enjoyment of present and future generations.

The Wild and Scenic Rivers Act of 1968, as amended, and the Snake Headwaters Legacy Act require a Comprehensive River Management Plan (CRMP) to identify and protect river values. In drafting the CRMP, the Forest compared current information with that used to develop previous Forest Plan direction, and found that hydrological and biological integrity in particular needed amended direction in order to provide greater clarity for how the designated rivers should be managed. Several public and interagency workshops were held to assign and validate specific Outstandingly Remarkable Values and management and monitoring strategies for each of the designated segments.

A summary of designated river segments within the Bridger-Teton National Forest follows. While the 2009 Act estimated mileages using the National Rivers Inventory, the lengths listed below are based on the more accurate Geographic Information System (GIS) review. Segment descriptions match the 2009 Act.

Bailey Creek. The 6.9-mile segment of Bailey Creek from the divide with the Little Greys River north to its confluence with the Snake River: **wild river.**

Blackrock Creek. The 21.7-mile segment from source to the confluence with Buffalo Fork River: **scenic river.**

Buffalo Fork of the Snake River (2 segments). The 70.3-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows: **wild river.** The 14.1-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park: **scenic river.**

Crystal Creek (2 segments). The 14.2-mile segment from the source to the Gros Ventre Wilderness boundary: **wild river.** The 5-mile segment from the Gros Ventre Wilderness boundary to the confluence with the Gros Ventre River: **scenic river.**

Granite Creek (2 segments). The 12.5-mile segment from its source to the Wilderness boundary: **wild river.** The 9.7-mile segment from Wilderness Boundary to the point one mile upstream of its confluence with the Hoback: **scenic river.**

Gros Ventre River (2 segments). The 16.5-mile segment from its source to Darwin Ranch: **wild river**. The 40.1-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding Lower Slide Lake: **scenic river**.

Hoback River. The segment from its confluence with the Snake River to 10.7 miles upstream: **recreational river**.

Pacific Creek (2 segments). The 22.5-mile segment from its source to the Teton Wilderness boundary: **wild river**. The 6.8-mile segment from the Wilderness boundary to the National Park Service boundary: **scenic river**.

Shoal Creek. The 8.5-mile segment from its source to the point 8.5 miles downstream of the source: **wild river**.

Snake River (3 segments). The 6.9-mile segment from its source to the Yellowstone National Park (YNP) boundary and a 2.7 mile segment below the YNP boundary along the east bank only: **wild river**. The 23.1-mile segment from the mouth of the Hoback River to the point one mile upstream from the Highway 89 bridge at Alpine Junction: **recreational river**.

Willow Creek. The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River: **wild river**.

Wolf Creek. The 7-mile segment from its source to its confluence with the Snake River: **wild river**.

Decision

Based upon review of the Environmental Assessment (EA), public comments, and supporting documents, I have decided to implement Alternative 2, the proposed action as described in detail in that document on pages 2-3 through 2-24. Internal and external comments suggested slight modifications to the proposed action alternative described in the EA. The changes and one addition clarify intent and do not alter the analysis or results from the EA. They are incorporated into my decision and are described below.

Specific wording changes to the Forest Plan Wild and Scenic Rivers management direction are attached to this decision. A summary of the changes are shown in Table 1:

Table 1. Changes from Alternative 2 in Environmental Assessment.

Alternative 2 as presented in the EA	Decision
<p><u>Wildlife and Vegetative Habitat Guideline:</u> The composition, structure and function of native plant and animal habitats should be maintained or restored by promoting natural ecological processes to the extent practical throughout mapped corridors (riverine, riparian and upland habitats). (pg. 2-9)</p>	<p><u>Wildlife and Vegetative Habitat Guideline:</u> The composition, structure and function of native plant and animal habitats should be maintained, restored or enhanced by promoting natural ecological processes to the extent practical throughout mapped corridors (riverine, riparian and upland habitats).</p>

<p><u>Forest Health Guideline:</u> Insects and disease should be managed only as necessary to protect human life and critical infrastructure. (pg. 2-9)</p>	<p><u>Forest Health Guideline:</u> Native insects and disease should be managed only as necessary to protect human life and infrastructure.</p>
<p><u>Fencing and Safe Road Crossings Guideline:</u> Fences should be modified to meet Wyoming Game and Fish Department wildlife-friendly guidelines or removed. Wildlife-impermeable fences, overpasses and underpasses may be used to facilitate safe passage for wildlife across roads. (pg. 2-9)</p>	<p><u>Fencing and Safe Road Crossings Guideline:</u> Fences should be modified when being replaced or newly constructed to meet Wyoming Game and Fish Department wildlife-friendly guidelines or removed if the fence is no longer necessary. Special purpose fencing, for example, corrals, elk-proof fencing, or yard fencing, may be allowed provided river values are protected. Wildlife-impermeable fences, overpasses and underpasses may be used to facilitate safe passage for wildlife across roads.</p>
<p><u>Aquatic Habitat Guidelines:</u> Managers should maintain and/or restore self-perpetuating floodplain and riparian conditions. Natural stream habitat conditions as reflected by channel dimensions, shape, gradient, and presence of hydric vegetation and large woody debris should be sustained. Direct restoration of spawning, rearing, and adult fish habitats in designated corridors may also occur. Landscapes affected by restoration projects should be natural-appearing and compatible with other identified river values. (pg. 2-10)</p>	<p><u>Aquatic Habitat Guidelines:</u> Managers should maintain, restore or enhance self-perpetuating floodplain and riparian conditions. Natural stream habitat conditions as reflected by channel dimensions, shape, gradient, and presence of hydric vegetation and large woody debris should be sustained. Direct restoration of spawning, rearing, and adult fish habitats in designated corridors may also occur. Landscapes affected by restoration projects should be natural-appearing and compatible with other identified river values.</p>
<p><u>Road Density Guideline:</u> A transportation system should be provided that is the minimum necessary for adequate access to popular recreation sites, private lands, and to meet resource management needs. Where appropriate to protect or enhance river values within the corridor, roads should be decommissioned, which includes restoring natural contours, drainage and vegetation. (pg. 2-10)</p>	<p><u>Road Density Guideline:</u> A transportation system should be provided that is the minimum necessary for adequate access to popular recreation sites, private lands, and to meet resource management needs, including permitted forest land uses. Where appropriate to protect or enhance river values within the corridor, roads should be evaluated for decommissioning, which includes restoring natural contours, drainage and vegetation.</p>
<p><u>Administrative Structures and Facilities Guideline:</u> New facilities should be located within existing developed areas. Facilities and structures should be designed or redesigned, located and maintained to protect identified values. (pg. 2-10)</p>	<p><u>Administrative and Permitted Structures and Facilities Guideline:</u> New facilities should be located within existing developed areas unless relocation or new structures would reduce actual or potential impacts to river values. Facilities and structures should be designed or re-designed, located and maintained to protect river values.</p>

<p><u>Stream Crossings Standard:</u> Temporary crossings must be removed and rehabilitated upon completion of use. (pg. 2-10)</p>	<p><u>Stream Crossings Standard:</u> Temporary crossings must be removed and the site rehabilitated upon completion of use.</p>
<p><u>DFC 3B Forest Health Project Standard:</u> Only selective hazard removal or facility enhancements allowed. (pg. 2-12)</p>	<p><u>DFC 3B Forest Health Project Standard:</u> Silvicultural activities are allowed only to enhance ecological function or visual quality, or if necessary for selective hazard removal or reduction of fuels risks in WUI, must maintain ecological function and visual quality.</p>
<p><i>(New—would be inserted at 2-18))</i></p>	<p>Indicator: Number of motorized watercraft passing selected location per the season defined by Wyoming Game and Fish regulations. Thresholds: DFC 3C: Hoback—10, Buffalo and Gros Ventre—5. Definition: ‘Motorized watercraft’ includes all craft with internal combustion engines or motors.</p>
<p>ERRATA</p>	
<p>Objective 4.6(a)—Retain, and where necessary, restore high-quality wilderness environments and corridors for Wild, Scenic, and Recreation rivers. (pg. 120, Forest Plan)</p>	<p>Objective 4.6(a)—Retain, and where necessary, restore high-quality wilderness environments.</p>

Both the Vegetative and Aquatic Habitat Guidelines have been expanded to include the word “enhance” among the type of actions the Forest Service should consider while promoting natural ecological processes.

The Forest Health Guideline did not specify that non-native insects and disease should be treated differently than native insects and disease. That correction has been made.

The Fencing and Safe Road Crossings Guideline did not specify when it should be applied. That is clarified as applying to fences when being replaced or newly constructed. An exemption is also made for special purpose fencing.

The Road Density Guideline will provide further clarity that roads provided for resource management needs will include permitted uses and that an evaluation (including public involvement) is done before any decommissioning.

The Stream Crossings Standard ambiguously stated that temporary crossings needed to be removed and rehabilitated, when in fact; the stream site would need to be rehabilitated following the crossing removal. That correction has been made.

Under the standards that vary by Desired Future Condition, the Forest Health Project standard for DFC 3B, the Snake River Canyon, was considered too limiting, especially considering that there is a significant amount of wildland urban interface and Forest and highway infrastructure within the 3B corridor. It will be changed to incorporate the same

language for silvicultural activities that will be used for DFC 3C rivers, which is more appropriate.

Motorized watercraft was added as a new monitoring element to assess trends and impacts. A new indicator is included, and it will be monitored on 3 segments. Thresholds have been identified for each segment. Motorized watercraft is defined as watercraft utilizing an internal combustion engine or motor. Official training and operational Search and Rescue missions are excluded.

While the Proposed Action does not address this, the Forest will delete, in Forest Plan Objective 4.6 (a) "and corridors for Wild, Scenic, and Recreation rivers" because many of these rivers are not managed under Wilderness direction, which is the topic of Objective 4.6. This clause was added in a March 2, 1990 Attachment to the Forest Plan, page 120.

The complete Amendment 11 is attached to this document.

My decision assigns the following Outstandingly Remarkable Values to each river segment, which is the same as those in the draft CRMP and are shown in Table 2.

Table 2. Outstandingly Remarkable Values (ORVs) Summary by Segment

River Segment	Outstandingly Remarkable Value Category					
	Scenic	Recreational	Cultural	Ecological/ Wildlife	Fish	Geologic
Bailey Creek (wild)	•	•		•	•	•
Blackrock Creek (scenic)	•	•	•	•	•	
Buffalo Fork (wild)	•	•		•	•	•
Buffalo Fork (scenic)	•	•	•	•	•	•
Crystal Creek (wild)	•	•		•	•	•
Crystal Creek (scenic)	•	•		•	•	•
Granite Creek (wild)	•	•		•		•
Granite Creek (scenic)	•	•	•	•	•	•
Gros Ventre (wild)	•	•	•	•	• ¹	•
Gros Ventre (scenic)	•	•	•	•	•	•

River Segment	Outstandingly Remarkable Value Category					
	Scenic	Recreational	Cultural	Ecological/ Wildlife	Fish	Geologic
Hoback River (recreational)	•	•	•	•	•	•
Pacific Creek (wild)		•		•	•	•
Pacific Creek (scenic)		•		•	•	
Shoal Creek (wild)	•	•		•	•	•
Snake River (wild)		•		•	•	
Snake River (recreational)	•	•		•	•	•
Willow Creek (wild)		•		•	•	
Wolf Creek (wild)	•	•		• ²	• ²	

¹Ouzel Falls to Darwin Ranch only

²Lower three miles only

My decision regarding Forest Plan Desired Future Conditions (DFCs) and final river corridor boundary mapping are the same as disclosed in the EA and are shown on Map 2 below. More detailed maps are provided online at www.fs.usda.gov/btnf under the Wild and Scenic Rivers Management link. Table 3 lists the changes in DFC acreages resulting from this decision. Most of the designated river corridors begin at normal high water mark on both banks of the stream and extend for ¼ mile, or less when tied into other special area boundaries. Table 4 describes eight adjustments made to the default to incorporate features that exemplify river values and for management practicality. The Bridger-Teton National Forest overall average is 314 acres/mile of river corridor, which is within the 320 acres/mile maximum established in the 1968 Wild and Scenic Rivers Act.

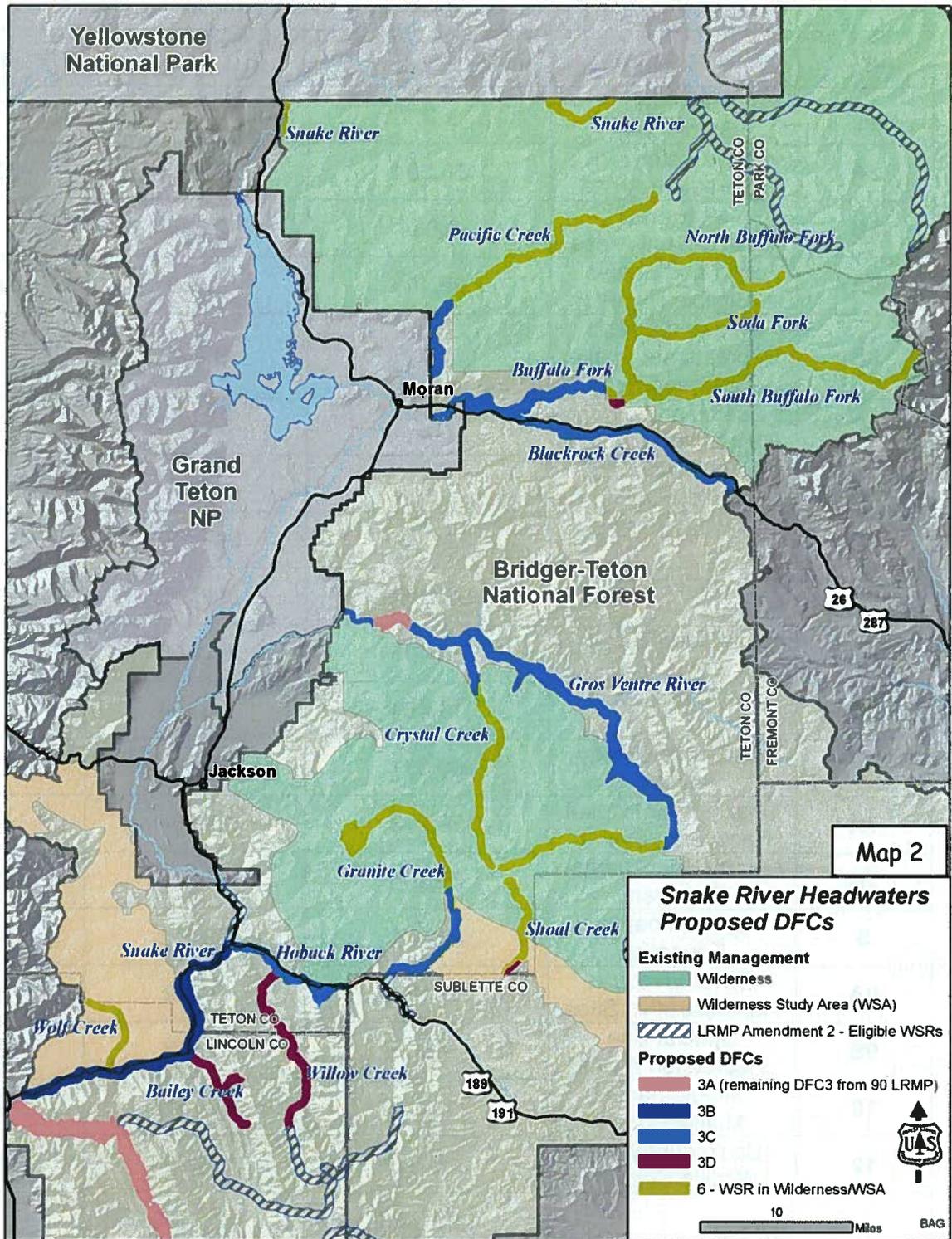


Table 3. DFC acreage change associated with Wild and Scenic Designations

DFC	Description	1990 Forest Plan Acreage	Amended Forest Plan Acreage	% Change
1B	Substantial Commodity	3	3	
2A	Non-motorized Recreation Areas	56,604	56,447	-0.3%
2B	Motorized Recreational Areas	9,684	9,684	
3(A)	Wild and Scenic Eligible Rivers	28,469	1,658	-94%
3B	Wild and Scenic Recreational Snake River segment	0	9,648	
3C	Scenic and other Recreational W & S	0	34,167	
3D	Non-Wilderness Wild Rivers	0	7,611	
6A	Wilderness	201,238	201,238	
6B	Wilderness	327,385	327,385	
6C	Wilderness	85,406	85,406	
6D	Wilderness	11,454	11,454	
6S	Wilderness Study Areas	90,681	90,681	
7A	Grizzly Bear Habitat Recovery - Timber	29,213	27,864	-5%
7B	Grizzly Bear Habitat Recovery	39,245	34,842	-11%
8	Environmental Education	22,171	22,023	-0.6%
9A	Developed and Administrative Sites	5,319	3,022	-43%
9B	Special Use Recreation Areas	6,693	6,547	-2%
10	Simultaneous Multiple Uses	111,016	107,518	-3%
12	Backcountry and Wildlife Security	206,948	194,268	-6%
TOTAL:		1,231,466	1,231,466	

Table 4. Designated River Corridor Additions Beyond the ¼ Mile Default

River Segment	Rationale	Quad Map(s)	Change in Acreage
Bailey Creek (wild)	Expanded to include the landslide that created Bailey Lake (geological value). Recreational classification of the Snake River is applied within ¼-mile of the confluence; old placer mine and developments influence this setting.	Bailey Lake Pine Creek	+ 2,643
Buffalo Fork (scenic)	Expanded to include river movement floodplain and important amphibian habitat (geological and ecological values).	Rosie's Ridge	+ 65
Crystal Creek (wild)	Expanded to include the Crystal Peak landslide that created Crystal Lake (geological value).	Grizzly Lake	+ 209
Granite Creek (wild)	Included Turquoise Lake (recreation value) and multiple headwaters.	Granite Falls	+ 1,300
Gros Ventre River (scenic)	Included Upper Slide that created Upper Slide Lake (geological value). Adjusted the corridor to follow the Gros Ventre Wilderness boundary (already legally described) from Big Cow Creek valley to the wild segment of the river to avoid isolated DFCs and to make the boundary more manageable.	Upper Slide Lake Ouzel Falls	+ 2,100
Hoback River	Extended to include the Beaver Mountain landslide and exposed bedrock (geological value). Narrowed the corridor to follow the Gros Ventre Wilderness boundary on the north side of the corridor from upper end of designated segment to Stinking Springs for manageability, to coincide with a boundary that is already legally described, and because the <i>Wild and Scenic Rivers Act</i> requires whichever designation is most protective to take precedence.	Bull Creek Camp Davis	+ 648 (cumulative)
Pacific Creek (wild)	Included the Two Ocean Creek alluvial fan that occurs on the Continental Divide (geological value).	Buffalo Headwaters	+ 58
Willow	Recreational classification of the Hoback River is applied within ¼-mile of the confluence; private land and developments influence this setting.	Camp Davis	n/a

Rationale

As line officers, the interdisciplinary team, participating agencies, and the public helped define Alternative 2 as modified, seven key needs became apparent in the process:

- Recognition that there are existing protections in current Forest Plan standards and guides as well as special area designations, Executive Orders, and other State and Federal laws that did not need to be duplicated. Additionally, management guidance such as the current Snake River Recreation Plan could be incorporated into the CRMP without revision.
- Recognition that management challenges are often unique and are always situational so maintaining management flexibility and line officer discretion is necessary in order to protect river values.
- Recognition that the Snake Headwaters Legacy Act created the second largest individual designation in the National Wild and Scenic Rivers System and that it is unique for its inclusion of an interconnected headwaters river system. The act is also notable for its emphasis on allowing for traditional and historic uses.
- Recognition that the designated corridors are highly valued for the abundance and diversity of their wildlife resources and that there is high interest for wildlife viewing and habitat protection among both residents and visitors.
- Recognition that residents and visitors highly value the designated river corridors for the opportunities they provide to recreate and connect with wild landscapes.
- Recognition that factors such as climate change and population growth will provide continuing management challenges.
- Recognition that management, enforcement, and monitoring commitments have to be doable to be effective; thus the required effort must be commensurate with projected funding and staffing levels.

These factors weigh heavily on my decision and I feel they are best addressed by Alternative 2 as modified. I am thankful for the high level of public and partner participation and engagement during the development of the Forest Plan amendment and CRMP and believe that Alternative 2, as modified, has struck the right balance among differing interests.

Past and current management has maintained river values and the eligibility of potential wild and scenic rivers. However, existing Forest Plan direction does not provide the clarity needed to protect rivers designated with different classifications, especially given the diverse settings and varied management challenges where these corridors occur.

This amendment refines Forest Plan direction to include specific management corridors for rivers designated as part of the National Wild and Scenic Rivers System by creating three new sub-categories within Desired Future Condition category 3. Previous Forest Plan direction for eligible rivers did not create specific management categories but rather added

standards and guidelines that overlapped existing categories. The river direction was not always consistent with underlying DFC and Management Area direction for the larger landscape. With adoption of the Plan amendment, the Forest will be better positioned to protect river values and address the diversity of river settings across the 315 miles of designated rivers and to provide a range of management and visitor opportunities. No currently existing traditional or historic uses are eliminated or reduced in this decision, and the direction in the amendment will assure that current and future uses remain compatible with protecting river values as required by the Act.

This amendment acknowledges the unique nature of the lower Snake River canyon, and incorporates previous public processes regarding commercial and non-commercial visitor use reflected in the Snake River Recreation Plan. It also accommodates the uncommon occurrence of having classified wild rivers located outside wilderness or wilderness study areas that potentially have different issues and opportunities. The amendment facilitates similar management of the recreational class Hoback River with less-developed scenic classified rivers because of overlap in management settings. And, the amendment leaves room for decision makers to tailor management solutions rather than applying one size fits all, cookie cutter solutions.

The No Action alternative fails to meet congressional intent requiring the development of a CRMP and delineation of river management corridors. Forest Plan direction under the No Action alternative is adequate for maintaining the eligibility status of rivers. However, current direction is not sufficient to provide adequate and clear direction to protect and enhance the breadth of values on rivers with wild, scenic, and recreational classifications under the National Wild and Scenic Rivers Act.

Other Alternatives Considered

Before formally initiating the National Environmental Policy Act (NEPA) process, the Forest worked directly with the interdisciplinary team, the public, and our interagency partners. Many, if not most of the proposed DFCs, Standards and Guides, and monitoring requirements underwent extensive revisions as a result. Numerous elements were dropped and added as well, based on these discussions. The resulting configuration has had a thorough vetting and is incorporated into Alternative 2 as modified.

Several alternatives for managing the designated rivers were considered but later dismissed and were not analyzed in detail.

1. One alternative considered was to permanently roll over existing Forest Plan direction for DFC 3 and apply the interim river corridors to the designated segments. As described in the Rationale section, the direction for eligible rivers is not specific enough to direct management of rivers with differing classifications and would retain inconsistencies in DFC direction in some instances. This alternative would also forgo the opportunity to include current scientific understanding of rivers and ecological processes as well as address changes in social expectations and economic conditions that have occurred since the 1990s when original direction was developed.
2. Another alternative would have mapped the boundaries of the management corridors for the designated segments in a way that would maximize the allowable acreage

under the Wild and Scenic Rivers Act, attempting to fully utilize the 320 acres per river mile across the entire designation. Congressional direction regarding the primary basis for determining boundaries is to protect identified river values “without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values” (Sec. 10(a)). This alternative would likely have exceeded that direction. The team considered whether to propose alternatives based solely on different mapped boundaries. However, the basis for establishing boundaries must be the protection of identified river values so there is little decision space in this regard. Alternative boundaries would provide either inadequate protection of river values or be inappropriate and overreaching.

3. An additional ‘Desired Future Condition’ category was initially explored, further segregating the rivers in the ‘scenic’ classification, primarily by roadway type (Forest Service- versus state-maintained). As relevant resource standards were drafted, no substantive differences were apparent, thus the two potential DFC subcategories were combined into the proposed DFC 3C.
4. The Forest considered an alternative that would eliminate or reduce motorized uses on the designated rivers. In the Snake Headwaters Legacy Act, Congress expressed their intent that the designated rivers were suitable and worthy of being protected under the Wild and Scenic Rivers Act. The baseline condition to be maintained is March 30, 2009, when the Act was signed into law by President Obama. Congress included language recognizing the importance of preserving public access and continuing to allow historic uses in Section 1. E of the Act. There is no indication that current types and levels of motorized uses are adversely impacting river values. In addition, Wyoming Game and Fish Department (WGFD) regulations are more clearly tied to jurisdiction of “Surface waters of the State” than are Federal regulations where Special Orders for closures might be applied. Revisions in Wyoming watercraft regulations are considered every other year so the Forest Service always has the option to coordinate with WGFD to meet river management objectives. As such this alternative was not studied in detail. However, monitoring indicators and thresholds have been identified and included in the final decision to assure that river values are protected over time.
5. The Forest considered an alternative that would withdraw scenic and recreational rivers from mineral entry under the provisions of the 1872 Mining Law. Before such a petition can be made to the Bureau of Land Management, the Forest Service has to make a case that existing legal and Forest Plan provisions as well as those in the Wild and Scenic Rivers Act are inadequate to protect river values. Such petitions are given two years in which to conduct an Environmental Impact Statement analyzing the impacts of the withdrawal. If granted, withdrawals are only granted for 20 years, but can be renewed. The Forest cannot complete a gap analysis before completing the Wild and Scenic River amendment to the Bridger-Teton Forest Plan. As such, this proposal is not ripe for decision at this time. In the CRMP the Forest Service has committed to explore, as funding allows, the possible need for mineral withdrawal.

Public Involvement

Early sensing of public desires for managing this designation began with open houses held in three locations in March of 2010 to introduce the public and interagency partners to the wild and scenic designation and draft river corridor maps. This was followed up in December of 2010 with a joint public meeting that included Yellowstone and Grand Teton National Parks, the John D. Rockefeller, Jr. Memorial Parkway, and the National Elk Refuge. Official scoping for this amendment was done in two phases. The first occurred in early January of 2012 via release of a scoping document to determine land management area (DFC) groupings. The Forest received 52 responses from 14 organizations and individuals. The second occurred during a March 16, 2012 public workshop in Jackson, with 20 participants, related to evaluating proposals for standards, guidelines and monitoring. Again, written findings from these meetings were shared with participants and interested stakeholders.

Project information has been available and updated frequently online via web links on the Bridger-Teton National Forest webpage. The Snake River Fund also encouraged public involvement in this process through their website. Numerous news releases and small group presentations and workshops have occurred throughout the planning process including to congressional staff, County commissioners, conservation districts, State of Wyoming agencies, the Snake River Basin Advisory Group, and other federal and local agencies. The legal notice regarding the release of the Environmental Assessment was published in the Casper Star-Tribune on May 11, 2013. Comments were accepted for 50 days, with 16 letters received on the EA and the Draft Comprehensive River Management Plan, which was released simultaneously. These comments and Forest Service responses were catalogued in the online Comment Analysis and Response Application (CARA). Wyoming Department of Game and Fish comments were not able to be incorporated into CARA and are therefore included in a slightly different format. Responses to comments are included as a part of this decision as Attachment A, and posted online.

Finding of No Significant Impact

After considering the environmental effects described in the Environmental Assessment, I have determined that this action will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

CONTEXT

The management direction contained in this decision will impact less than 3 percent of the total acreage on the Bridger-Teton National Forest. Most of the designated river corridors in this decision are already managed in the Forest Plan to maintain their eligibility for inclusion in the Wild and Scenic River System and many are also part of other special area designations such as wilderness, wilderness study areas, natural geologic areas, designated migration corridors, and roadless areas. This amendment will add specificity and clarity to management direction for designated rivers using current science and understanding of social expectations and economic conditions. The direction in this decision is programmatic. Any future ground-disturbing activities will assure that water quality, free-flowing character, and outstandingly remarkable values are maintained through

both site-specific NEPA and Wild and Scenic Rivers Act Section 7 certification. The Bridger-Teton National Forest, known for world-class headwaters, wildlife, wilderness and wildlands, is an integral part of the Greater Yellowstone Ecosystem. The significance that local, regional, national, and international publics assign to this area has figured prominently in my decision.

INTENSITY

Based on the analyses documented in the Wild and Scenic Snake River Headwaters Forest Plan Amendment EA, I have determined the following with regard to the intensity of the project:

Environmental Effects

I find that the management direction included in this decision does not cause significantly adverse impacts to socioeconomic, cultural, or natural resources based on the findings in the EA and from feedback given through the public involvement process. In fact, the changes will help avoid impacts by protecting river-dependent resources and uses.

Public Health and Safety

The proposed action will comply with all state and federal regulations related to public health and safety. As such, there will be no significant effects on public health and safety. This decision provides programmatic direction to be applied to site-specific project proposals and activities. Part of the NEPA decision for future project proposals is a determination of any significant health and safety issues.

Unique Characteristics of the Area

The river segments included in the Snake Headwaters Legacy Act were designated because of their unique characteristics. Most of the river miles are located in special areas such as wilderness, wilderness study areas, natural geologic areas, designated migration corridors, and roadless areas. The Forest Plan amendments included in the CRMP have identified what makes these rivers special and unique and provides the direction necessary to protect these values. As such, my decision will improve conditions for unique characteristics of the area.

Controversy

The effects of this action on the quality of the human environment are not likely to be highly controversial, especially given that the designated rivers have been managed to maintain their eligibility into the National Wild and Scenic River System since the early 1990s. I find the new management direction to be scientifically supported as discussed in the EA and this decision. Comments received during public and interagency review were generally supportive, especially once details of specific concerns were addressed in the final modifications to the chosen alternative. The updated river management direction meets Congressional intent and the legislative requirements of the Wild and Scenic Rivers Act.

Uncertainty

The effects of this action are not highly uncertain, nor do they involve unique or unknown

risks. The best available scientific information and local knowledge was incorporated into the management direction contained in this Forest Plan amendment and will be written into the CRMP. Because the portion of the CRMP not associated with the Forest Plan amendment is a living document and because river conditions will be monitored, the Forest will be able to make necessary on-the-ground management changes in the future if deemed necessary to protect river values. Also, future site-specific decisions for ground disturbing activities or changes in management direction will undergo environmental review under NEPA and Section 7 as appropriate.

Precedent

The management direction in my decision meets the intent of the Snake Headwaters Legacy Act of 2009 and the Wild and Scenic Rivers Act of 1968 as amended. The format for the CRMP was taken from the Wild and Scenic Interagency Coordinating Council (see <http://www.rivers.gov/>). The amendment format and content were reviewed within the Forest Service at all levels of the organization and amongst other Federal, State, and local interagency partners. None of the proposed actions set new precedence.

Cumulative Impacts

I find that the cumulative effects of this project are not significant because the updated programmatic direction in my decision, when considered in combination with other past or reasonably foreseeable actions, is not expected to have a cumulatively significant effect on any resources (Chapter 4 in the EA).

Properties On or Eligible for the National Register of Historic Places; Significant Scientific, Cultural, or Historic Resources

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through "in situ" preservation, but may encompass other actions to preserve these remains and items.

The amendment will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The amendment contains direction that more fully protects cultural and archeological resources within the designated river corridors.

The proposed action has been reviewed by the Wyoming State Historic Preservation Office (SHPO). In accordance with the Programmatic Agreement Among the U.S.D.A. Forest Service, Wyoming Forests, Wyoming State Historic Preservation Officer, and Advisory Council on Historic Preservation regarding Compliance with the National Historic

Preservation Act on the National Forests and Grasslands of Wyoming, no further cultural resource surveys or consultation with the Wyoming State Historic Preservation Office is required because this undertaking does not authorize surface disturbance.

When projects are proposed in the river corridors, cultural resource surveys and evaluations will be completed prior to project implementation. Historic and prehistoric sites that have been determined eligible for the National Register will be avoided by all project activities.

No tribal concerns were identified for this project.

If any cultural resource sites are discovered during implementation, appropriate action will be taken in consultation with SHPO.

Endangered or Threatened Species

I find that Alternative 2 as modified will not jeopardize the continued existence of any federally listed or proposed endangered or threatened species or their critical habitat, nor will it contribute to a loss of viability or a trend towards federal listing under the Endangered Species Act of any USFWS-listed sensitive species. The U.S. Fish and Wildlife Service concurred with the Forest Service findings that the chosen alternative “may affect, but is unlikely to adversely affect” the threatened grizzly bear (*Ursus arctos horribilis*), Canada lynx (*Lynx canadensis*), and designated critical habitat for lynx. The Biological Assessment also indicated that the proposed action would not jeopardize the continued existence of the federally proposed wolverine and will have no effect on Ute Ladies’- tresses, black-footed ferret, and Colorado River fish. The new management direction in the amendment increases attention to sustaining natural processes, biodiversity, and migration corridors while reducing the potential for known risk factors to adversely impact species and their habitats. Project analysis at the local scale will consider direct, indirect, and cumulative impacts to threatened and endangered species.

Federal, State, and Local Laws or Requirements

The action will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and requirements are addressed in the EA and specialist reports in the project file. State and local laws and ordinances will apply to private lands within the designated river corridors. As a River Administering Agency, the Forest Service will have to certify, through a Section 7 evaluation, with the Army Corp of Engineers that activities on private lands within the bed and banks of designated segments will not adversely impact river values. If proposed projects are above or below designated segments, the Forest Service must determine that activities will not invade or unreasonably diminish the scenic, recreational, fish or wildlife values associated with that segment.

Findings Required by Other Laws and Regulations

The EA and this Decision Notice were developed under the implementing regulations of the National Environmental Policy Act, 40 CFR parts 1500-1508, 36 CFR 220, and 36 CFR 215. The project was also evaluated according to the implementing regulations of the National Forest Management Act (NFMA) 36 CFR 219 (<http://ecfr.gpoaccess.gov>). I find that Alternative 2 as modified is consistent with federal, state, and local laws and regulations for

the protection of the environment, and the Forest Plan.

Environmental Justice

Executive Order 12898 requires federal agencies to address disproportionately high and adverse human health or environmental effects on minorities and low-income populations and communities. After considering the effects of Alternative 2 as modified on subsistence activities, none of the alternatives would impose any disproportionate adverse human health or environmental effects on minority or low-income populations as defined by the Environmental Justice Act. Opportunities for activities that low-income residents may engage in for subsistence, such as firewood cutting, hunting, or huckleberry gathering, would not be altered under the selected alternative. Therefore, low-income residents would not be adversely affected. This decision would not be expected to cause significant changes in the socioeconomic environment of the project area and thus would not affect low-income or minority populations or communities.

Finding of Non-Significant Amendment

Location, Size, and Management Prescriptions: The project area is limited in size, encompassing about 99,000 acres out of approximately 3.465 million proclaimed acres, or less than 3% of the national forest. Nearly all of this area has been managed to maintain Wild and Scenic River eligibility since the early 1990s. Most of the area is also already protected through other special designations such as wilderness, wilderness study areas, natural geologic areas, designated migration corridors, and roadless areas.

Goals, Objectives, and Outputs: The disclosure of effects in the EA found the potential changes to forest outputs limited in scope and context. Effects to extractive uses on National Forest System lands are limited in scope based on current management and opportunities for future development. Socioeconomic values that are river dependent will either be maintained or benefit by the updated management direction included in Alternative 2 as modified. There will be no significant impacts at regional or national economic scales.

Based on review of the Environmental Assessment and supporting documents and considering the above guidance and findings, it is my determination that this amendment does not result in a significant change to the Forest Plan and is therefore a non-significant amendment.

Administrative Review or Objection Opportunities

This decision was subject to the pre-decisional administrative review (objection) process described at 36 CFR 219 Subpart B (available at the Bridger-Teton National Forest webpage) which pertains to Forest Plan amendments and revisions. The legal notice regarding the draft Decision was published in the Casper-Star Tribune on 9/30/2013. No objections were received in the 45 day period ending on November 14, 2013.



Clinton D. Kyhl, Forest Supervisor

December 2, 2013

Full text of Amendment 11 of the Bridger-Teton Land and Resource Management Plan is attached on the following pages (p. 20-32).



BRIDGER-TETON NATIONAL FOREST LAND AND RESOURCE MANAGEMENT PLAN

AMENDMENT ELEVEN

Management Direction for

Wild and Scenic Rivers

A handwritten signature in black ink, appearing to read 'Clinton D. Kuhl'.

Clinton D. Kuhl, Forest Supervisor

December 2, 2019

Full text of Amendment 11 of the Bridger-Teton Land and Resource Management Plan is attached on the following pages (p. 20-22).

**From Public Law 111-11
Sec. 5002. Snake River Headwaters, Wyoming.**

b. (1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—
(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

This Amendment replaces, in designated segments only, DFC 3 and Amendment Two direction for rivers outside Wilderness and is added to DFC 6 direction (replacing Amendment Two standards) for designated rivers within Wilderness and Wilderness Study Areas. Please refer to attached map for specific river locations.

Forest Plan Goal and Objective

Insert on page 121

Under the existing Forest Challenge “Protect Cultural Resources and Natural Features,” a new goal and objective would be added.

Goal 4.11 Waterways designated by Congress as part of the National Wild and Scenic River System will be managed to protect and enhance their outstandingly remarkable values, free-flow condition, and water quality for future generations.

Objective 4.11(a) Implement applicable Comprehensive River Management Plan(s) and monitor the resource and social indicators identified.

Desired Future Condition 3 Wild and Scenic Rivers

change title

p. 173

Desired Future Condition 3A Eligible Rivers

Eligible, but non-designated rivers outside Wilderness and Wilderness Study Areas

p. 174

Eligible Wild and Scenic Rivers Standard: River segments, and the default corridor of at least ¼ mile on either side, that have been determined eligible for inclusion in the Wild and Scenic Rivers System will be managed to protect or enhance their outstanding river values.

Desired Future Condition 3B-D Designated Rivers

Insert between pp. 177-178, replacing both DFC 3 and Amendment Two direction for these rivers

Theme: River corridors designated in the National Wild and Scenic Rivers System and responsive to the requirements of the Wild and Scenic Rivers Act of 1968, as amended.

Management Emphasis

All designated river segments will be managed to protect and enhance their outstandingly remarkable values (described in detail in applicable Comprehensive River Management Plan), free-flowing condition, and water quality for future generations. This protection, defined as a non-degradation standard, derives from a baseline of developments, conditions and ecosystem functions present at the time of designation. Management will:

1. Promote the rivers’ natural hydrological processes, channel form and function, and ability to shape the landscape. Reduce impediments to free flow, ensure sufficient flows to protect and enhance outstandingly remarkable values, and ensure the maintenance of water quality.
2. Protect and enhance the natural biodiversity, complexity, and resiliency of riparian areas, wetlands, floodplains and adjacent uplands.
3. Protect and enhance cultural resources as important links to the human history of the river corridors including historical and archeological sites, cultural landscapes, and ethnographic resources.

4. Provide a diversity of opportunities and settings for visitors of varying abilities to experience, learn about, and have a direct connection with the rivers and their special values. Such opportunities must be consistent with the values that caused the rivers to be designated.
5. Allow for legal and permitted multiple uses and associated developments, consistent with each river segment's classification, while supporting the protection and enhancement of river values.

Resource Standards and Guidelines

The following replace former DFC 3 and Amendment Two direction for designated segments outside wilderness and wilderness study areas.

Table 1

ECOLOGICAL AND WILDLIFE RESOURCES
Wildlife and Vegetative Habitat Guideline: The composition, structure and function of native plant and animal habitats should be maintained, restored or enhanced by promoting natural ecological processes to the extent practical throughout mapped corridors (riverine, riparian and upland habitats).
Forest Health Guideline: Native insects and disease should be managed only as necessary to protect human life and critical infrastructure.
Fencing and Safe Road Crossings Guideline: Fences should be modified when being replaced or newly constructed to meet Wyoming Game and Fish Department wildlife-friendly guidelines or removed if the fence is no longer necessary. Special purpose fencing, for example, corrals, elk-proof fencing, or yard fencing, may be allowed provided river values are protected. Wildlife-impermeable fences, overpasses and underpasses may be used to facilitate safe passage for wildlife across roads.
Biodiversity Guideline: To the fullest practical extent, management should maintain genetic integrity of native plant and animal species, and maintain native populations at all trophic levels. **
Migration Corridors Guideline: Management actions should be designed so that timing, location and duration of activities allow for successful use of historic and new fish and wildlife migration routes.
AQUATIC RESOURCES
Fisheries Habitat Guideline: Fisheries habitat management should give preference to maintenance of self-sustaining native fish populations in their native range.
Aquatic Habitat Guidelines: Managers should maintain, restore or enhance self-perpetuating floodplain and riparian conditions. Natural stream habitat conditions as reflected by channel dimensions, shape, gradient, and presence of hydric vegetation and large woody debris should be sustained. Direct restoration of spawning, rearing, and adult fish habitats in designated corridors may also occur. Landscapes affected by restoration projects should be natural-appearing and compatible with other identified river values.

ROADS AND FACILITIES
<p>Road Maintenance Guideline: Existing roads should be managed to protect or enhance water quality, conditions of free-flow and the outstandingly remarkable values of each river segment. Best Management Practices should be utilized to improve drainage and reduce erosion and sedimentation.</p>
<p>Road Density Guideline: A transportation system should be provided that is the minimum necessary for adequate access to popular recreation sites, private lands, and to meet resource management needs, including permitted forest land uses. Where appropriate to protect or enhance river values within the corridor, roads should be evaluated for decommissioning, which includes restoring natural contours, drainage and vegetation.</p>
<p>Administrative and Permitted Structures and Facilities Guideline: New facilities should be located within existing developed areas unless relocation or new structures would reduce actual or potential impacts to river values. Facilities and structures should be designed or redesigned, located and maintained to protect river values.</p>
<p>Stream Crossings Standard: Wherever occurring on designated segments and adjacent tributaries, crossing structures must be designed to accommodate the bankfull channel, and flows, sediment and debris from 100-year return interval floods. Existing non-compliant structures will be modified as funding permits. Temporary crossings must be removed and the site rehabilitated upon completion of use.</p>
<p>Road Improvement and New Road Building Standard: Service level of permanent new or reconstructed roads must be consistent with the Recreation Opportunity Spectrum for the project area.</p>
SCENERY
<p>Scenery Management Guideline: Management practices should maintain a high level of scenic integrity for identified foreground features and middle-ground or background scenic vistas. Changes in visual character resulting from natural processes such as fire (including smoke), flooding, wind events, insects and disease, landslides and naturally-impounded ponds should only be modified where necessary to provide for public safety or to the degree necessary to maintain critical infrastructure.</p>
<p>Scenery Perspective Standard: River facilities and management activities will be designed to be compatible with the river scenery as viewed, in priority order, first from the waterways and second from travel routes within corridors.</p>

**Biodiversity guideline outside wilderness areas is not intended to limit the planting of disease-resistant whitebark pine seedlings

Desired Future Condition DFC 6 Wilderness and Wilderness Study Areas

Insert between pp. 196-197

In Wilderness and Wilderness Study Areas, existing direction meets much of the intent of Wild and Scenic Rivers designation. Without removing those protections, the requirements in Table 2.2 are added to existing DFC 6 direction within designated corridors across all DFC 6 subcategories, including 6S (Wilderness Study Areas).

Additional DFC 6 Standards and Guidelines for Designated Rivers inside Wilderness and Wilderness Study Areas

Table 2

ECOLOGICAL AND WILDLIFE RESOURCES
Biodiversity Guideline: Genetic integrity of native plant and animal species and native populations at all trophic levels should be maintained, within the context of Wilderness character.
Forest Health Projects Standard: Only hazard tree removal at designated facilities allowed.
RECREATION RESOURCES
Recreation Permits Standards: Proposed outfitter-guide special uses must help enhance identified river values. No recreation events allowed.

Insert on p. 197, following Table 2: “See table of resource standards for designated wild and scenic rivers under DFC 3 for additional direction.”

Experience by subcategory

Insert between pp. 177-178 (following Table 1)

3B—Snake River Canyon (Hoback to Alpine) This is the most heavily developed recreational corridor within the Bridger-Teton National Forest, with frequent, ready access from U.S. 26/89 and developed boating and camping facilities. With its unique level of development and high use, including large groups, this river segment will be managed to accommodate that visitation style. It will continue to be managed under the existing Snake River Recreation Plan, which contains specific direction to manage high numbers of visitors, including commercial outfitted publics, to protect the desired recreational experience and other identified values of the corridor. Visitor opportunities will be accessible and relevant to diverse populations, promoting understanding and enjoyment of the environment, preservation of natural settings, and encouragement of healthy river-related activities to invigorate the human spirit and create lasting memories, especially among the large groups that frequent this corridor.

3C—Hoback River (Sublette County line to Snake), Blackrock Creek; Pacific, Crystal, Granite Creeks, Buffalo Forks, Gros Ventre River (below wilderness boundaries) These segments are accessible via paved roads and highways, some of which are scenic byways, and/or Forest roads. However, the level of development is lower, and the use is primarily by small groups and individuals. Boat launches are primitive, campgrounds are few, and there are many opportunities for dispersed camping and day use. The corridors provide for day-use and overnight camping in developed or dispersed settings. A wide range of recreational and educational experiences, including fishing, hunting and wildlife viewing, will be encouraged. Information will describe opportunities to explore the full Headwaters system. Interpretation of both natural and cultural resources will educate the public about river values and how activities in the Headwaters system help protect and enhance these values. Resource adaptation and resilience will be promoted through retention of management flexibility, especially regarding fish and wildlife habitat projects.

3D—Bailey and Willow Creeks These segments are classified as wild rivers, yet are located outside of designated Wilderness or Wilderness Study Areas (WSA). They are accessed by non-motorized trail and have no facilities other than trails and trail bridges, food storage poles, and undeveloped campsites. Fishing, hunting and wildlife viewing continue to be key activities. Visitors will adapt to changing natural conditions, with new recreation activities allowed only if they are consistent with the protection and enhancement of river values. Activities that might result in a more developed classification will not be allowed, but management to restore natural conditions or functions will be supported. Interpretation and education will primarily occur off-site.

Note: Approximately two miles each of Shoal Creek and Buffalo Fork wild segments are also outside Wilderness/Wilderness Study Area boundaries and will be managed under DFC 3D, as will any WSA portions of a designation that may be released from Wilderness management in the future.

**Table 3
DFC-specific Standards, Replace Amendment Two Direction**

Resource Area	DFC 3B	DFC 3C	DFC 3D	DFC 6/6S
Water Resource Projects	<p>Subject to valid existing rights, existing diversions and impoundments may be maintained, utilizing methods that are protective of current free-flow and identified river values. All proposed federally-assisted or –permitted (non-FERC hydropower) water resources projects within or adjacent to designated segments are subject to Section 7 evaluation for potential effects on the values for which the river was added to the National System. New (non-FERC hydropower) water resources projects may be permitted only if river values are protected.</p>		<p>All flood control or irrigation structures, impoundments and diversions are prohibited, subject to valid existing rights.</p>	
Forest Health Projects	<p>Silvicultural activities are allowed only to enhance ecological function or visual quality, or if necessary for selective hazard removal or reduction of fuels risks in WUI, must maintain ecological function and visual quality.</p>		<p>Only WUI fuels treatments, habitat restoration, or hazard tree removal allowed.</p>	<p>Only hazard tree removal at designated facilities allowed.</p>
Dispersed Camping	<p>None allowed in corridor during the high use season, between May 1 and Labor Day.</p>	<p>Allowed except where seasonally (May 1- Labor Day) prohibited. All vehicles at dispersed campsites shall remain outside a 100' setback from waterways; Hitching, tethering or picketing pack and saddle stock shall remain outside 200' lake and 100' stream setbacks.</p>	<p>Hitching, tethering or picketing pack and saddle stock shall remain outside 200' lake and 100' stream setbacks.</p>	
Recreation Facilities and Structures	<p>No new campgrounds; other facilities may be approved, appropriate to setting; enhancements of existing facilities are allowed.</p>	<p>New and existing developed sites, river access, trailhead facilities, interpretive sites are allowed appropriate to setting. Facilities that might result in a more developed classification would not be allowed.</p>	<p>No facilities allowed, although minimal structures such as bear poles may be installed to protect identified values.</p>	

Resource Area	DFC 3B	DFC 3C	DFC 3D	DFC 6/6S
River-related Recreation Permits	Follow Snake River Recreation Plan limits on commercial use. Group (>15) permit required. Recreation events allowed.	Proposed outfitter-guide or recreation event permits must enhance identified river values and river stewardship.	No events allowed; New outfitter-guide permits must enhance wild river character, identified river values and stewardship.	
Visual Quality	The Visual Quality Objectives are Retention in the foreground or Partial Retention beyond the foreground.		The Visual Quality Objectives are Preservation in the foreground or Retention beyond the foreground.	The Visual Quality Objective is Preservation.
Non-recreation Developments	New structures on NFS lands may not have exterior lights, signals or illumination, except for specific safety needs. Height of any new structures should be consistent with county Land Development Regulations. New structures must be evaluated as to appropriateness for character of immediate vicinity, river classification, and according to Visual Quality Standards.		New structures are not allowed in river corridors.	
Bank Stabilization	Stabilization projects are allowed, subject to approval through the Section 7 review process, for safety or protection of river values. Materials used must be natural or natural-appearing, consistent with site characteristics.		Stabilization projects are allowed only to correct human-caused resource damage. Materials used must be natural, consistent with site characteristics.	
Road and Trail Fords	No developed or improved road or trail stream fords are allowed.	No new developed or improved road or trail stream fords shall be allowed, unless an existing crossing must be re-located or re-designed to minimize impacts on river values or water quality.		
Common Variety Minerals	Visual screening from waterway and roadway of new or existing in-use pits is required. Pits must be outside the bed or banks of designated segments and must apply established Best Management Practices to protect river values. Unused pits will be rehabilitated.		<i>Withdrawn by law from mining entry, subject to valid existing rights.</i>	
Leasable Minerals	Available (except where subject to other No Lease or withdrawal decisions) with No Surface Occupancy stipulation on any new oil and gas leases. All leasing operations shall minimize surface disturbance and visual impairment, and avoid impacts to water quality.		<i>Withdrawn by law from mineral leasing, subject to valid existing rights.</i> Existing valid claims in wild corridors will be managed to minimize surface disturbance and visual impairment, and avoid impacts to water quality.	
Locatable Minerals	Areas available except where subject to other withdrawals. All operations shall minimize surface disturbance and visual impairment, and avoid impacts to water quality.		<i>Withdrawn by law from mining entry, subject to valid existing rights.</i> Existing valid claims in wild corridors will be managed to minimize surface disturbance and visual impairment, and avoid impacts to water quality.	

Definitions of Terms Used in Standards and Guidelines

Critical Infrastructure: This includes administrative and visitor facilities such as buildings and trails and resource features such as whitebark pine 'plus' trees that can serve as vital resilient seed stock.

Designated Facilities: In wilderness, this includes defined outfitter-guide or livestock camps and cabins under permit, as well as administrative facilities such as cabins, fences and trails.

Dispersed Camping: Campsites chosen by visitors, without Forest Service developments such as picnic tables. Bear poles and bear boxes may be provided in high use dispersed campsite locations.

Administrative and Permitted Facilities and Structures (Non-recreation): This includes but is not limited to cell towers, grazing structures, wildlife management structures, administrative sites, communications sites, transmission lines and pipelines.

Recreation Facilities and Structures: Facilities include developments and areas associated with campgrounds, picnic areas and major boat launches; structures include bear boxes or poles, hitch rails, corrals, etc. associated with recreation sites. Designated facilities in wilderness include Forest System trailways, outfitter-guide camp locations, and guard stations.

Recreation Opportunity Spectrum (ROS): A conceptual tool for managing recreation and integrating recreation with other land uses by assessing physical, social and managerial attributes of various settings and how settings combine with activities to create a variety of recreation opportunities.

Road Decommissioning: Closing a road and restoring the natural contours, drainage, and vegetation to the area impacted by the road or trail (see p. 104-5 Forest Plan—Road Elimination Condition 4—Restoration).

Visual Quality Objectives: Defined protocol for determining the allowable amount of visual alterations to the natural landscape. *Retention/Partial Retention:* natural-appearing scenic quality with few alterations evident to the viewer beyond recreational facilities, roads and bridges. Alterations beyond the corridor are subordinate and compatible with the natural setting. *Preservation:* preserve natural scenery in the corridor and retain a natural-appearing backdrop with no evident alterations in the foreground relative to the river. Few structures other than trail bridges or primitive camps are evident.

Wildland Urban Interface (WUI): The zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. On the Bridger-Teton National Forest, these zones are spatially identified by local community wildfire protection plans (CWPP's).

MONITORING *Insert after p.335*

The following table of Indicators and Thresholds provides managers an overview of the monitoring to be accomplished in order to determine whether the direction provided by the Guidelines and Standards is effectively protecting the values identified in the wild and scenic rivers designation. Implementation specifics for these indicators and monitoring schedules are provided in the accompanying Comprehensive River Management Plan (CRMP). Should monitoring establish negative trends in the selected indicators, the CRMP provides a list of potential strategies for changed management to continue meeting the Management Emphasis for the designated corridors.

	Indicator	Thresholds			
		DFC 3B	DFC 3C	DFC 3D	DFC 6
Recreation	Total number of watercraft passing by a selected location per day.	@ Sheep Gulch; 146 noncommercial, 171 commercial boats ** more than 3 days/month	Hoback : 40 craft per day, more than 10% of times sampled Buffalo, Gros Ventre, Granite: 30 craft per day more than 10% of times sampled	Willow: 20 craft per day more than 10% of times sampled	Presence of watercraft in collective corridors more than 60% of monitoring days
	Occupancy of total mapped dispersed campsites in defined areas	<i>Not monitoring this indicator in DFC 3B</i>	Buffalo: Exceeding 80% more than 5 days per month; Granite, Gros Ventre, Pacific: Exceeding 80% more than 10 days per month per segment	<i>Not monitoring this indicator in DFC 3D</i>	<i>Not monitoring this indicator in DFC 6</i>
	Number of days existing vehicle access areas at selected locations reach facility design capacity	Boat Ramps: 10 days per season	Hoback fishing pullout: 10 days per season Crystal fishing pullout: 10 days per season	<i>Not monitoring this indicator in DFC 3D</i>	Wolf Creek Trailhead: 10 (sampled in winter and summer/fall)
	Number of campsite or stock holding areas per specified reach exceeding listed Class & Impact Ratings	<i>Not monitoring this indicator in DFC 3B</i>	8 areas with Condition Class Ratings ≥ 3 or 8 areas with Stock Impact Rating ≥ 10 <i>Not monitoring this indicator in the Hoback segment</i>	5 areas with Condition Class Ratings ≥ 3 or 3 areas with Stock Impact Rating ≥ 10	4 areas with Condition Class Ratings ≥ 3 or 2 areas with Stock Impact Rating ≥ 10
	Number of motorized watercraft passing selected location per season (May-July)	<i>Not monitoring this indicator in DFC 3B</i>	Hoback: 10 craft per season Buffalo and Gros Ventre: 5 craft per season	<i>Not monitoring this indicator in DFC 3D</i>	<i>Not monitoring this indicator in DFC 6</i>

<p>Wildlife; Ecological Function</p>	<p>% Streambank stability; Greenline Composition (%Foliar Cover by Species); Cumulative Bankfull Width; Live/Dead Index; Woody Species Age Class</p> <p>See definitions for selected parameters</p>	<p><i>Not regularly monitoring these indicators in DFC 3B</i></p>	<p><i>Gros Ventre River @ Fish Creek confluence; and reference stretch upstream of Fish Creek</i></p> <p><i>Monitor every 5 years except Greenline Composition, every 10 years.</i></p> <p><i>Threshold is any statistically significant downward trend.</i></p>	<p><i>Not regularly monitoring these indicators in DFC 3D</i></p>	<p><i>Not regularly monitoring these indicators in DFC 6</i></p>
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***watercraft equivalents as defined in Snake Recreation Plan apply in DFC 3B only*

Indicator Term definitions:

Watercraft: Any contrivance used or designed primarily for navigation on the water that is designed to be propelled by paddles, oars, sails or motors; to include devices considered water sport toys—any aid to swimming or fishing on the water.

Motorized Watercraft: Watercraft utilizing an internal combustion engine or motor. Official training and operational Search and Rescue missions are excluded.

Campsite Condition Class: Frissel rating system that classifies the degree of human-caused change that a campsite has undergone.

Stock Impact Rating (SIR) – Evaluates the combined impacts of all recreational stock use areas associated with an individual recreation site. The SIR is a numerical score based on the sum of the numerical rating of three categories of recreation stock related impacts: **Size, Vegetation Impact, and Tree Damage.**

Multiple Indicator Monitoring (MIM):

Statistically-significant protocols developed to evaluate short- and long-term indicators of riparian and stream channel conditions are used to determine if resource objectives are being met for these areas. **Selected indicators are:**

- Streambank stability
- Cumulative Bankfull Width distribution
- Greenline composition: Foliar cover, percent by species
- Woody species age class

Live/Dead (L/D) Index:

Protocol developed by Keigley et al (2002) that assesses regeneration potential in browsed shrub habitats.

The above five ecological indicators are to be monitored every five years, except Greenline composition, which will be monitored every ten years. No current baseline exists for Greenline composition, but the agency commits to establishing a baseline for the selected sections at a minimum. Thresholds are considered to be any statistically significant downward trend, not attributed to natural causes. Downward trends in the ecological indicators or exceedances of criteria are determined considering a confidence interval around the measurement or metric's mean. This helps address variability due to site complexity, observer variation, and other variables.

If new monitoring methods are deemed more scientifically accurate or would likely provide better answers to the questions listed in the introduction to this section, those may be substituted for the ones listed here.

River Corridor Boundaries

Corridor boundaries will be mapped in the Bridger-Teton National Forest corporate Geographic Information System (GIS) database once published in the Federal Register.

Appendix B. The Craig Thomas Snake Headwaters Legacy Act

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(a) Short Title- This section may be cited as the `Craig Thomas Snake Headwaters Legacy Act of 2008'.

(b) Findings; Purposes-

(1) FINDINGS- Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for--

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES- The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

(c) Definitions- In this section:

(1) SECRETARY CONCERNED- The term `Secretary concerned' means--

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in--

- (i) Grand Teton National Park;
- (ii) Yellowstone National Park;
- (iii) the John D. Rockefeller, Jr. Memorial Parkway; or
- (iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in--

- (i) Grand Teton National Park;
- (ii) Yellowstone National Park;
- (iii) the John D. Rockefeller, Jr. Memorial Parkway; or
- (iv) the National Elk Refuge.

(2) STATE- The term `State' means the State of Wyoming.

(d) Wild and Scenic River Designations, Snake River Headwaters, Wyoming- Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

(206) SNAKE RIVER HEADWATERS, WYOMING- The following segments of the Snake River System, in the State of Wyoming:

(A) BAILEY CREEK- The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

(B) BLACKROCK CREEK- The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

(C) BUFFALO FORK OF THE SNAKE RIVER- The portions of the Buffalo Fork of the Snake River, consisting of--

- (i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;
- (ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and
- (iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

(D) CRYSTAL CREEK- The portions of Crystal Creek, consisting of--
(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and
(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

(E) GRANITE CREEK- The portions of Granite Creek, consisting of—
(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and
(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

(F) GROS VENTRE RIVER- The portions of the Gros Ventre River, consisting of--
(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;
(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and
(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

(G) HOBACK RIVER- The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

(H) LEWIS RIVER- The portions of the Lewis River, consisting of--
(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and
(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

(I) PACIFIC CREEK- The portions of Pacific Creek, consisting of--
(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and
(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

(J) SHOAL CREEK- The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

(K) SNAKE RIVER- The portions of the Snake River, consisting of--
(i) the 47-mile segment from its source to Jackson Lake, as a wild river;
(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and
(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

(L) WILLOW CREEK- The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

(M) WOLF CREEK- The 7-mile segment from its source to its confluence with the Snake River, as a wild river.

(e) Management-

(1) IN GENERAL- Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN-

(A) IN GENERAL- In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT- Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS-

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section--

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES- Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER- No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS-

(A) IN GENERAL- Nothing in this section affects valid existing rights, including--

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM- Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.

Appendix C. Relevant Law and Policy

Aquatics

Wyoming Game and Fish Commission Chapter 62 Regulation For Aquatic Invasive Species

Wyoming Aquatic Invasive Species Management Plan, 9/20/2010

Memorandum of Understanding between the WY Game and Fish Commission and the Forest Service, USDA on Fish, Wildlife And Habitat Management Within National Forest Wilderness In Wyoming, May 7, 2010

Wyoming Game and Fish Commission Chapter 22 Watercraft Regulation

Title 36 CFR 261.50(a), 261.58(s) and (t)

Cultural

National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470)

FSM 2300 – Recreation, Heritage, and Volunteer Resources, Chapter 2360 – Heritage Program Management

Programmatic Agreement Among the U.S.D.A. forest Service, Wyoming Forests, Wyoming State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding Compliance with the National Historic Preservation Act on the National Forest and Grasslands of Wyoming (2008).

Hydrology

Executive Order 11988, Floodplain Management

This Executive Order requires that agencies avoid, to the extent possible, adverse impacts associated with occupancy and modification of floodplains. It applies to all floodplain locations, as a minimum to areas in the 100-year, or base, floodplain.

Executive Order 11990, Protection of Wetlands

This Executive Order states that agencies shall minimize destruction, loss, or degradation of wetlands and shall preserve and enhance their natural and beneficial values. Agencies are to avoid construction in wetlands unless it is determined that there is no practicable alternative and that all practicable measures are taken to minimize harm to wetlands

Federal Clean Water Act

The Federal Water Pollution Control Act of 1972 (Public Law 92-500) as amended in 1977 (Public Law 95-217) and 1987 (Public Law 100-4), provides the structure for regulating pollutant discharges to waters of the United States. This Act is also known as the federal Clean Water Act. As stated in Section 101 of the Act, the objective of the Act is "...to restore and maintain the chemical, physical, and biological integrity of the Nation's waters". Control of point and nonpoint sources of pollution are among the means to achieve the stated objective.

Certain sections of the Act have special importance in management of nonpoint source pollution. Sections 208 and 319 of the Act recognize the need for control strategies for nonpoint source pollution. Under Section 305(b) of the Clean Water Act, states are required to assess the condition of their waters and produce a biennial report summarizing the findings.

Waterbodies that have water quality determined to be either impaired (not fully meeting water quality standards) or threatened (likely to violate standards in the near future) are compiled by MDEQ in a separate list under Section 303(d) of the Act. This list must be submitted to EPA every two years.

Section 404 of the Act outlines the permitting process for discharging dredged or fill material into waters of the United States, including wetlands. The U.S. Army Corps of Engineers administers the 404 program. Under Section 401 of the Act, states and tribes may review and approve, set conditions on, or deny Federal permits (such as 404 permits) that may result in a discharge to State or Tribal waters, including wetlands. Applications for Section 404 permits are often joint 404/401 permits to ensure compliance at both the State and Federal levels.

Wyoming Environmental Quality Act (Title 35, Chapter 11, Wyoming Code)

The stated policy and purpose of this Act is to:

...enable the state to prevent, reduce and eliminate pollution; to preserve, and enhance the air, water and reclaim the land of Wyoming; to plan the development, use, reclamation, preservation and enhancement of the air, land and water resources of the state; to preserve and exercise the primary responsibilities and rights of the state of Wyoming; to retain for the state the control over its air, land and water and to secure cooperation between agencies of the state, agencies of other states, interstate agencies, and the federal government in carrying out these objectives. (35-11-102)

Article 3 of the Act lists prohibited acts related to water quality and describes the duties and authorities of the Department of Environmental Quality (DEQ), Water Quality Division. Among the duties are the development and enforcement of state Water Quality Standards, which are described in detail in the Water Quality Rules and Regulations (Chapters 1 to 23).

Memorandum of Understanding (MOU) between the Wyoming Department of Environmental Quality (WDEQ) and the USDA, Forest Service Rocky Mountain Region and Intermountain Region

This MOU was signed in July 2011 and remains in effect through May 2016. The purpose of the MOU is to "document the cooperation between the parties to protect water quality and

designated uses in waterbodies on National Forest System (NFS) lands in Wyoming, ...” Under the MOU, the Forest Service agrees to provide WDEQ the opportunity to comment on projects and activity plans that have the potential to affect water quality. The USFS further agrees to implement BMPs, monitor the implementation and effectiveness of BMPs, and adjust BMPs or mitigate actions to meet water quality standards. The Forest Service also agrees to share information with WDEQ.

Wyoming Best Management Practices

Best management practices (BMPs) are voluntary, preferred, measures to protect soil and water quality. However, as stated in the Wyoming Nonpoint Source Management Plan Update (WDEQ, 2000), “If violations of the state’s Water Quality Standards occur, and BMPs have not been implemented, the [Water Quality Division of Wyoming DEQ] has the legal authority to take enforcement action...” (p.2). Proper application of BMPs, and documentation of their use, meets the State’s requirements for nonpoint source pollution control to meet state water quality standards.

The Forest Service uses BMPs as mandatory minimum measures for protecting watershed resources, generally exceeding them. Use of BMPs, as described in practices found in FSH 2509.22, is required under the Memorandum of Understanding between the Forest Service and the State of Wyoming as part of the Forest’s responsibility as the Designated Water Quality Management Agency on National Forest System (NFS) lands.

Wild and Scenic Rivers Act of 1968, as amended. Section 7 requires analysis of Water Resources Projects within bed and banks of designated stretches, and above, below or tributary to designated stretches, using a more limited standard.

Engineering

FSM 7703.25 Decommissioning Roads: Use travel analysis (FSM 7712; FSH 7709.55, ch. 20) to identify roads that may not be needed for the use and management of NFS lands; to identify roads that could be converted to trails; to identify restoration needs; and to establish decommissioning priorities. Unauthorized roads, temporary roads, and any NFS roads no longer needed for the use and management of NFS lands should be decommissioned. Do not designate temporary roads or unneeded roads for motor vehicle use, and do not show unneeded roads on an MVUM.

FSH 7709.58,10,12.3 and Guidelines for Road Maintenance Levels 7700-Transportation Management 0577 1205-SDTDC December 2005

Minerals

1872 Mining Law, as amended

1920 Mineral Leasing Act, as amended

1947 Mineral Materials Act

1947 Mineral Leasing Act, as amended

1960 Multiple-Use Sustained-Yield Act

1970 Mining & Minerals Policy Act

1974 Forest and Rangeland Renewable Resources Planning Act, as amended

1976 National Forest Management Act, as amended

1980 Energy Security Act

2005 Energy Policy Act

Wyoming Range Legacy Act (P.L. 111-11; 123 Stat. 991)

36 C.F.R. 228

Forest Service Manual 2800

“Krug Memorandum,” Jackson Hole, Wyoming, Area Memorandum Regarding Oil and Gas Leases, Federal Registrar, 30 August 1947, page 5859

Bridger-Teton National Forest Land and Resource Management Plan and Final Environmental Impact Statement (FEIS)

Recreation

FSM 2350 contains guidance for managing Wild, Scenic and Recreational Rivers.

Scenery

CFR 219.21 (f), which states, “The visual resource shall be inventoried, and evaluated as an integrated part of evaluating alternatives [for] both the landscape’s visual attractiveness and the public’s visual expectation. Management prescriptions shall include visual quality objectives.”

Forest Service Handbook 462 (National Forest Landscape Management System, Volume 2, Chapter 1)

Forest Service Handbook 701, (Landscape Aesthetics: A Handbook for Scenery Management)

Bridger-Teton National Forest Land and Resource Management Plan

Vegetation Management

FSM 2900

The Plant Protection Act of 2000 (7 U.S.C. 7701 et seq) as amended by the Noxious Weed Control and Eradication Act of 2004 (P.L. 108-412). Among other provisions, the Plant Protection Act authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or

the dissemination of a plant pest or noxious weed within the United States. The Act defines the term “Noxious Weed”.

Wilderness Act of 1964 (16 U.S.C. §§1131 et seq.). Authorizes the Secretary to administer certain congressionally designated National Forest System lands as wilderness. Directs the protection and preservation of these wilderness areas in their natural state, primarily affected by nature and not man’s actions. Integrated pest management actions [including aquatic and terrestrial invasive species] in Wilderness are authorized to meet provisions of the Act and consistent with Forest Service policy and guidance for Wilderness management.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), (7 U.S.C. s/s 136 et seq.). Describes pesticide regulations and requirements related to hazardous material use and worker protection standards for employees in the planning and application of pesticides.

Policy on Noxious Weed Management. Departmental Regulation 9500-10 (DR 9500-10) (January 18, 1990)). Establishes U.S. Department of Agriculture (USDA) policy to manage and coordinate noxious weed activities among USDA agencies in order to improve the quality and ecological conditions of crop and rangeland in the United States.

Native Plant Materials Policy (FSM 2070). Forest Service manual direction on the use of native plant materials in re-vegetation, rehabilitation, and restoration of both aquatic and terrestrial ecosystems across the National Forest System.

Pesticide Use Management and Coordination Policy (FSM 2150). Provides agency policy and guidance on the use of pesticides as part of an integrated pest management approach. Additional guidance provided in the Pesticide Use Management Handbook (FSH 2109).

2902. Objectives

Management activities for aquatic and terrestrial invasive species (including vertebrates, invertebrates, plants, and pathogens) will be based upon an integrated pest management approach on all areas within the National Forest System, and on areas managed outside of the National Forest System under the authority of the Wyden Amendment (P.L. 109-54, Section 434), prioritizing prevention and early detection and rapid response actions as necessary.

Executive Order 13112

(a) "Alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

f) "Invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

2903.5. Ensure that all Forest Service management activities are designed to minimize or eliminate the possibility of establishment or spread of invasive species on the National Forest System, or to adjacent areas. Integrate visitor use strategies with invasive species management activities on aquatic and terrestrial areas of the National Forest System. At no time are invasive

species to be promoted or used in site restoration or re-vegetation work, watershed rehabilitation projects, planted for bio-fuels production, or other management activities on national forests and grasslands.

Wildlife

Land and Resource Management Plan

The 1990 Bridger-Teton National Forest Land and Resource Management Plan, in compliance with the National Forest Management Act (below), establishes forest-wide direction, goals, objectives, standards, and guidelines for the management of wildlife species and habitats on the Forest. For wildlife resources, the direction addresses management indicator species, sensitive species, and threatened and endangered species.

National Forest Management Act

The 1976 National Forest Management Act provides for balanced consideration of all resources. It requires the Forest Service to plan for a diversity of plant and animal communities. Under its direction, the Forest Service is to manage for viable populations of native and desired, non-native species and to maintain and improve habitat of management indicator species.

Endangered Species Act

The 1973 Endangered Species Act, as amended, requires federal agencies to conserve endangered species and threatened species and use their authorities in furtherance of the purposes of the Act. The Forest Service conducts Section 7 consultations with the USFWS to ensure that "any action authorized, funded or carried out . . . is not likely to jeopardize the continued existence of any endangered or threatened species."

In accordance with the requirements of the Act, Biological Assessments are submitted to the USFWS that address the direct, indirect, and cumulative effects of projects on federally listed and proposed species, and their habitats identified as critical or otherwise.

Bald Eagle Protection Act

The Bald Eagle Protection Act prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs. "Take" includes collection, molestation, disturbance, or killing of eagles.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act prohibits the killing, capture, "take," or otherwise harming of birds listed as migratory. Migratory species include most types of birds, including waterfowl, and most songbirds and hawks. Section 703 of the act states, "unless and except as permitted by regulations, it shall be unlawful at any time, by any means or in any matter, to take, capture, kill, attempt to take, capture, or kill, or possess any migratory bird, any part, nest, or eggs of any such bird."

Executive Order 13186 and USFS and USFWS (2008) require all federal agencies to (1) "...design migratory bird habitat and population conservation principles, measures, and practices into agency plans and planning processes" (e.g., rangeland planning), and to (2) "...ensure that

agency plans and actions promote programs and recommendations of comprehensive migratory bird planning efforts such as Partners-in-Flight, U.S. National Shorebird Plan, North American Waterfowl Management Plan, North American Colonial Waterbird Plan, and other planning efforts, as well as guidance from other sources..." among other requirements.

The Order also requires all federal agencies "ensure that environmental analyses of federal actions required by NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern."

Appendix D

Table 1 Species known either to occur in the analysis area or have potential habitat present

Name	Habitat Description	Species Type	Known Occurrences in Project Area	Habitat in project area	Likelihood of effects from changes in management	Group
<i>Agoseris lackschewitzii</i> pink agoseris	This species is found in mid-montane to subalpine wet meadow, saturated soils at 8,500 to 10,600 feet in elevation (Fertig et al 1994).	sensitive	Yes - pink agoseris is known from Blackrock Creek (Scenic)	Yes - Nearly every segment has potential habitat for this riparian meadow species	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush
<i>Androsace chamaejasme</i> ssp. <i>carinata</i> sweet-flowered rock jasmine	This species is known in the east slope of the Wind River Range, eastern Absaroka Mountains and the Owl Creek Mountains. Preferred habitat is on exposed settings of rocky ridge crests, slopes with rock outcrops and thin soils of limestone or dolomite substrate at 8,500 to 10,800 feet elevation. (Fertig 2001a)	sensitive	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffers for segments with high altitude headwaters (n=12)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Astragalus jejunus</i> var. <i>jejunus</i> starveling milkvetch	This species is found on dry barren ridges and bluffs of shale and stone, clay or cobblestones at 6,000 to 7,100 feet elevation (Fertig et al. 1994).	sensitive	No	Yes - the mid-elevation rocky habitat of this species is present in the 1/4 mile buffers for many stream segments (n=18)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Mid-elevation
<i>Astragalus shultziorum</i> Shultz's milkvetch	Distribution of Schultz's milkvetch is centered in Wyoming in the Teton, Salt and Wind River ranges. It is found primarily in subalpine forb communities on shallow, rocky, calcareous soils at elevations of 8,800 to 11,500 feet (Heidel and Fertig 2008).	Plan MIS	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffers for segments with high altitude headwaters (n=12)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Astragalus paysonii</i> Payson's milkvetch	This species occurs primarily in disturbed areas on sandy soils that have a low cover of forbs and grasses at elevations of 5,850 to 9,600 feet (Heidel 2008)	sensitive	Yes - Payson's milkvetch is known from the Bailey Creek (Wild) section as well as the Snake River Lower (Recreation) section.	Yes - the disturbed mid elevation habitat of this species is present in all segments	Moderate – Changes in the amount and location of restoration and other disturbances may influence this species	Barren & Rocky - Mid-elevation

Name	Habitat Description	Species Type	Known Occurrences in Project Area	Habitat in project area	Likelihood of effects from changes in management	Group
<i>Carex incurviformis</i> seaside sedge	This species occurs primarily in alpine and subalpine moist tundra and wet rock ledges 10,000 to 12,200 elevation (Fertig 2000c).	sensitive	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffers for segments with high altitude headwaters (n=7)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Carex luzulina</i> var. <i>atropurpurea</i> black and purple sedge	This species is found in subalpine wet meadows and stream sides at 10,000 to 10,600 feet elevations (Mills and Fertig 2000).	sensitive	Yes - this species is known from the Shoal Creek (Wild) section	Yes - the high elevation meadow habitat of this species is present in 6 segments	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush
<i>Descurainia torulosa</i> Wyoming tansymustard	Wyoming tansymustard is restricted to the southern Absaroka Range and the Rock Springs Uplift. Habitat is sandy soil at the base of cliffs composed of volcanic breccia or sandstone, under slight overhangs, in cavities in the volcanic rock, or on ledges. It is found at elevations of 7,700 to 10,500 feet (Fertig 2000d).	sensitive	No	Yes - the mid-elevation rocky habitat of this species is present in the 1/4 mile buffers for many stream segments (n=13)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Mid-elevation
<i>Draba borealis</i> boreal draba	Known in Wyoming from the southwestern Absaroka, western Wind River, Gros Ventre, Salt and Wyoming ranges, Jackson Hole and the Yellowstone Plateau. North-facing limestone, dolomite or volcanic slopes, cliffs and riparian areas from 6200-8500 (Fertig 1999)	Plan MIS	Yes - this species is known from the Gros Ventre Lower (Scenic), Gros Ventre Upper (Scenic) and Hoback River (Recreation) sections	Yes - the mid elevation riparian portion of this species habitat is present in all segments	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush
<i>Draba globosa</i> rockcress draba	Rockcress draba is found in moist, gravelly alpine meadows and talus slopes, often on limestone-derived soils. Found from 8,100 to 12,400 feet (Handley 2008).	sensitive	Yes - this species is known from the Gros Ventre Upper (Wild), Shoal Creek (Wild) and Crystal Creek (Wild) sections	Yes - the high elevation meadow habitat of this species is present in 12 segments	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush

Name	Habitat Description	Species Type	Known Occurrences in Project Area	Habitat in project area	Likelihood of effects from changes in management	Group
<i>Ericameria discoidea</i> var. <i>linearis</i> narrowleaf goldenweed	This species is typically found in semi-barren, whitish clay flats and slopes, gravel bars, and sandy lakeshores at elevations of 7,700 to 10,300 feet (Fertig 2000e).	sensitive	No	Yes - the mid-elevation lakeside rocky habitat of this species is present in the 1/4 mile buffers for many stream segments (n=16)	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Mid-elevation
<i>Erigeron lanatus</i> woolly daisy	This species is found on alpine or subalpine limestone talus slopes at 11,000 feet elevation (Fertig 2001).	sensitive	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffer segments with high altitude headwaters in one segment	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Lesquerella paysonii</i> Payson's bladderpod	This species is endemic to the carbonate mountain ranges of west-central Wyoming, eastern Idaho, and southwestern Montana. It is found on rocky, sparsely-vegetated slopes, often calcareous substrates at elevations of 5,500 to 10,600 feet (Heidel 2008a).	sensitive	Yes - this species is known from the Buffalo Fork (Scenic) and Gros Ventre Lower (Scenic) segments	Yes - the mid-elevation rocky habitat of this species is present in the 1/4 mile buffers for all stream segments	Moderate - changes in management of timber resources may impact this species	Barren & Rocky - Mid-elevation
<i>Parrya nudicaulis</i> naked-stemmed parrya	This species is found on alpine talus, often on limestone substrates at 10,700 to 11,400 feet elevation (Fertig 2000b)	sensitive	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffer segments with high altitude headwaters in six segments	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Physaria integrifolia</i> var. <i>monticola</i> creeping twinpod	Found on barren, rocky, calcareous hills and slopes at 6,500 to 8,600 feet elevation (Fertig et al. 1994).	sensitive	Yes - this species is known from the Gros Ventre Lower (Scenic) section	Yes - the mid-elevation rocky habitat of this species is present in the 1/4 mile buffers for all stream segments	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Mid-elevation

Name	Habitat Description	Species Type	Known Occurrences in Project Area	Habitat in project area	Likelihood of effects from changes in management	Group
<i>Pinus albicaulis</i> whitebark pine	This species grows in pure stands near the treeline and in mixed stands in subalpine forests from under 8000 to over 10,000 feet in Wyoming	sensitive	Yes - this species is known from 15 segments	Yes - this species habitat is present in all segments	High - changes in timber and restoration may impact this species	Forest
<i>Populus tremuloides</i> aspen	Aspen can be found throughout the Bridger-Teton. It occurs in pure stands, or mixed with subalpine fir, lodgepole pine, Douglas-fir, whitebark pine, or Engelmann spruce. In lower elevations, it forms a mosaic with shrublands.	Ecological MIS	Yes - this species is known from all segments	Yes - this species habitat is present in all segments	High - changes in timber and restoration may impact this species	Forest
<i>Primula egalikensis</i> Greenland primrose	This species is found in wet meadows along streams and calcareous montane bogs from 6600 to 8000 ft (Fertig et al. 1994).	sensitive	No	Yes - Nearly every segment has potential habitat for this riparian meadow species	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush
<i>Saussurea weberi</i> Weber's saussurea	Restricted to the Gros Ventre and northern Wind River ranges Habitat is on alpine talus slopes and gravel fields from 9,600 to 11,500 feet (Fertig 2000a).	sensitive	No	Yes - the barren and rocky alpine habitat of this species is present in the 1/4 mile buffer segments with high altitude headwaters in nine segments	Low - changes in management are unlikely to impact this species or its habitat	Barren & Rocky - Alpine
<i>Symphotrichum molle</i> soft aster	In Wyoming, this species has been found in the Big Horn Mts and Hoback Canyon. It prefers sagebrush grasslands and mountain meadows in calcareous soils at 6,400 to 8,500 feet elevation (Fertig et al. 1994).	sensitive	No	Yes - the sagebrush habitat of this species is present in all segments	Low - changes in management are unlikely to impact this species or its habitat	Meadow & Sagebrush

Species information – Species with known individuals present in the analysis area

Species which occupy meadow or riparian habitat

Pink agoseris (*Agoseris lackschewitzii*) - Sensitive

Pink agoseris is known from one population in the analysis area along the Scenic section of Blackrock Creek. This occurrence was observed in the summer of 2011 and consists of approximately 700 individuals growing in an open meadow along the creek (T Johnson personal observation). Pink agoseris is a regional endemic of east central Idaho, southwestern Montana and northwestern Wyoming. In Wyoming it is known from the Beartooth, Wind River, Gros Ventre and Bighorn range and the Yellowstone Plateau. It is known from at least 45 extant occurrences and one historical record. Trend data are lacking, but Fertig (2000) states the populations are probably stable. Fertig (2000) considered threats to be low due to the high elevation habitat. Some populations are known to have persisted in disturbed areas.

Black and purple sedge (*Carex luzulina* var. *atropurpurea*) - Sensitive

Black and purple sedge is known from the Wild section of Shoal Creek. This occurrence is in an alpine meadow on calcareous substrate on Steamboat Peak (WYNDD 2011). Black and purple sedge is a regional endemic of eastern Idaho, southwestern Montana, and western Wyoming. In Wyoming it is known only from the Wind River and Gros Ventre ranges. There are 10 known occurrences in Wyoming (Mills and Fertig 2000). Trend for this species is unknown. Mills and Fertig (2000) identified grazing and habitat disturbance as potential threats.

Boreal draba (*Draba borealis*) - MIS

There are two known occurrences of Boreal draba in the analysis area. In the analysis area boreal draba is known from the Scenic section of the Upper Gros Ventre as well as the Recreation section of the Hoback River, where all populations are small and scattered across forested streams. Boreal draba is a species generally found in the boreal region and grows from Asia to Alaska and has disjunct populations in Wyoming and Colorado. This species grows on rocky slopes, cliffs and riparian areas on rocky soils. The plants that grow in rocky wetland habitats may be affected by grazing, but the habitat type is sparsely vegetated.

Rockcress draba (*Draba globosa*) - Sensitive

Rockcress draba is known from the Wild sections of the Upper Gros Ventre River, Shoal Creek and Crystal Creek where it grows on calcareous substrates on Corner Mountain. Rockcress draba was previously known as *Draba densifolia* var. *apiculata*. It is a regional endemic of Idaho, Montana, Colorado, Utah and Wyoming. In Wyoming there are 22 extant occurrences, known from the Absaroka, Teton, Wind River, Beartooth, Medicine Bow, Gros Ventre, and Salt River Ranges and the Overthrust Belt (Handley 2008). Handley (2008) states rockcress draba is protected from human threats by its inaccessible habitat. But Ladyman (2004) indicates that invasive weeds are a threat to rockcress draba.

Species which occupy barren and rocky habitat at middle elevations

Payson's milkvetch (*Astragalus paysonii*) – Sensitive

There are two known occurrences of Payson's milkvetch in the analysis area, one in the Wild section of Bailey Creek and one in the Recreation section of the Lower Snake River. Each of these occurrences are composed of multiple small populations which are located in burned areas and stream and lake shores. Payson's milkvetch is a disturbance adapted species which grows in sandy soils with a low cover of potentially competing vegetation (Heidel 2008).

Payson's bladderpod (*Lesquerella paysonii*) – Sensitive

There are two known occurrences of Payson's bladderpod in the analysis area, located in the Scenic sections of the Buffalo Fork and the Lower Gros Ventre. The occurrence in the Buffalo Fork dates from the 1940's and the occurrence at the Lower Gros Ventre was observed along the shores of Lower Slide Lake. Payson's bladderpod grows in open and sparsely vegetated areas and is typically associated with sagebrush grasslands within a fairly broad elevation envelope (5500 – 10,600 ft) (Fertig and Heidel 2008). While Payson's bladderpod occupies sparsely vegetated areas it is unclear if the species is disturbance adapted. Recent surveys for Payson's bladderpod have shown that it occupies areas that are naturally low in vegetative cover, such as talus slopes, but also grows in pipeline corridors and on exposed ridge-tops which have been recently bladed (Heidel 2012). The open and barren nature of

this species habitat and its possible interaction with disturbance means that invasive plants may be a threat.

Creeping twinpod (*Physaria integrifolia* var. *monticola*) - Sensitive

Creeping twinpod grows in barren and rocky areas and is known from the Scenic section of the Lower Gros Ventre. The species is not tracked by WYNDD because of questions of taxonomy. The Flora of North America treatment of *Physaria* (eFloras 2012) includes the species *integrifolia* but goes out of its way to emphasize that the variety *monticola* is not valid. The treatment states that the key characteristic of var *monticola* is simply a result of plasticity in the growth form resulting from edaphic (soil and climate) conditions rather than evolutionary novelty. The variety is however, listed as sensitive in R4 and as such still has an analysis requirement. As a result of the lack of monitoring of this species, little is known about the threats to this species, but they are likely to be similar to those of other species that occupy rocky and barren habitats, which include competitive exclusion by invasive species.

Species which occupy forested habitats

Whitebark pine (*Pinus albicaulis*) – Sensitive

Whitebark pine grows in pure and mixed stands within the analysis area. Table 2 shows the acres of pure and mixed white bark pine in each class of river (Recreation, Scenic or Wild). The majority of whitebark pine acres are in either Wild or Scenic class areas. The major threats to this species, as identified by Tomback et al. (2001 and references therein) and the US Fish and Wildlife Service (US Fish and Wildlife Service 2011), are successional replacement by shade-tolerant conifers resulting from fire suppression, as well as an exotic fungal infection and native beetle epidemics.

Aspen (*Populus tremuloides*) - MIS

Aspen grows in pure stands as well as those mixed with encroaching conifers. Table 2 shows the acres of pure and mixed aspen in each class of river (Recreation, Scenic or Wild). The majority of aspen occurs in Scenic or Wild classes. Aspen is in decline across nearly its western range due, in most part, to historic and modern fire suppression, ungulate herbivory and successional replacement by shade-tolerant conifers.

Table 2 Acres of aspen and whitebark pine in the analysis area by river class. * Rivers in designated wildernesses or wilderness study areas are also designated Wild, but have a separate DFC in the proposed action. ** Includes aspen and whitebark pine but excludes willow and cottonwood since these forest types are not included in silvicultural prescriptions

Class	Aspen	Aspen mix	Whitebark	Whitebark mix	All Forest types**
Recreational or DFC 3B	774	8	20	0	6648
Scenic or DFC 3C	1132	84	47	219	11055
Wild or DFC 3D or DFC 6 *	889	122	2013	1330	36798

Species information – Species which have no known individuals present in the analysis area but have potential habitat present
Species which occupy barren and rocky habitat at high elevations

Sweet-flowered rock jasmine (*Androsace chamaejasme* ssp. *carinata*) – Sensitive

Sweet-flowered rock jasmine grows on rocky ridgcrests, slopes, and rock meadows in sparsely vegetated areas from Alaska and Canada south to Colorado. There are 6 known occurrences in Wyoming, most of which occur in wilderness areas or Research Natural Areas. No individuals have been found on the Bridger-Teton National Forest.

Shultz’s milkvetch (*Astragalus shultziorum*) – MIS

Shultz’s milkvetch was considered a sensitive species when the Forest Plan for the Bridger-Teton National Forest determined that all sensitive species would be considered Management Indicator Species. Since that time Shultz’s milkvetch has been removed from the R4 sensitive species list as well as changing names (the species is now *A. molybdenus* or Leadville milkvetch). It is included here as a Management Indicator Species. A regional endemic, 26 occurrences of Shultz’s milkvetch have been found in the Teton, Salt River and Wild River Ranges of Wyoming and it has recently been found in Idaho. None of the known occurrences are within the

project area. Trend data are lacking but most populations appear to be stable (Heidel and Fertig 2008). Sheep grazing has been identified as a potential threat at some sites, but most occurrences are at high elevation and in physically protected sites that receive little use or impacts.

Seaside sedge (*Carex incurviformis*) – Sensitive

Seaside sedge occurs sporadically from central Alberta to northwestern Montana, east-central Idaho, and northwestern Wyoming, with disjunct populations in central California and central Colorado. In Wyoming it is known only from the Absaroka and Wind River Ranges. There are 10 known occurrences in Wyoming (Fertig 2000), none of which are in the project area. Fertig (2000) states the trend is presumed to be stable; the plant's remote and rugged alpine habitat offers protection from threats.

Woolly daisy (*Erigeron lanatus*) – Sensitive

Woolly daisy grows from southern British Columbia and Alberta to northwestern Montana, with disjunct populations in west-central Wyoming and central Colorado. In Wyoming it is known from the Wind River Range where there are 2 extant occurrences (Fertig 2001). There are no known occurrences within the project area. The known populations appear to be stable; threats are minimal due to the ruggedness and low use of its habitat (Fertig 2001).

Naked-stemmed parrya (*Parrya nudicaulis*) – Sensitive

Naked-stemmed parrya is found from Siberia to Alaska and northern Canada. There are disjunct populations in Utah and Wyoming. In Wyoming it is known from the Wind River, Gros Ventre and Beartooth Ranges (Fertig 2000b). There are 8 known extant occurrences in Wyoming and one older record, none of which are found in the project area. Until recently, this species was thought to be much less common. The higher numbers are probably due to better sampling rather than an increase in population. Fertig (2000b) did not identify threats for this species, he indicated the habitat is protected by management policy (all known occurrences are found within designated Wilderness Areas) and rough terrain.

Weber's saussurea (*Saussurea weberi*) - Sensitive

Weber's saussurea is a regional endemic of southwest Montana, northwest Wyoming, and central Colorado. There are 6 known occurrences in Wyoming, restricted to the Gros Ventre and northern Wind River Ranges, all within designated Wilderness Areas (Fertig 2000a). None of the known occurrences are within the project area. Fertig (2000a) states the populations are assumed

to be stable and that there are no obvious threats because it grows in relatively inaccessible alpine areas.

Species which occupy barren and rocky habitat at middle elevations

Starveling milkvetch (*Astragalus jejunus* var. *jejunus*) – Sensitive

Starveling milkvetch is found in sparsely vegetated cushion plant communities. This species is restricted to extreme southeastern Idaho, northeastern Utah, and southwestern Wyoming and is classified as sensitive by US Forest Service Region 4 (Fertig et al. 1994). It is locally abundant and largely unthreatened in Wyoming and is not tracked as a species of concern by WYNDD. There are no known occurrences in the analysis area

Wyoming tansymustard (*Descurainia torulosa*) – Sensitive

Wyoming tansymustard is a state endemic known from approximately 10 populations in Wyoming. The species grows in sandy soil which occurs at the base of cliffs, in cavities and on rock ledges. While some individuals grow in wilderness areas, the species is largely protected by its rocky and generally inaccessible habitat. There are no known occurrences in the project area.

Narrowleaf goldenweed (*Ericameria discoidea* var. *linearis*) – Sensitive

This species is a regional endemic which grows in dry, sandy or cobblestone terraces above large streams and lakeshores. These areas are sparsely vegetated and this species appears to not be a preferred browse and may increase with low levels of disturbance (Fertig 2000). There are no known occurrences in the analysis area.

Species which occupy meadow or sagebrush habitat

Greenland primrose (*Primula egalikensis*) – Sensitive

Greenland primrose occurs from Greenland and northern Canada to northeastern Asia; there are disjunct populations in central Colorado and northwest Wyoming. In Wyoming it is known from two occurrences, in the Absaroka and Wind River Ranges. Neither of the known occurrences are within this analysis area. Fertig (2000) states populations are stable, and that maintaining proper water levels may be important for the long-term management of this species.

Soft aster (*Symphyotrichum molle*) - Sensitive

Soft aster is endemic to the Bighorn Mountains and Hoback Canyon in Wyoming. It has been found in sagebrush grasslands and mountain meadows on deep, calcareous soils at the edge of aspen or pine woodlands (Fertig *et al.* 1994). In the Bighorn Range, soft aster is known from 32 extant populations and one historical occurrence. There is one occurrence in Hoback Canyon, which is the only record known outside the Bighorn Range (Fertig 2000f) and was not found after surveying in 1998, the species may have been extirpated since 1922 or may have been incorporated into a hybrid swarm. There are no occurrences in the project area. While it is unlikely that unknown occurrences of soft aster are in the project area, the sagebrush areas cannot be ruled out as habitat. Fertig (2000) stated that while data are lacking for most populations, trend is probably stable and that the species appears to tolerate low levels of disturbance.

Appendix E

Amendment #2, BTNF Land and Resource Management Plan

The series of tables on the following pages displays each eligible river segment, its length, potential classification, and outstandingly remarkable values (ORVs). ORV Key: *S* = Scenic *R* = Recreation *G* = Geology *F* = Fish *W* = Wildlife *H* = History *O* = Other Values (ecological, paleontological, etc.)

COLUMBIA/SNAKE RIVER WATERSHED (Listed in alphabetical order)

RIVER	REACH and POTENTIAL CLASSIFICATION
Columbia/Snake River Watershed	
Bailey Creek	Wild, source to Snake River confluence
Blackrock Creek	Scenic, source to Forest Boundary
Box Canyon Cr.	Wild, source to confluence with Greys River
Buffalo Fork	Scenic, Turpin Meadows to Grand Teton NP boundary
	Wild - North, South, and Soda Forks from the sources of each fork, and the main stem from mouth of South Fork to Teton Wilderness boundary
Cliff Creek	Wild - source to Cliff Creek trailhead and road end
	Scenic – end of road and trailhead to Cliff Creek Falls to the confluence with Hoback River
Corral Creek	Wild - Source to Way Trail – north side of trail
	Recreational - Way Trail to Greys River confluence
Crow Creek	Wild - Source to confluence with Greys River
Crystal Creek	Scenic – Crystal Creek trailhead to confluence with the Gros Ventre River
	Wild - source to Gros Ventre Wilderness boundary and the Crystal Creek trailhead
Dell Creek	Wild - Source to confluence with West Dell Creek
Granite Creek	Scenic - Granite Hot Springs to confluence with Hoback River
	Wild - Source to Granite Hot Springs
Greys River	Recreational - Source to mile 50 (Kinney Creek mouth)
	Scenic - Kinney Creek to backwater of Palisades Reservoir
Gros Ventre R.	Scenic - Darwin Ranch to Forest boundary (also GTNP bdy)
	Wild - Source to Darwin Ranch
Hoback River	Wild - Source to end of Forest Rd 30710 and the Hoback River Trailhead
	Recreational – mouth of Cliff Creek to confluence with Snake River

RIVER	REACH and POTENTIAL CLASSIFICATION
Columbia/Snake River Watershed, continued	
Little Greys R.	Wild - Source to end of Forest Rd 10047 and the main Little Greys River trailhead
	Recreational - Little Greys TH to confluence with the main stem of the Greys River
Marten Creek	Wild - Source to confluence with the Greys River
Pacific Creek	Wild - Source to Teton Wilderness boundary
	Wild - Whetstone Creek, tributary of Pacific Creek
	Scenic - Wilderness boundary to Forest boundary
Salt River	Recreational - Salt River trailhead to forest boundary
	Wild - Source to trailhead
Sheep Creek	Wild - headwaters to McDougal Gap
	Recreational - McDougal Gap to Greys River
Shoal Creek	Wild - Source to confluence with Hoback River
Snake River	Recreational - South Park Bridge to Cabin Creek
	Recreational - Cabin Creek to Palisades Reservoir
	Wild - Headwaters to YNP boundary
Swift Creek	Wild - Source to Periodic Spring
	Recreational - Periodic Spring to lower dam
West Dell Creek	Wild - source to confluence with Dell Creek
Willow Creek	Wild - Source to confluence with Hoback River
Wolf Creek	Wild - source to Snake River
Missouri/Yellowstone River Watershed	
Atlantic Creek	Wild - source to confluence with Yellowstone River
Open Creek	Wild - Source to confluence with Thorofare Creek
Thorofare Creek	Wild - Source to Yellowstone National Park boundary
Yellowstone River	Wild - Sources of forks to Yellowstone National Park boundary
Colorado/Green River Watershed	
Big Fall Creek	Scenic - source to confluence with LaBarge Creek
Big Sandy Creek	Wild - Big Sandy Lake to Wilderness boundary
	Scenic - Wilderness bdy. To forest bdy
S. Fontennelle Cr	Wild - source to private inholding near forest boundary
	Scenic - inholding to forest boundary
Green River	Wild - source to Green River Lakes
	Scenic - Green River Lakes outlet to Forest boundary
LaBarge Creek	Recreational - LaBarge Meadows to forest boundary
Middle Piney Cr	Wild - headwaters to Middle Piney Lake
	Recreational - Middle Piney Lake to forest boundary
North Piney Creek	Wild - source to confluence with Lake Creek, and including its tributary the Roaring Fork Lakes outlet
Pine Creek	Wild - Source to Fremont Lake
Roaring Fork Cr	Wild - source to confluence with Green River
Tosi Creek	Wild - source to trailhead at end of primitive road
	Scenic - along primitive road to confluence with Green River
Bear River/Great Basin	
Smiths Fork	Wild - source to Sheep Pass Trailhead
	Recreational - Sheep Pass Trailhead to Forest Boundary

Table of standards to apply to corridors of all eligible river segments, regardless of DFC. A corridor is defined as the land on both sides of the river within ¼ mile of its banks (1/2 mile total).

Resource Standard	Wild Rivers	Scenic Rivers	Recreation Rivers
Visual Quality Objectives	Preservation in river corridor. VQO is P or R* within 3 miles of river or adjacent trail.	Retention in corridor. VQO is R/PR* within 3 miles of river or access road or trail.	Retention in corridor. VQO is same as for Scenic rivers.
*The VQO that applies depends on variety class. For a Class A landscape, the more restrictive VQO will apply. This standard is not intended to preclude the construction of visitor facilities in the viewing zones relative to the river; access roads, trails, boat launches, etc. are allowed in eligible scenic and recreation river corridors.			
Timber management	None with ¼ mile of river, except as hazard removal.	Allowed as long as no substantial adverse impacts to the river or its immediate environment are caused. Timber is managed to emphasize visual quality.	Same as for scenic.
Water developments	Prohibited. No flood control, irrigation or hydroelectric structures or diversions.	Same as for wild river.	Minor diversions and impoundments are acceptable, as long as river is left largely natural-appearing and riverine. Existing structures may be maintained.
Mining	No surface disturbance in corridor, subject to existing rights.	No disturbance within river corridor unless it meets VQO of Retention, subject to existing rights.	No disturbance in corridor that does not meet VQO R, subject to existing rights.
Energy Leasing	Rivers in wilderness withdrawn; NSO in river corridor for rivers not in wilderness, subject to existing rights.	Energy leasing with surface occupancy allowed, subject to visual quality standards, and subject to existing rights.	Same as for Scenic rivers.
Standards for energy leasing above apply to all eligible National Rivers, and a stipulation will be included in each lease to protect the values of the rivers until suitability studies are complete. After suitability studies have resulted in nomination and classification of rivers, those not nominated will no longer be subject to the stipulations that apply to the corridor.			

Resource Standard	Wild Rivers	Scenic Rivers	Recreation Rivers
Roads and bridges	Trail bridges allowed. No roads or bridges in corridor or in narrow, incised canyons.	Roads may be located in the corridor, as long as they are not conspicuous for a long segment of the eligible river.	Roads are allowed in the corridor; river access points and bridges may be numerous.
Grazing by livestock	Allowed, subject to riparian area and range utilization standards.	Same as for Wild river.	Same as for Wild river.
Recreation developments	Simple facilities of native materials, for primitive recreation.	Developed facilities for public recreation use are allowed, screened from river, except boat ramps and occasional river access points.	Campgrounds, boat launch and swimming sites, and private developments are common, subject to visual quality standards.
Structures	None in corridor, except existing ones.	Short segments may have concentrations of structures. New ones must meet VQOs.	Structures may occur along entire segment. Subject to visual quality standards.
Agriculture	No applicable.	Traditional pasture and cultivated land is allowed in some areas.	Pastures and cultivation may be evident in entire river segment.

Resource management standards for eligible wild and scenic rivers (Forest Plan Amendment #2, March 1992).

Appendix F

WINTER ROS CLASSES

As used in GYA winter visitor use planning effort

1. **Destinations.** Resorts (these are the ones on or partially on Federal land or directly adjacent to it, which use the forests and parks), with lodging, shops, activities, and developed attractions. Examples are Jackson Hole ski area, Old Faithful, Mammoth, and smaller resorts such as Togwotee Mountain Lodge, Brooks Lake Lodge.
2. **Primary Transportation Routes.** Highways, open year-round, used for commercial as well as recreation traffic. There is a recreational component of the driving - driving to enjoy scenery and as an activity in itself. Examples include US 191 through Jackson Hole, and US 26 through Snake River Canyon.
3. **Scenic Driving Areas.** These are also roads open all year, but not used as much to get somewhere as to enjoy the area around the routes. Scenic viewing, wildlife viewing, and enjoying the drive are primary to most users. Examples are the road in Grand Teton Park from Moran to Flagg Ranch, and Skyline Drive.
4. **Highly groomed motorized snow routes.** Over-snow routes used mostly by snowmobiles and coaches, with destinations and attractions along the way being of high interest. Well developed routes with directional and interpretive signs, warming huts in some areas. These are the most used routes, encounters between parties frequent. Grooming is frequent, often nightly. Examples include the groomed trail system in Yellowstone Park, the Continental Divide Snowmobile Trail in Grand Teton, and the CDST around Togwotee Lodge.
5. **Moderately groomed motorized snow routes.** Similar to the previous activity area, but not as highly developed, crowded, or groomed as often. Facilities are usually limited to the trailhead and some directional signing, there is a trail system more than a destination, like Old Faithful. Some of these routes may be remote and distant from access points and roads, but are not places where one is likely to get lost. Examples include the trail system on most of the state grooming programs, where grooming takes place no more often than once or twice a week usually. Togwotee Pass, Green River Lakes trail, Continental Divide trail in the Union Pass area, Greys River. The BT district managers suggested a "5a" category to indicate trails that are on the state system and get groomed occasionally, but not as highly maintained as the 5s are. In our DFC maps for the forest, we identified these "5a" trails.
6. **Backcountry snowmobiling.** Includes ungroomed routes. The trails are usually marked but not groomed, some in this category are not marked. Not limited to trail corridors, includes play areas and large remote areas off the trail. Users need experience and skills, terrain is varied and not gentle. No facilities other than trailheads (an occasional warming hut may exist, usually an old cabin or lookout). Not crowded, especially off the trails. The ride and scenic views are important, not necessarily a destination. Examples include the Wyoming and Salt River Ranges, much of the Union Pass area, and trails that are rarely or never groomed.
7. **Groomed cross-country skiing.** Includes set tracks and skating tracks. These are close to roads and destinations, often associated with nordic centers or resorts. Used as much for exercise and racing practice as recreation, but are suitable for beginners with gentle terrain. Facilities include

trailhead, information and directional signing, instruction, and nearby lodging or warming areas. Examples include track set by many of the resorts that is on federal and/ or private land, Skyline Drive trails near Pinedale, and Salt River Pass.

8. Ungroomed cross-country skiing and other non-motorized uses. These are less developed areas than the previous area, trails may be marked or simply follow a summer road or trail. They are longer routes, include off-trail areas, and require a higher degree of backcountry skill (not necessarily greater skill at skiing itself). These are suitable for beginners and intermediate skiers and offer a good day trip, being more remote from access points than groomed ski trails. Although skiing is the featured activity for many of these areas, other non-motorized used such as snowshoeing are compatible. There are generally no facilities other than trailheads, although temporary huts or rental cabins may be the destination for some routes. Examples include the Jenny Lake trail and Swan lake loop in Grand Teton National Park, Ditch Creek and Cache Creek on the forest.

9. Backcountry and wilderness areas. These are places that may be quite distant from access points, requiring multi-day trips, and include areas accessible in a day via unmarked trail. Backcountry skills and routefinding helpful or required in many of these areas, also intermediate or better proficiency in skiing (winter mountaineering, ice climbing, and other activities also require high skill level). Much of the opportunity for this kind of use is in designated wilderness or national park backcountry.

10. Downhill sliding (non-motorized). Emphasis is on telemark skiing and snowboarding, some tubing, but not in developed ski areas. These areas tend to be small and terrain-dependent, usually quite close to access points since the interest is in the downhill skiing, not touring to get there. Examples include the Teton Pass area and Angle Mountain near Togwotee Pass. There is limited opportunity for this kind of use due to requirements for snow condition, terrain, and proximity to access.

11. Areas of no winter use. These include administrative closures to protect wildlife winter range, and other areas not managed for recreation (too steep or inaccessible, or where use is discouraged due to sensitive resources like thermal areas or bighorn sheep range). Examples include the winter ranges near Jackson, the Snake River bottom in Grand Teton Park, the Ramshorn Peak area south of the Hoback Canyon. These are not being mapped for GYA effort.

12. Low-snow recreation. This category includes those lower elevation and more arid parts of the Greater Yellowstone, where one can put feet on bare ground in winter. Activities may include walking, fishing, bird-watching, photography. Because this opportunity is limited, especially near destinations and population centers, it is included to recognize a valuable part of the winter recreation spectrum. The nearest example of a low-snow recreation area suitable for hiking is lower Whiskey Mountain and the lower Glacier Trail (Fitzpatrick Wilderness). Fishing occurs on open rivers accessible by highway. Not being mapped for GYA winter planning effort.

SUMMER/FALL ROS CLASSES

Areas 1 and 9 would be mapped as points, except for the largest resorts (roughly where we have DFC 9B mapped for the forest plan). Areas 2-5 are corridors. Need to decide whether to map the route itself or an area of influence around it (such as the 1/ 4-mile zone on either side of a road as prescribed in ROS settings). Areas 6-8 would be mapped as large areas.

1. Destinations. Resorts and major developed attractions. "Urban" ROS class, but on the less-crowded and developed end. Examples: Jackson Hole and Snow King, places where town comes to the forest boundary. Most other resorts are rustic and fit better into the roaded, natural-appearing class. Need to decide as a forest how to handle them - could subdivide this "destination" class into major and minor resorts, or lump.

2. Primary Recreation Roads. Roaded natural or Rural; listed in Table 1 in descending order of development and use. These include U.S. highways, improved roads on the forest that can be driven by most 2WD vehicles (unless very wet). These include the high sensitivity level travel routes, those with outstanding scenic and recreation value. In Table 1, we can see the gradation between the high-use paved highways and the more remote roads. This class has the potential to be subdivided to reflect the differences, even though it is all "roaded natural-appearing" in ROS terms, or we can just refer to the table which summarizes the character of each of the road corridors listed. The summaries as written are draft and we can revise them if there is some unique or important characteristic we want to make sure to mention.

3. High-clearance roads and 4WD routes. Roaded, modified, or SPM on the more "roaded" end of SPM. Includes forest system roads that are primitive and not maintained regularly, but are open to high-clearance vehicles. Examples: Shale-Kinney and Upper Cabin Creek Roads (D3), North Fork Fisherman Creek (D2), Beaver Creek, Seven Lakes (D7). If the road is suitable for 4WD only (Shale Creek on D4) it may fit better into the SPM setting.

4. Trails and closed roads suitable for ATVs. SPM. Gated roads that are open to trail vehicles; trails wide enough to accommodate four-wheelers. This could include "roaded, modified" ROS settings where the roads are closed. Examples: Squaw Creek/ North Fork Murphy loop (D3), tributaries of Slate Creek (D4), some of the roads in the Union Pass area (D7).

5. Backcountry motorized. SPM, least developed end of this class; narrow backcountry trails that look like any other trail, but happen to be open to trailbikes, that are found in undisturbed and remote settings. Roughly same as DFC 2B in forest plan. Examples: Swift Creek and Corral Creek (D3), Ditch Creek (D4).

6. Backcountry nonmotorized. SPNM (and P if area is large enough). Mostly mapped as DFC 12 and 2A in the plan, but a large part of this is also mapped as 10 and 1B. Within this class we have opportunities to manage for more use, if desired, or to maintain primitive, low-use conditions. This is a category we may want to subdivide according to use type and level (sort of the way we did the SPM class in classes 3 - 5 above). Some of the areas in this class are quite large and remote, and offer true wilderness opportunities, though many of these areas are not in wilderness. The opportunity there is different from the backcountry experience up Cache Creek near Jackson, so it seems sensible to subdivide this class according to size and remoteness. Examples: Willow Creek

(D4), most of the Wyoming and Salt River Ranges (D2 and D3), Lake Alice and Commissary Ridge (D1).

7. Wilderness. P/ SPNM. All BTNF wildernesses managed according to forest plan amendment, with DFCs ranging from pristine to semi-primitive (6A to 6D). Could fit into #6 above in terms of recreation setting, but management direction has already been set for these areas and DFCs have already been identified.

8. Areas of little or no recreation use. These can be relatively near the road and rather small or larger backcountry areas - the main thing is recreation is not the primary land use being managed for (though it might exist). Critical wildlife areas, peregrine falcon nest sites, places that are too steep and cliffy to consider trail-building or places of high erosion potential where we may not want a trail, etc. These don't really have to be mapped; but we need to recognize they exist and not feel obliged to consider them part of some best-fit ROS class that they aren't managed for.

9. Sites of special interest. We could map these as points, and they could be in any ROS setting, but we may provide some kind of special management to recognize their unique opportunities for recreation or scenic attractions. Examples may be Hoback Shield and Rodeo Wall (D4), Periodic Springs (D3), Big Fall Creek (D1), Red Castles (D2).

Appendix G

Public Law 90-541

October 1, 1968
[H. J. Res. 1461]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1969, and for other purposes.

Continuing ap-
propriations,
1969.
Ante, p. 475.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1968 (Public Law 90-366), is hereby further amended by striking out "September 30, 1968" and inserting in lieu thereof "October 12, 1968".

Approved October 1, 1968.

Public Law 90-542

October 2, 1968
[S. 119]

AN ACT

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Wild and Scenic
Rivers Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

National wild
and scenic rivers
system.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned,

or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

Eligibility for inclusion.

(1) **Wild river areas**—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) **Scenic river areas**—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) **Recreational river areas**—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

National wild and scenic rivers components.

(1) **CLEARWATER, MIDDLE FORK, IDAHO**.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) **ELEVEN POINT, MISSOURI**.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) **FEATHER, CALIFORNIA**.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) **RIO GRANDE, NEW MEXICO**.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) **ROGUE, OREGON**.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the In-

terior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Publication in
Federal Register.

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps,
etc.

Printing as
Senate or House
document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in
Federal Register.

Potential addi-
tions, designa-
tion.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

(18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(26) Upper Iowa, Iowa: The entire river.

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however*, That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

Studies.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include 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 wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

Right of use and occupancy.

"Improved property."

Water resources projects, restrictions.

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

49 Stat. 863.
16 USC 791 a.

Publication in
Federal Register.

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which is recommended to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

Mining and
mineral leasing
laws.

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Administration.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

16 USC 1131
note.

State or local
governments, co-
operative agree-
ments.

State and local
projects, financial
assistance.

16 USC 460l-4
note.

16 USC 460l-
460l-3.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

Administration and management policies, review.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Fish and wildlife, jurisdiction.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Water rights, compensation.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

Easements and rights-of-way.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Easement as contribution, claim and allowance.

76 Stat. 1034;
68A Stat. 410.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions.

SEC. 15. As used in this Act, the term—

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

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers 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 wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

OCTOBER 30, 1986

PUBLIC LAW 99-590

Public Law 99-590
99th Congress

An Act

Oct. 30, 1986
[H.R. 4350]

To amend the Wild and Scenic Rivers Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Conservation.
National parks,
monuments, etc.

TITLE I—CACHE LA POUUDRE, COLORADO

Wild and Scenic
Rivers System.

SEC. 101. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by adding at the end the following new paragraph:
“(56) CACHE LA POUUDRE, COLORADO.—The following segments as generally depicted on the proposed boundary map numbered FS-56 and dated March 1986, published by the United States Department of Agriculture, each to be administered by the Secretary of Agriculture; except that those portions of the segments so designated which are within the boundary of Rocky Mountain National Park shall continue to be administered by the Secretary of the Interior:

“(A) Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the ‘Peter H. Dominick Wild River Area’.

“(B) Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north-south line of the west half southwest quarter of section 1, township 8 north, range 71 west of the sixth principal meridian, as a recreational river.

“(C) South Fork of the Cache la Poudre River from its source to the Commanche Peak Wilderness Boundary, approximately four miles, as a wild river.

“(D) Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, as a recreational river.

“(E) South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, to confluence of the main stem of the Cache la Poudre River, as a wild river.

With respect to the portions of the river segments designated by this paragraph which are within the boundaries of Rocky Mountain National Park, the requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the general management plan for the park, and the boundaries, classification, and development plans for such portions need not be published in the Federal Register. Such revisions to the general management plan for the park shall assure that no development or use of parklands shall be undertaken that is inconsistent with the designation of such river segments as a wild river. For the purposes of the segments designated by this paragraph, there are authorized to be appropriated \$500,000 for development and \$2,500,000 for land acquisition.”.

Appropriation
authorization.
Real property.

SEC. 102. Inclusion of the designated portions of the Cache la Poudre River and the Wild and Scenic Rivers System under section 101 of this title shall not interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this title, or operation and maintenance of such structures. Nor shall inclusion of the designated portions of the Cache la Poudre River in the Wild and Scenic Rivers System be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache la Poudre River, or relocation of highway 14 to any point east of the north-south half section line of section 2, township 8 north, range 71 west of the sixth principal meridian, as necessary to provide access to Poudre Park around such facilities: *Provided*, That due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of portions of the Cache la Poudre River in the Wild and Scenic Rivers System under section 101 of this title. The reservation of water established by the inclusion of portions of the Cache la Poudre River in the Wild and Scenic Rivers System shall be subject to the provisions of this title, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this title.

Water.
16 USC 1274
note.

Energy.

Energy.

SEC. 103. (a) GRANTS AND ASSISTANCE.—The Secretary of Agriculture, acting through the Chief of the Forest Service, shall provide grants and technical assistance to the city of Fort Collins, Colorado, to carry out a study regarding the designation of the following area as a national recreation area: the 18.5-mile segment of the Cache la Poudre River Corridor from the northwest boundary of the city of Fort Collins urban growth area to the Weld-Larimer County line.

(b) STUDY.—The study under this section shall include each of the following:

(A) a comprehensive evaluation of the public recreation opportunities and flood plain management options which are available with respect to the river corridor involved;

(B) an evaluation of the natural, historical, and recreational values of such corridor;

(C) patterns for possible land acquisition within the corridor which are deemed necessary for the purpose of resource protection, scenic and integrity, or management and administration of the corridor area;

(D) cooperative management proposals for the administration of the corridor area;

(E) the number of visitors and types of public use within the corridor area that can be accommodated in accordance with the full protection of its resources; and

(F) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including the location and estimated costs of such facilities.

(c) **REPORT TO CONGRESS.**—Within three years of the date of enactment of this title, the Secretary of Agriculture shall transmit to the Congress a comprehensive report containing the results of the study conducted pursuant to this section.

Appropriation
authorization.

(d) **FUNDING.**—There are hereby authorized to be appropriated up to \$150,000 to carry out the provisions of this section.

(e) **COST SHARING.**—Not more than 75 per centum of the cost of the study carried out under this section shall be paid by the United States: *Provided*, That in no event shall the contribution of the United States exceed \$150,000. The remaining portion of such costs shall be contributed by interested parties. The portion contributed by such interested parties may consist of appropriated funds or contributed services.

SEC. 104. Notwithstanding any other provision of law, the Secretaries of Agriculture and the Interior shall, within 30 days of the enactment of this title, complete the exchange as described in the Decision Notice and Finding of No Significant Impact, Trust For Public Land Proposed Land-for-Land Exchange, signed by the Rocky Mountain Regional Forester, on August 22, 1985, to acquire certain private lands in the portion of the Cache la Poudre River designated in section 3(a)(56)(B) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(56)(B)).

TITLE II—FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS

Farmington
Wild and
Scenic River
Study Act.
16 USC 1271
note.
Fish and fishing.

SEC. 201. This title may be cited as the “Farmington Wild and Scenic River Study Act”.

SEC. 202. (a) The Congress finds that—

(1) the West Branch of the Farmington River and related land areas possess resource values of national significance, such as significant white water rapids, undeveloped lands, scenic and cultural areas, important sport fisheries, and prime agricultural lands;

(2) based on the National Rivers Inventory by the National Park Service, published in January 1982, this portion of the Farmington River is eligible for study for inclusion in the wild and scenic rivers system;

State and local
governments.

(3) there is strong support among local, State, and Federal officials, area residents, and river users for a concerted cooperative effort to manage the river in a productive and meaningful way; and

State and local
governments.

(4) in view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the States of Connecticut and the Commonwealth of Massachusetts and the appropriate local governments in managing the river.

(b) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph:

“(92) **FARMINGTON, WEST BRANCH, CONNECTICUT AND MASSACHUSETTS.**—The segment from the intersection of the New Hartford-Canton, Connecticut, town line upstream to the base of the West Branch Reservoir in Hartland, Connecticut; and the segment from

the confluence with Thorp Brook in Sandisfield, Massachusetts, to Hayden Pond in Otis, Massachusetts.”

(c) Section 5(b) of such Act (16 U.S.C. 1276(b)) is amended by adding at the end thereof the following new paragraph:

“(7) The study of the West Branch of the Farmington River identified in paragraph (92) of subsection (a) shall be completed and the report submitted thereon not later than the end of the third fiscal year beginning after the enactment of this paragraph. Such report shall include a discussion of management alternatives for the river if it were to be included in the national wild and scenic river system.”

Reports.

(d)(1) At the earliest practicable date following the enactment of this title, but not later than forty-five days after enactment, the Secretary of the Interior (hereinafter in this title referred to as the “Secretary”) shall establish the Farmington River Study Committee (hereinafter in this title referred to as the “Committee”). The Secretary shall consult with the Committee on a regular basis during the conduct of the study. Membership on the Committee shall consist of seventeen members appointed by the Secretary as follows:

(A) One member shall be appointed by the Secretary.

(B) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the State of Connecticut.

(C) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Governor of the Commonwealth of Massachusetts.

(D) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Farmington River Watershed Association.

(E) One member shall be appointed by the Secretary from each of the eight towns located along the West Branch of the river. The governing body of each of the eight towns shall provide a list of candidates to the Secretary from which the eight appointments under this paragraph shall be made.

(F) Two members shall be appointed by the Secretary from a list of candidates supplied to the Secretary by the Metropolitan District Commission of Hartford, Connecticut.

(2) The members of the Committee shall elect a chairman, vice chairman, and recording secretary from the membership at the first official meeting of the Committee. Official minutes shall be kept of each regular and special meeting of the Committee and shall be open for public inspection.

(3) Any vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Vacancies in the membership of the Committee shall not affect its power to function if there remain sufficient members to constitute a quorum under paragraph (4) of this subsection.

(4) A majority of the members of the Committee shall constitute a quorum for all meetings.

(5) The Committee shall advise the Secretary in conducting the study of the Farmington River segment specified in section 5(a)(92) of the Wild and Scenic Rivers Act. The Committee also shall advise

16 USC 1276.

the Secretary concerning management alternatives should the river be included in the wild and scenic rivers system.

(6) Members of the Committee shall serve without compensation but may be compensated for reasonable and necessary expenses incurred by them in the performance of their duties as members of the Committee.

(7) The Committee may accept and utilize the services of voluntary, uncompensated personnel.

(8) The Committee shall terminate on the later of the following:

16 USC 1276.

(A) the completion of the river study of the Farmington River described in section 5(a)(92) of the Wild and Scenic Rivers Act;

or

(B) the publication of management alternatives should the river be included in the wild and scenic rivers system.

(e) As used in this title (other than in subsection (b)) the term "River" means the segments of the Farmington River described in paragraph (92) of section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275(a)).

Appropriation authorization.

(f) There are authorized to be appropriated up to \$150,000 to carry out the purposes of this title.

TITLE III—GREAT EGG HARBOR, NEW JERSEY

16 USC 1276.

SEC. 301. (a) STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) is amended by adding at the end thereof the following new paragraph:

"(93) Great Egg Harbor River, New Jersey: The entire river."

(b) COMPLETION DATE.—Section 5(b)(3) of such Act is amended by adding at the end thereof the following: "The study of the river named in paragraph (93) of subsection (a) shall be completed not later than three years after the date of the enactment of this sentence."

(c) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (4) of section 5(b) of such Act is amended by adding at the end thereof the following: "Effective October 1, 1986, there are authorized to be appropriated for the purpose of conducting the study of the river named in paragraph (93) not to exceed \$150,000."

TITLE IV—SALINE BAYOU, LOUISIANA

SEC. 401. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph:

"(57) SALINE BAYOU, LOUISIANA.—The segment from Saline Lake upstream to the Kisatchie National Forest, as generally depicted on the Proposed Boundary Map, numbered FS-57, and dated March 1986; to be administered by the Secretary of Agriculture. For the purposes of the segment designated by this paragraph, there are authorized to be appropriated for fiscal years commencing after September 30, 1986, not to exceed \$1,000,000 for the acquisition of lands and interests in lands and for development."

Appropriation authorization.

TITLE V—GENERIC AMENDMENTS

SEC. 501. (a) Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by redesignating the paragraphs relating to the Au Sable River, the Tuolumne River, the Illinois River, and the Owyhee River as paragraphs (52) through (55) respectively.

(b)(1) The first sentence of section 3(b) of the Wild and Scenic Rivers Act is amended as follows: 16 USC 1274.

(A) Strike out “one year from the date of this Act” and substitute “one year from the date of designation of such component under subsection (a)”.

(B) Strike out the second parenthetical statement, “(which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river)”.

(C) Strike out the semicolon and the remainder of the sentence after the words “its various segments” and substitute a period.

(2) The second sentence of section 3(b) of such Act is amended by striking out “Said boundaries, classification, and development plans” and substituting the words “Notice of the availability of the boundaries and classification, and of subsequent boundary amendments”.

(3) Section 3 of such Act is amended by adding the following new subsections at the end:

“(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

District of
Columbia.
Public
information.

“(d)(1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within 3 full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

State and local
governments.

Federal
Register,
publication.

“(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.”.

SEC. 502. Section 4 of the Wild and Scenic Rivers Act is amended by adding a new subsection (d) after subsection (c): 16 USC 1275.

“(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary high water mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.”.

SEC. 503. Section 5 of the Wild and Scenic Rivers Act is amended as follows: 16 USC 1276.

- (a) In subsection (a) paragraph (90) relating to the North Umpqua is redesignated as paragraph (91).
- Reports. (b) At the end of subsection (b)(1) add: "Studies of the river named in paragraphs (38), (55), (83), and (87) shall be completed and the reports transmitted to the Congress not later than January 1, 1987."
- Appropriation authorization. (c) Amend paragraph (4) of subsection (b) to read as follows: "(4) For the purposes of conducting the studies of rivers named in subsection (a), there are authorized to be appropriated such sums as necessary."
- 16 USC 1277. SEC. 504. (a) Section 6(e) of the Wild and Scenic Rivers Act is amended by striking out "Congress in authorized" and substituting "Congress is authorized".
- (b) Section 6(a) of the Wild and Scenic Rivers Act is amended by striking out "donation, and lands" in the second sentence and substituting "donation or by exchange in accordance with subsection (d) of this section. Lands".
- (c) Section 6(a) of the Wild and Scenic Rivers Act is amended by inserting "(1)" after "(a)" and by adding the following at the end: "(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange."
- (d) Section 6(b) of the Wild and Scenic Rivers Act is amended as follows:
- (1) Insert in the first sentence "outside the ordinary high water mark on both sides of the river" after the word "acreage".
 - (2) Insert "in fee title" after the word "owned".
- 16 USC 1278. SEC. 505. (a) The second sentence of section 7(a) of the Wild and Scenic Rivers Act is amended by deleting "approval of this Act" and substituting "designation of a river as a component of the National Wild and Scenic Rivers System".
- (b) Section 7(b) of the Wild and Scenic Rivers Act is amended as follows:
- (1) In the first sentence after clause (i) insert a new clause (ii) as follows: "(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and".
 - (2) Redesignate existing clause (ii) as clause (iii).
 - (3) At the end of the second sentence, delete "approval of this Act" and insert in lieu thereof the words, "designation of a river for study as provided for in section 5 of this Act".
- Ante*, p. 3335.
16 USC 1279. SEC. 506. Section 8(a) of the Wild and Scenic Rivers Act is amended by adding the following at the end thereof: "This subsection shall not be construed to limit the authorities granted in section 6(d) or section 14A of this Act."
- 16 USC 1277,
1285a.
16 USC 1280. SEC. 507. Section 9(b) of the Wild and Scenic Rivers Act is amended by striking out "issuance or leases" in the second sentence and substituting "issuance of leases".

SEC. 508. Section 11 of the Wild and Scenic Rivers Act is amended by deleting the second sentence in subsection (a) and by amending subsection (b) to read as follows:

16 USC 1282.

“(b)(1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

State and local governments.
Contracts.

“(2) Wherever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

“(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

“(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

16 USC 4607-8.
Voluntarism.

“(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

“(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.”.

SEC. 509. Section 12(c) of the Wild and Scenic Rivers Act is amended by deleting the words “Secretary of the Interior” and inserting in lieu thereof the words “Administrator, Environmental Protection Agency”.

16 USC 1283.

SEC. 510. Section 16(c) of the Wild and Scenic Rivers Act is amended by adding at the end thereof: “For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).”.

16 USC 1286.

Ante, p. 3336.

TITLE VI

SEC. 601. Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end thereof the following new paragraph:

“(58) BLACK CREEK, MISSISSIPPI.—The segment from Fairley Bridge Landing upstream to Moody’s Landing as generally depicted on a map entitled ‘Black Creek Wild and Scenic River’, numbered FS-58 and dated March 1986, to be administered by the Secretary of Agriculture as a scenic river area under section 2(b)(2). For the purposes of the segment designated by this paragraph, there are authorized to be appropriated up to \$300,000 for the acquisition of lands and interests in lands and for development.”.

Appendix H



Snake River Headwaters Wild & Scenic Rivers Projects in 2012

Bridger-Teton National Forest

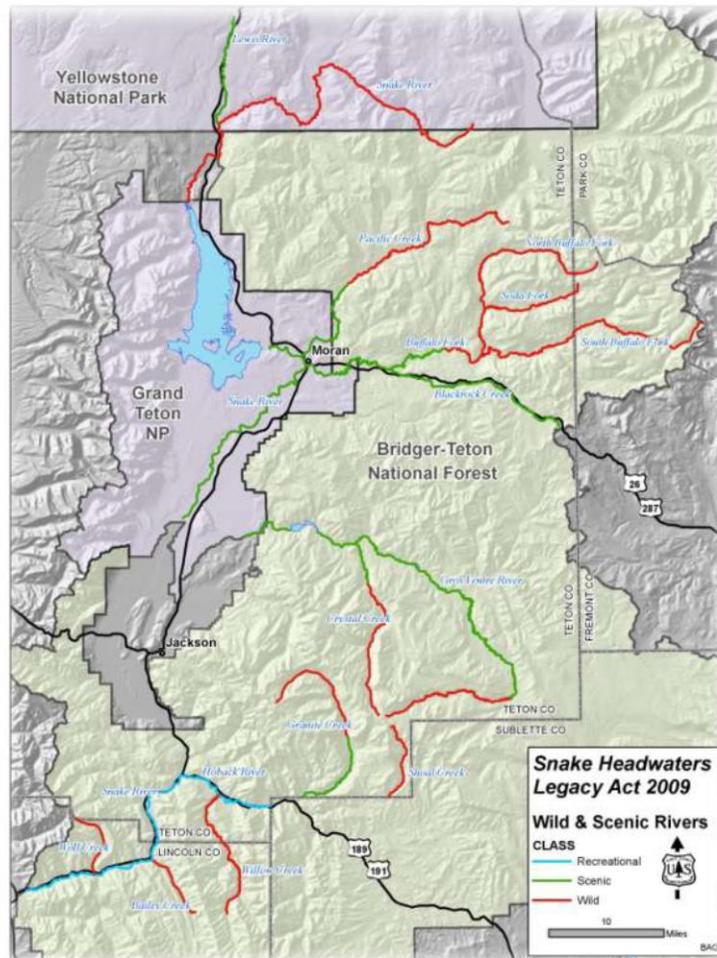
On March 30, 2009, the Craig Thomas Snake River Headwaters Legacy Act was passed by Congress as part of a larger omnibus public lands bill. This Act designated 400+ miles of the Snake River Headwaters as "National Wild and Scenic Rivers." Congressional designations and mandates are sometimes a cause of concern at the local level when inadequate education/information leaves people to speculate. Many fear that any change means a loss of activities and privileges that existed prior to designation. Some also tend to believe that any 'good' that results from a federal action comes with a cost involving a new fee or tax. This document covers a sample of on-the-ground activities that have occurred to-date in relation to the Snake River Headwaters Wild & Scenic River designation.





Snake River Headwaters Wild & Scenic River Projects 2012

Bridger-Teton National Forest





The Background

On March 30, 2009, the Craig Thomas Snake River Headwaters Legacy Act was passed by Congress. This Act designated 400+ miles of the Snake River Headwaters as “National Wild and Scenic Rivers.” This designation crosses several administrative boundaries, including those of the Bridger-Teton National Forest, Grand Teton and Yellowstone National Parks, the John D. Rockefeller, Jr. Memorial Parkway and the National Elk Refuge. The bulk of the mileage, over 300 miles, occurs on the northern half of the Bridger-Teton National Forest. The streams included in the Craig Thomas Snake River Headwaters Legacy Act are considered among the most pristine in the nation.

Each river in the National System is administered with the goal of protecting and enhancing the values that caused it to be designated. Designation neither prohibits development nor gives the federal government control over private property. Recreation, agricultural practices, residential development, and other uses may continue. Protection of the river is provided through voluntary stewardship by landowners and river users and through regulation and programs of federal, state, local, or tribal governments.

Congressional designations require a Comprehensive River Management Plan be developed to provide guidance and direction on future management and protection of the

Baily Creek

Blackrock Creek

Buffalo Fork

Crystal Creek

Granite Creek

Gros Ventre River

Hoback River

N. Buffalo Fork

Pacific Creek

Shoal Creek

Snake River

Soda Fork

S. Buffalo Fork

Willow Creek

Wolf Creek





special features that makes each river “outstandingly remarkable.” That said, very often the interested public do not always understand the types of tangible things that occur as a result of an agency’s mandate to “protect and enhance” the designated sections and their “outstandingly remarkable” values. The purpose of this report is to outline river projects occurring “on-the-ground” outside of meeting rooms and planning processes.

Accomplishments:

The Slate Creek Quarry Salvage Removal

Very near the confluence of the Wild & Scenic stretches of the Gros Ventre River and Crystal Creek are the remnants of an old gravel quarry that was littered with thousands of tons of old abandon equipment. Jackson District Ranger Dale Dieter was able to broker a deal where a scrap metal company would come do some site restoration that included hauling away over fifty tons of old equipment for the value of the scrap.



The service also provided removal of miles of obsolete barbed wire fence that had been rolled into manageable chunks during prior fence removal projects. The removal operation included contouring down old rock piles within the river corridor, and removal of piping that extended out into the river.





The Rehabilitation of a Former Grazing Allotment on the Hoback River & Willow Creek WSR's



In July and August of 2012, wildlife biologist Kerry Murphy and forest travel coordinator David Wilkinson worked with Jackson Hole Wildlife Foundation volunteers to remove 1.21 miles of 4 strand barbed wire and metal posts on the Wild & Scenic: Hoback River and Willow Creek drainages. The fencing was no longer needed as a result of Hoback area landowners ([insert names here if provided](#)) that cooperatively bought out the area grazing lease, and surrendered it back to the Forest Service. Previously, the grazing area had been experiencing impacts from livestock activities including damage to riparian areas.

Restoring a Healthy Riparian Area at Elbow Boat Ramp in the Snake River Canyon

Once the busiest boat ramp in the Snake River Canyon that included two busy campgrounds and the majority of river ingress in the canyon, the Elbow site suffered from overuse. Riverside vegetation had been trampled leaving receded banks that were not able to regenerate healthy vegetation with the continued use of the site. During the rebuilding of the highway, forest officials decided to relocate the camping opportunities to alternate sites in the canyon. Since then, the layout of the site has changed to alleviate conditions where vehicles were driving into the river to launch boats, and efforts were made to reestablish stream bank regrowth.





In the fall of 2012, the Forest Service and the Snake River Fund worked together to coordinate a project where river access and vehicle traffic was re-directed to alleviate stress on damaged parts of the stream bank. Areas where willows were trying to reestablish themselves but not thriving were fenced to keep people and vehicle traffic off until the banks had a chance to reestablish. Other areas were fenced following the replanting of new willows.

Better Management through Recruiting, Educating and Empowering Youth River Stewards in Citizen Science



The Teton Science Schools have an ongoing program where students and volunteers come to learn and work in environmental education pursuits. It is part of the AmeriCorps program, a domestic Peace Corps type opportunity where students can gain financial stipends to put towards their education for the hours that they volunteer. Part of their commitment requires AmeriCorps personnel to work on public education initiatives and volunteer programs. During the winter of 2011-2012, AmeriCorps participants Dana Scott and Michelle Sheldon created new and exciting curriculum to be used in classrooms that

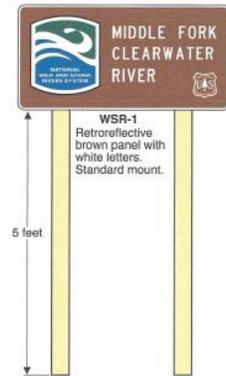




explained river conservation and healthy watershed citizen duties. The curriculum is the foundation of what is to become river stewardship duties that a classroom can take on to provide real time data collection for monitoring selected indicators used by the Wild & Scenic monitoring program of the Forest Service. Moving forward, this program will offer teachers and students opportunities to do 'hands-in' work on their "home" river that might include: water quality testing, annual photo point pictures, measurement of disturbed sites, and monitoring fishery health.

Letting Visitors Know they are in a Special Place

Every two years, the State of Wyoming Travel & Tourism Department makes monies available through grants to better demarcate and identify access to roadside features within Wyoming. Darin Martens, the Forest Service liaison to Wyoming Department of Transportation, and Rebecca Reimers of the Snake River Fund worked together to submit a request for signage identifying entry into Wild & Scenic River Corridors in the Snake River Headwaters. The grant was approved and the signs ordered. Research has shown that congressional designations of special places tend to have a positive impact on area tourism in local economies. Watch for the signs to go up in the spring of 2013.



Keeping Our Promise to the Public to Prioritize & Prevent Damage to the Rivers



The ongoing management planning for the Snake River Headwaters has taken forest specialists into many areas that may not be visited terribly often. Eyes on the ground have revealed: places where persons have trespassed on-forest with large machinery





and altered the streambed without required permits and permission, places where water has been illegally diverted, structures and fences have been constructed on-forest without authorization, and many places where garbage and old machinery have been dumped. Identifying what is out there already is critical to preventing further damage of riverbanks, improving water quality, and prioritizing intervention/repair based on severity.

Working with Youth to Reestablish Healthy River Corridors



In the fall of 2010 and 2011, members of the Wyoming Youth Conference participated in daylong service projects throughout public land in the area. The conference is an annual experience for two outstanding 8th graders from each school system in the state that are brought to Teton Science Schools for five days of extensive outdoor experiences for the purpose of having a conversation with promising future leaders as to why kids are not as engaged in the outdoors as previous generations, and what they feel is required to get kids back outside in the future.

In 2011, Youth Congress participants planted 100 willow shoots in a distressed river bank on the Snake River. In 2012, youth worked to daylight lodge pole pine seedlings that were being smothered by other plants in an area at West Table Boat Ramp on the Snake River that had been cleared of beetle killed trees the previous year. In May of 2012, an additional 4,000 pine seedlings were planted to reforest an area that had been devoid of trees since the 1990's.





Establishing Priorities for Protecting Existing Facilities



River Specialists have worked diligently to inspect and document existing conditions on designated sections of river. In doing so, many aging river facilities and high traffic areas have been identified as needing upgrades, repairs, maintenance, and/or replacement. The deferred maintenance backlog for river facilities totals over \$1 million in a time where current federal budgets are not likely to be able to substantially alleviate the backlog anytime soon. The forest has worked with river users, specialists, partners and outfitters to identify areas of concern, and prioritize needed projects in order of importance, level of impacts to the river if failure occurs, and cost of replacement. Top projects currently involve repairing scouring and undercutting of boat ramps that occurred during the 2011 runoff. These conditions threaten irreplaceable damage if not repaired prior to another high water year.

Establishing Administrative Guidance for Decision Making





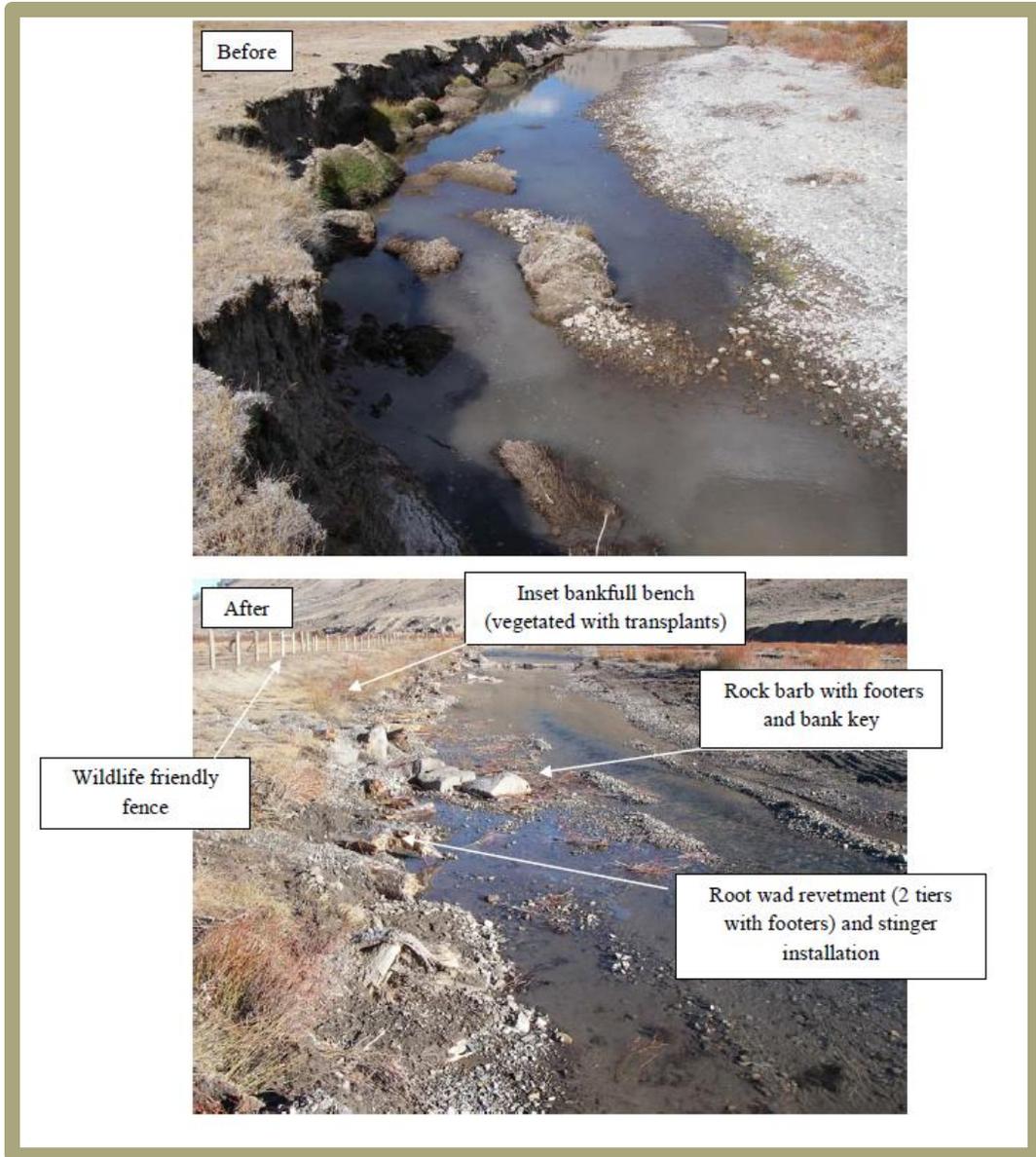
Policies and limits needed to guide the level of Intervention management can allow in relation to removing or placing woody debris in the river channel have been established. The policy recognizes that wood in the river benefits include: bank stabilization, sediment filtration and nutrients, decrease stream velocity, modified microclimate, wildlife habitat and connectivity, and an aquatic habitat condition for fish supporting a diverse, productive, and stable aquatic community typical of that found in these rivers. The policy requires all debris to remain in the river except if there is special recreation or ecological considerations or critical built infrastructure is in jeopardy.

Working with Landowners to Find Win-Win Solutions

In fall 2011, a request was submitted by a landowner experiencing increasing loss of riverbank on the Wild & Scenic Gros Ventre River. The designation of a river into the National Wild & Scenic River system, comes with some very stringent guidelines of what the federal government can approve related to permitting any construction activities in or alongside a designated section. The Army Corps of Engineers must permit any activity occurring between the high water marks of a river regardless of ownership. On a designated river, they may not approve activities that affect the flow of or water quality of a designated river. The managing agency, the Forest Service in this case, is prevented from approving any projects that do not "protect and enhance the outstandingly remarkable values" for which a river is found to be Wild and Scenic.

The project brought forward by a landowner working with the Wyoming Wetlands Society was the first private land streambank stabilization proposal received by the Bridger-Teton National Forest since the Craig Thomas Snake River Headwaters Legacy Act of 2009 was passed designating the Snake and many of its tributaries officially in the national system. Forest specialists, Biota, and Wyoming Wetlands Society worked very hard to come up with a solution that would stabilize the eroding bank while meeting the requirements of the Wild & Scenic Rivers Act. The solutions didn't come easily until those involved understood the river's history and common riverbank/agricultural management solutions of the 1920's that involved bulldozers purposely altering riverbank and river. Working to reestablish the healthy pre-1920's unaltered riverbank features proved to be the key to a successful project. See before and after comparison photos below.





Further Information

This is not a finite list of projects in motion. It is intended as a brief cross-section of exciting things going on. For more information about Wild & Scenic Rivers visit URL: www.rivers.gov. For more Bridger-Teton specific information visit URL: <http://www.fs.usda.gov/btnf/> and click on the Wild & Scenic link on the right side, or call 307.739.5417/email dcernicek@fs.fed.us.

