

	FOREST SERVICE HANDBOOK NATIONAL HEADQUARTERS (WO) WASHINGTON, DC
--	---

FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

Amendment No.: The Directive Manager completes this field.

Effective Date: The Directive Manager completes this field.

Duration: This amendment is effective until superseded or removed.

Approved: NAME OF APPROVING OFFICIAL **Date Approved:** mm/dd/yyyy
Title of Approving Official

Posting Instructions: Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was xx09.xx-xx-x to xxxxx.

New Document		xx Pages
Superseded Document(s) by Issuance Number and Effective Date	1909.12_80 (Amendment 1909.12-2006-8, 01/21/2006)	44 Pages

Digest:

80 - Revises chapter in its entirety. Removes codes, captions, and obsolete direction and establishes codes, captions, and sets forth new direction.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

Table of Contents

80.1 – Authorities.....	4
80.5 – Definitions.....	4
81 – IDENTIFICATION OF RIVERS FOR WILD AND SCENIC RIVER STUDY	5
81.1 – Identification of Study Rivers.....	5
81.2 – Study Rivers and Land Management Planning.....	5
81.21 – Applicability of Past River Studies.....	6
81.3 – Establishing Study River Termini and Area Boundaries.....	6
82 – EVALUATION OF STUDY RIVERS.....	7
82.1 – Eligibility	7
82.11 – Segments	7
82.13 – Flows.....	8
82.14 – Outstandingly Remarkable Values	8
82.14a – Eligibility Criteria	9
82.2 – Ineligible Rivers.....	11
82.21 – Legislatively-Mandated Study Rivers.....	11
82.22 – Forest Service-Identified Study Rivers	11
82.3 – Classification.....	12
82.4 – Suitability	15
82.41 – Basis for Suitability.....	15
82.5 – Interim Management of 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers	17
82.51 – Legislatively-Mandated Study Rivers (5(a) Study Rivers).....	17
82.52 – Forest Service-Identified Study Rivers (5(d)(1) Study Rivers)	17
82.53 – Management Guidelines for 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers.....	18
82.54 – Land Management Plan Guidance	25
83 – THE STUDY PROCESS	25
83.1 – Wild and Scenic River Study in Land Management Plans	25
83.11 – Wild and Scenic River Suitability Study in Land Management Plan	26
83.12 – Contents of Wild and Scenic River Appendix	26
83.2 – Wild and Scenic River Suitability Study Separate from Land Management Plan	26
83.21 – Purpose and Need for Action - Chapter I.....	27
83.22 – Description of Area - Chapter II	29
83.23 – Findings of Eligibility and Classification - Chapter III	29
83.24 – Alternatives - Chapter IV	29
83.25 – Environmental Consequences - Chapter V	30

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

83.26 – Distribution of the Report – Chapter VI	30
83.27 – List of Preparers – Chapter VII.....	30
83.28 – Appendix	30
83.3 – Joint Study – Forest Service-Identified Study River	30
84 – THE REVIEW AND APPROVAL PROCESS.....	31
84.1 – Forest Service Identified Study.....	31
84.11 – Proposals Resulting From Land Management Plan.....	31
84.11a – Evaluation	31
84.11b – Agency Recommendation	32
84.2 – Legislatively-Mandated Study	32
84.21 – Study Report and Applicable National Environmental Policy Act Document.....	32
84.22 – Public Notice and Comment	33
84.23 – Approval Process	33
84.23a – Office of Management and Budget Coordination.....	37
85 – DESIGNATION	37

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

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

80.1 – Authorities

Wild and Scenic Rivers Act of October 2, 1968 (WSR Act), as amended (16 U.S.C. secs.1271-1287). This Act (WSR Act) describes the National Wild and Scenic Rivers System (National System) and the process to evaluate specific legislatively mandated rivers (sec. 5(a)) and for Federal agencies to identify and evaluation rivers for inclusion (sec. 5(d)(1)). The Act is contained in Chapter 90 of this Handbook.

80.5 – Definitions

Classification. Identification of the class (wild, scenic, or recreational) that appropriately describes a river or river segment, based on the criteria established in section 2(b) of the WSR Act.

Determination. A finding in the study document that the river segment meets the criteria found in this chapter to be first eligible, and then later, suitable for inclusion in the National System.

Eligible River. A river segment that is free-flowing and, in combination with its adjacent land area, possess one or more “outstandingly remarkable values.” An eligible river is a river that is further evaluated in a suitability study to determine if it should be included in the National System.

Forest Service-Identified Study Rivers. Rivers that the Forest Service has identified for study to determine potential inclusion in the National System , as directed under section 5(d)(1) of the WSR Act. Study rivers that have been determined by the Forest Service to be Eligible or Suitable Rivers for inclusion in the National System.

Legislatively-Mandated Study Rivers. Rivers that Congress has identified under section 5(a) of the WSR Act for study to determine potential inclusion in the National System. .

River. A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. The term is used interchangeably with river segment and applies to the particular segment under consideration.

River Segment. See River.

Section 5(a) study rivers. See Legislatively Mandated Study Rivers.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

Section 5(d)(1) study rivers or Section 5(d)(1) eligible or suitable study rivers. See Forest Service-Identified Study Rivers.

Study Process. The process of inventorying rivers to determine if the rivers are eligible for inclusion in the National System and the process of evaluating eligible rivers to determine if the rivers are suitable for inclusion in the National System.

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

81 – IDENTIFICATION OF RIVERS FOR WILD AND SCENIC RIVER STUDY

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

81.1 – Identification of Study Rivers

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

1. Identification by Congress under section 5(a) of the WSR Act directing a Federal agency to study a river (“Legislatively-Mandated Study Rivers” or “5(a) Study Rivers”).
2. Identification for study by the Secretary of Agriculture (or the Secretary of the Interior, for rivers administered by a Department of the Interior (USDI) agency) under section 5(d)(1) of the WSR Act (“Forest Service-Identified Study Rivers” or “5(d)(1) Study Rivers”). River segments may be identified for study under the WSR Act, section 5(d)(1) during the land management planning process and when project plans may affect the use and development of water and related land resources.

81.2 – Study Rivers and Land Management Planning

The land management planning process includes a comprehensive evaluation of the potential for rivers in a plan area to be eligible for inclusion in the National System (36 CFR 219.7(c)(2)(vi)). Complete an inventory of eligible river segments and document this in an appendix of the environmental impact statement (EIS) for a plan revision or for the development of an initial land management plan. Sources of information for identifying the significance of river-related values include the Nationwide Rivers Inventory; State river assessments; Tribal governments,

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

other Federal, State, or local agencies; and the public. Collaboratively involve the public throughout the evaluation process.

81.21 – Applicability of Past River Studies

1. Eligible Rivers. Generally if a river segment has been studied in the past and a determination made of its eligibility, it does not need to be studied again for eligibility during subsequent planning. Additional study at the time of a plan revision must be done when changed circumstances warrant additional review of eligibility.

“Changed circumstances” may include, but are not limited to, commitments made through settlement agreement or appeal decisions, and/or new information about the uniqueness and rarity of river-related values. Evaluate in land management planning the eligibility of river segments affected by changed circumstances. Document any change in status of past eligible rivers in the appendix to EIS (sec. 83.12) and summarize the changes in the Record of Decision (ROD) for a new or revised land management plan.

The responsible official may decide to evaluate suitability for one or more rivers that have previously been determined to be eligible in the land management planning process.

2. Suitable Rivers. River segments previously determined to be not suitable through a Federal agency planning process do not need to be restudied except at the discretion of the responsible official for applicable changed circumstances (see examples above). River segments previously found suitable through earlier study but not yet congressionally designated, do not need to be re-evaluated unless applicable changed circumstances warrant consideration by the responsible official of a change in river status.

81.3 – Establishing Study River Termini and Area Boundaries

The river and its corridor form the area that is to be considered for the river study. Identify the beginning and ending points of each river segment which will be studied for eligibility. Consider the entire river system, including the interrelationship between tributaries and main stem and associated ecosystems. As a minimum, a river study area includes the length of the identified river segment (sec. 82.11) and the land encompassed by one-quarter mile in width from each bank of the river along the river segment. Boundaries may be expanded to include adjacent areas needed to protect river related resources or facilitate management of the river area. This is particularly true of those resource values identified as outstandingly remarkable. For example, the boundary of a study river corridor may be extended to include key scenic features, upstream spawning areas in tributaries, or the entire river floodplain.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****82 – EVALUATION OF STUDY RIVERS**

Once study rivers have been identified (sec. 81), the evaluation of river segments follows a three-step process:

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

82.1 – Eligibility

The eligibility of a river for the National System is determined by applying the criteria in sections 1(b) and 2(b) of the WSR Act. These criteria are further described in the U. S. Department of Agriculture (USDA) and USDI Guidelines for Eligibility, Classification and Management of River Areas dated September 7, 1982 (“USDA-USDI Guidelines”). These USDA-USDI Guidelines are included in FSH 1909.12 chapter 90. To be eligible for inclusion, a river segment must be free-flowing and, in combination with its adjacent land area, possess one or more “outstandingly remarkable values.” An inventory of eligible rivers should be included as an appendix to the EIS (sec. 83.12) for a new or revised land management plan and summarized in the ROD.

82.11 – Segments

To determine eligibility and the possible later determination of river classification (sec. 82.3), it may be necessary to divide a study river into segments. In defining segment termini within a single river, consider:

1. Logical segments bounded by junctions with major tributaries or other distinct river features,
2. Changes in land status or ownership,
3. Changes in river character, such as the presence of dams and reservoirs,
4. Significant changes in development, and
5. The presence of important resource values.

There is no minimum requirement for segment length. However, a river segment should be long enough to enable the protection of the outstandingly remarkable values if the area was managed as a wild, scenic, or recreational river.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****82.12 – Free-flowing**

The WSR Act defines “free-flowing” as follows:

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

Further, the USDA-USDI Guidelines state that “[t]he fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria.”

82.13 – Flows

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

82.14 – Outstandingly Remarkable Values

For a river to be eligible for designation to the National System, the river, in combination with its adjacent land area (“river area”), must have one or more “outstandingly remarkable values.” To be identified as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant when compared with similar values from other rivers at a regional or national scale. Regional comparisons may include a number of rivers with similarly high river-related values; in such a case, outstandingly remarkable values are those values that still distinguish themselves as unique or exemplary in these comparisons.

Under the WSR Act, the categories of outstandingly remarkable values are “scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” (sec.1(b)). The determination that a river area does or does not contain one or more outstandingly remarkable values is a professional judgment on the part the responsible official as informed by an interdisciplinary team, best available scientific information, and public participation. As part of this determination process, input from organizations and individuals familiar with specific river resources should be sought out and documented.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

The interdisciplinary team shall identify the area of consideration for each outstandingly remarkable value that will serve as the basis for meaningful comparative analysis, called the “region of comparison.” The region of comparison may vary for different rivers or categories of outstandingly remarkable values. The region of comparison should be scaled at an appropriate level for the type of river value being evaluated. For example, the appropriate region of comparison for scenic values may be an entire national forest or grassland in one instance, while for cultural values it may be the portion of the State in which the river is located. Further, for geological or hydrologic values, an appropriately scaled physiographic or hydrologic unit (such as an ecoregion or multi-State area) may provide the most meaningful comparative reference point. Alternatively, the responsible official may conclude that a single region of comparison can encompass the evaluation of outstanding remarkable values. Once the region of comparison is identified, a river’s values can then be analyzed in comparison with other rivers in that area. Each value may have its own region of comparison and, thus, multiple regions of comparison may be utilized to evaluate one river.

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

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

82.14a – Eligibility Criteria

The WSR Act section (1b) establishes a set of categories for outstandingly remarkable values. Within these categories below the criteria, establish a baseline to foster greater consistency within the agency and with other Federal river-administering agencies in evaluating eligibility. They set minimum thresholds to establish outstandingly remarkable values. The criteria within the category may be modified and additional criteria may be included to make them more meaningful in the area of comparison. Additional criteria are not intended to create any sub-categories within the value categories established under the WSR Act.

1. Scenery. The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

2. Recreation. Recreational opportunities are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. River-related opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. The river may provide settings for national or regional usage or competitive events.

3. Geology. The river, or the area within the river corridor, contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).

4. Fish. Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.

a. Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Diversity of fish species or the presence of wild stocks and/or Federal or State listed or candidate threatened, endangered, or species of conservation concern are of particular significance.

b. Habitat. The river provides uniquely diverse or high quality habitat for fish species indigenous to the region of comparison. Exemplary habitat for wild stocks and/or Federal or State listed or candidate threatened, endangered, or species of conservation concern is of particular significance.

5. Wildlife. Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat, or a combination of these conditions.

a. Populations. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species diversity, species considered to be unique, and/or populations of Federal or State listed or candidate threatened or endangered species, or species of conservation concern.

b. Habitat. The river, or area within the river corridor, provides uniquely diverse or high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for Federal or State listed or candidate threatened, endangered species, or species of conservation concern. Contiguous habitat conditions are such that the biological needs of the species are met.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

6. Historic and Cultural. The river, or area within the river corridor, contains important evidence of occupation or use by humans. Sites may have national or regional importance for interpreting history or prehistory.

a. History. Site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or one-of-a-kind in the region. A historic site or feature, in most cases, is 50 years old or older.

b. Pre-history. Sites may have unique or rare characteristics or exemplary human interest value; represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups, or may have been used for rare sacred purposes.

7. Other Values. While no specific national evaluation guidelines have been developed for the “other similar values” category, determinations consistent with the foregoing guidance and section 82.14 may be developed, for other values that may be outstandingly remarkable, including, but not limited to, botanic, hydrologic, paleontologic, scientific, and heritage values

82.2 – Ineligible Rivers

82.21 – Legislatively-Mandated Study Rivers

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

82.22 – Forest Service-Identified Study Rivers

Study of rivers identified by the Forest Service under section 5(d)(1) of the WSR Act may be terminated upon a finding of ineligibility in the land management planning process or a separate wild and scenic river study. In land management planning, documentation that the river has been determined not to be eligible for inclusion in the National System will be in an appendix to the land management plan EIS. In other cases, the determination that the river has been found not to be eligible for inclusion in the National System will be documented in the administrative record and an appropriate notification sent to interested publics identified during the study.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

82.3 – Classification

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

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

A table incorporating the USDA-USDI Guidelines for classification criteria for wild, scenic, and recreational river areas is included below in 82.3 – Exhibit 01.

Study rivers may be segmented into more than one classification when the levels of human use and activity create different degrees of development within the study area. In cases where a river is segmented into one or more classifications, each river segment identified should be of sufficient length to warrant its own unique management strategies.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

82.3 – Exhibit 01

Classification Criteria for Wild, Scenic, and Recreational River Areas

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

82.3 – Exhibit 01--Continued

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****82.4 – Suitability**

A suitability study provides the basis for determining which rivers or river segments, determined to be eligible for inclusion to the National System, should be recommended to Congress as potential additions to the National System. The content of a suitability study is described in section 83. A suitability study will answer these questions:

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

In answering these questions, the trade-offs between benefits and impacts of wild and scenic river designation must be evaluated and alternative protection methods considered.

82.41 – Basis for Suitability

As provided in sections 4(a) and 5(c) of the WSR Act, the following study requirements must be evaluated and documented as a basis for the suitability determination for each river:

1. Characteristics that do or do not make the area a worthy addition to the National System.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The Federal agency that will administer the area should it be added to the National System.
5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by State and local agencies.
6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

The following additional suitability factors may also be evaluated, if applicable:

8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.

9. The State and/or local government's ability to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of State and local governments. Such mechanisms may include, for example, State-wide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.

10. The consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the goals of Tribal governments, or other Federal, State, or local agencies. For example, designation of a river may contribute to State or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a limited recreation activity or setting to the National System may help meet State-wide recreation goals for that activity or setting. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.

11. Support or opposition to designation. Assessment of this factor will define the political context. The interest in designation or non-designation by Federal agencies; State, local and tribal governments; national and local publics; and the State's Congressional delegation should be considered.

12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach, for example, expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

13. The potential for water resources development. The intent of the Act is to preserve selected rivers from the harmful effects of water resources projects. Designation will limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, and channelization. Describe projects that may be foreclosed by designation and the implications for future water

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

resource needs. This may include discussion of alternative water resources projects or project sites (outside a river segment being considered for designation), or modified projects, that may be considered if a river is recommended for designation.

Additional suitability factors may be identified and considered by the interdisciplinary study team.

82.5 – Interim Management of 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers

Rivers or river segments legislatively-mandated for study and other rivers determined by the Forest Service to be eligible or suitable for inclusion in the National System must have certain interim protection measures. These protection measures apply until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a suitability decision. Along with the interim management direction provided here, additional statutory, regulatory, or policy requirements may also apply if the study river is located within a wilderness area or other designated area (FSM 2354.42e).

82.51 – Legislatively-Mandated Study Rivers (5(a) Study Rivers)

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

For all legislatively-mandated study rivers, classification must be maintained as inventoried until the study report is received by Congress and for the protection period specified in the WSR act, even if the study report recommends managing the river at a less restrictive class (such as from wild to scenic or scenic to recreational).

In addition, apply the interim protections identified under Forest Service Identified Study Rivers (sec. 82.52).

82.52 – Forest Service-Identified Study Rivers (5(d)(1) Study Rivers)

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

The plan must provide plan components, including standards and guidelines, to provide for:

...

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****(b) (v) Protection of designated wild and scenic rivers as well as management of rivers found eligible or determined suitable for the National Wild and Scenic River system to protect the values that provide the basis for their suitability for inclusion in the system. (36 CFR 219.10)**

During interim management of eligible or suitable rivers, the following management guidelines are to be used when planning and implementing projects and activities on the NFS for each of the river classifications in this section.

A responsible official may authorize site-specific projects and activities on NFS lands within eligible or suitable river corridors only where the project and activities are consistent with all of the following:

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

82.53 – Management Guidelines for 5(a) Study Rivers and 5(d)(1) Eligible or Suitable Study Rivers

The following guidelines apply to interim management of legislatively-mandated study rivers (sec. 5(a) of the WSR Act), and eligible or suitable Forest Service-identified study rivers (sec. 5(d)(1) of the WSR Act). Responsible officials should apply these on NFS lands, or where the Forest Service holds an interest on non-Federal lands, such as scenic or access easements to protect river values.

The following protection guidelines apply until a decision is made on the future use of the river and adjacent lands through an Act of Congress or a suitability decision. Section 5(a) study rivers must be protected, as directed in sections 7(b), 8(b), 9(b), and 12(a) of the WSR Act for the period specified in section 7(b). The protection period is 3 years from the date the study report is transmitted to the Congress. The protection necessary to maintain a 5(d)(1) study river as a potential wild and scenic river may be modified or discontinued for identified rivers upon a finding of ineligibility or non-suitability. A river determined through a suitability study not to be suitable shall no longer be considered eligible and interim protection measures no longer need to be applied to those rivers. Results of a suitability study may create a need for a plan amendment. See the review and approval process in section 84 of this chapter.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

A responsible official may authorize site-specific projects and activities on NFS lands within legislatively-mandated study river corridors (5(a)), or eligible or suitable Forest Service-identified study (5(d)(1)) river corridors where the project and activities are consistent with the following:

1. Water Resources Projects (Water Supply/Flood Control).

Wild, Scenic, Recreational. Development of water supply dams, diversions, flood control works, and other water resources projects on a section 5(a) study river shall be analyzed under section 7(b) of the Act. A water resources project is defined in 36 CFR part 297 as the construction of developments that affect the river's free-flowing characteristics. Water resources projects determined to have a direct and adverse effect on river values (free-flow, water quality, and outstandingly remarkable values) under section 7(b) are prohibited. Water resources projects proposed on a section 5(d)(1) study river are not subject to section 7(b), but will be analyzed as to their effect on a river's free-flow, water quality, and outstandingly remarkable values, with adverse effects prevented to the extent of existing agency authorities (such as special-use authority).

2. Hydroelectric Power.

Wild, Scenic, Recreational. Development of hydroelectric power facilities is not allowed on or directly affecting a section 5(a) study river. This provision of section 7(b) of the act is interpreted as a prohibition of new hydroelectric facilities within the study boundary. Section 5(d)(1) study rivers found eligible are to be protected pending a suitability determination. Protect section 5(d)(1) study rivers found suitable for inclusion in the National System for their free-flowing condition, water quality, and outstandingly remarkable values.

3. Minerals.

a. Wild.

(1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.

(2) Leasable. Leases, licenses, and permits under mineral leasing laws are subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

(3) Saleable. Disposal of saleable mineral material is prohibited to protect river values.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

- b. Scenic, Recreational.
- (1) Locatable. Subject to valid existing rights, mining claims are prohibited within 1/4 mile of a section 5(a) study river under section 9(b) of the Act. Existing mining activity on a section 5(a) study river and existing or new mining activity on a section 5(d)(1) study river are subject to regulations in 36 CFR part 228 and must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment.
- (2) Leasable. Leases, licenses, and permits under mineral leasing laws would be subject to conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System.
- (3) Saleable. Saleable mineral material disposal is allowed if the values for which the river may be included in the National System are protected.
4. Transportation System.
- a. Wild. New roads are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable. New trail construction should generally be designed for nonmotorized uses. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. New airfields may not be developed.
- b. Scenic. New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.
- c. Recreational. New roads and railroads are permitted to parallel the river if such construction fully protects river values (including river's free-flowing character). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.
5. Utility Proposal.
- a. Wild, Scenic, Recreational. New transmission lines such as gas lines, water lines, and so forth are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the project must be evaluated as to its effect on the river's outstandingly remarkable values and classification. Any portion of a utility proposal

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

6. Recreation Development.

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

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

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

7. Motorized Travel.

a. Wild. Motorized travel on land or water may be permitted, but is generally not compatible with this classification.

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

8. Wildlife and Fish Projects.

a. Wild. Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive character and fully protect identified river values. Any portion of a wildlife

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION

or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing character must be evaluated as a water resources project.

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

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

9. Vegetation Management.

a. Wild. Cutting of trees and other vegetation is not permitted except when needed in association with a primitive recreation experience such as to clear trails or to protect users or the environment, including wildfire suppression. Prescribed fire and wildfires managed to meet resource objectives may be used to restore or maintain habitat for threatened, endangered, or sensitive species and/or restore the historic range of variability.

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

10. Domestic Livestock Grazing.

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

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

c. Recreational. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. New facilities may be

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

developed to facilitate livestock management so long as they maintain the values for which a river was found eligible or suitable.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****82.54 – Land Management Plan Guidance**

While land management plans need not duplicate the interim management guidelines specified in section 82.53, plan components must be consistent with these interim river management guidelines. As a result, land management plans should include the following, as appropriate:

1. For interim management of legislatively-mandated study rivers (sec. 5(a)) or Forest Service-identified eligible or suitable rivers (sec. 5(d)(1)), the plan should include the desired conditions, and other plan components for the design of projects and activities consistent with management guidelines of eligible or suitable rivers (sec. 82.53).
2. For designated river corridors, the designated area (FSM 1921.16) description should include the desired conditions, and other plan components for the design of projects and activities consistent with the USDA-USDI Guidelines.

83 – THE STUDY PROCESS

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

83.1 – Wild and Scenic River Study in Land Management Plans

When a Forest Service-identified river study (sec. 5(d)(1)) is accomplished in the land management planning process, address all potential wild and scenic rivers flowing wholly or partially on NFS lands as identified in the Nationwide Rivers Inventory and by other sources (sec. 81). Unless a systematic inventory of eligible rivers has been completed (sec. 81.2), the land management planning team should develop and conduct a process to determine which rivers meet the eligibility criteria specified in section 82.1. Document the finding of ineligibility (sec. 82.2), or eligibility and the river's potential classification, in the land management plan EIS.

The appropriate timing of a suitability evaluation may vary. The preferred approach is to proceed with determining suitability in the land management planning process. Another approach is to do a study after the land management plan is approved or revised. If the suitability determination is not made in the land management planning process, the plan must provide for protection of the eligible river corridor(s) until a decision is made on the future use of the river and adjacent lands (sec. 82.5).

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

Legislatively mandated studies (sec.5(a)) should be included in the land management plan when the plan revision and the legislatively-mandated river study period are compatible. The study must meet the specific statutory requirements (sec. 84.2) and make a determination if the river is both eligible and suitable for designation, or ineligible or non-suitable for designation. See FSH 1909.15 to determine the applicable NEPA documentation.

83.11 – Wild and Scenic River Suitability Study in Land Management Plan

When a wild and scenic river suitability study is conducted in the revision of the land management plan, the EIS accompanying the land management plan should address suitability factors (sec.82.4), related to the study. The EIS should discuss the existing conditions and likely environmental consequences on the identified river values and other resource activities, should the river segment be added to the National System.

83.12 – Contents of Wild and Scenic River Appendix

The EIS for developing or revising a land management plan should contain a single appendix for all rivers studied. This appendix should be able to facilitate extraction of information supporting the recommendation to Congress of an individual river or river segment. Within the appendix, there should be separate and detailed river narratives for each river segment evaluated in the planning process and a detailed map of each river corridor. The river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability factors.

83.2 – Wild and Scenic River Suitability Study Separate from Land Management Plan

When a 5(d)(1) wild and scenic river suitability study is not conducted in revision of the land management plan or when Congress mandates a 5(a) study with a due date not compatible with land management plan revision, a combined study report and applicable NEPA document pursuant to NEPA may be prepared. (See FSH 1909.15 to determine the applicable NEPA documentation.) Where an administrative unit contains more than one river previously identified as eligible or a river identified by Congress for study, the responsible official may combine study of such rivers into a comprehensive study report for all of these rivers as long as this approach meets Congressionally mandated deadlines and specific statutory requirements for any 5(a) study rivers (sec. 84.2).

To meet the requirements of NEPA, Council on Environmental Quality regulations (40 CFR parts 1500-1508), FSM 1950, and FSH 1909.15, the river study report should be combined with the applicable NEPA document. The combined study report/applicable NEPA document needs to meet the content and format requirements of both the study report and the NEPA regulations.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

Follow the procedures in FSH 1909.15. A study report/applicable NEPA document covering more than one river, such as a forest, grassland, prairie, or other comparable administrative unit-wide study report, should follow the same NEPA requirements as study report/applicable NEPA document for an individual river.

The USDA-USDI Guidelines describe the way in which the required information should be presented in the study report. The following chapters should be included in the study report/applicable NEPA document:

Summary	
Table of Contents	
Chapter I	Purpose and Need for Action
Chapter II	Description of Area
Chapter III	Findings of Eligibility and Classification
Chapter IV	Alternatives Including the Proposed Action
Chapter V	Environmental Consequences
Chapter VI	Distribution of the Report
Chapter VII	List of Preparers
Appendix	

83.21 – Purpose and Need for Action - Chapter I

State the proposed action, normally to study a river to determine eligibility or suitability for potential inclusion in the National System. In cases where a forest, grassland, prairie, or other comparable administrative unit has a specific proposal, the proposed action may be a suitability recommendation for specific rivers or river segments by classification.

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

6. Explain the concept of a combined study report/applicable NEPA document.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****83.22 – Description of Area - Chapter II**

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

83.23 – Findings of Eligibility and Classification - Chapter III

Summarize the eligibility determination to provide a clear and concise description of the river and its immediate environment. This section should focus on the river's free-flowing character and outstandingly remarkable values. Describe the unique, rare, or exemplary nature of the river's values (sec. 82.14). The description of river values should enable persons who have never seen the river to determine that the river has outstanding values worthy of protection.

Potential classification should be based on the situation existing at the time of the study. It should not anticipate expected development or other changes along the river corridor; this is an aspect of evaluating suitability documented in chapters IV and V. The criteria listed in the USDA-USDI Guidelines are presented in section 82.3, exhibit 01.

83.24 – Alternatives - Chapter IV

The suitability of the river for designation should be evaluated with alternatives. Alternatives must reflect pertinent issues and opportunities, while meeting the purpose and need of the proposal to some extent (except the no action alternative).

An analysis of the existing situation provides the foundation for alternatives. The impacts of continuing present trends and uses should be identified in order to formulate reasonable alternatives.

The type and range of alternatives to consider will vary depending on the affected environment, issues, and opportunities associated with each specific river. However, every study report/applicable NEPA document must present an array of alternatives broad enough to encompass all reasonable proposals for use of the river area.

If the emphasis of the alternative is to protect the outstandingly remarkable values by means other than designation, describe any plan components needed, including guidelines. In all alternatives, include such guidelines as integral parts of the alternative.

In addition to a no action alternative that maintains current management, study reports generally include the following types of alternatives:

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

1. National designation of all eligible segments of the river.
2. Protection of eligible segments by means other than national designation.
3. Designation of some eligible segments. An alternative may also include a recommendation of eligible segment(s) at a less restrictive classification (for example, scenic to recreational) to allow a specific resource activity.

83.25 – Environmental Consequences - Chapter V

This chapter presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed. State the general reasons and principles for acquisition of land or interest in land as the basis for disclosure of consequences. Include an estimate of the kinds and amounts of public use that can be accommodated without long-term or irreversible impacts on the values of the river area. Describe guidelines needed to meet the emphasis of each alternative, including their effectiveness. Refer to section 82.4 for additional guidance on suitability studies. These principles and measures will provide the basis for a management plan should Congressional designation of the river corridor occur.

83.26 – Distribution of the Report – Chapter VI

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

83.27 – List of Preparers – Chapter VII

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

83.28 – Appendix

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

83.3 – Joint Study – Forest Service-Identified Study River

Where a Forest Service identified study river (sec. 5(d)(1)) touches only a small part of NFS lands, the lead responsibility for studying the river should rest with either another Federal agency or the State depending on who has jurisdiction over the largest proportion of the lands involved. In this situation, the responsible official should:

1. Contact the other Federal and/or State agency to determine if or when they plan to study the river and/or invite the agency or State to participate in a joint study for the river either as part of the land management planning process or as a separate study report.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

2. If the responsible agency or State declines to study the river or if its study schedule does not coincide with the Forest Service land management planning process, protect the river and adjacent lands of the river segment(s) on NFS lands according to section 82.5 of this Handbook (eligible river).
3. Proceed to assess the segment's suitability on its own merits where the river segment that extends into the NFS lands would make a viable addition to the National System without the remainder of the river.

84 – THE REVIEW AND APPROVAL PROCESS

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

For a Forest Service-initiated study (sec. 5(d)(1)) in which the agency recommends designation of a river into the National System, follow the procedures in section 84.1 below. If such a study does not recommend a river for inclusion in the National System, the study is then concluded after sections 84.11a(2) and 84.12a(2) below.

For a legislatively-mandated study (sec. 5(a)), follow the process outline in section 84.2 below, regardless of the outcome of the study. However, if a legislatively-mandated study river is found to be not eligible or not suitable, then do not prepare any proposed legislation (sec. 84.23(a)).

84.1 – Forest Service Identified Study

A Forest Service identified study under section 5(d)(1) of the WSR Act may be conducted in land management planning or through a separate study process.

84.11 – Proposals Resulting From Land Management Plan**84.11a – Evaluation**

1. Prepare the proposed land management plan and accompanying draft EIS. Information on rivers that have been evaluated for potential wild and scenic river designation must be included in the appropriate planning documents for public review as described in section 83.1.
2. Prepare the planning documents following analysis of the comments received on the proposed land management plan and draft EIS. A new conclusion (as different from previous published conclusions by the Forest Service) that a river or river segment is not eligible or suitable should be briefly documented in the ROD. A wild and scenic river recommendation in the ROD based on the suitability evaluation in the EIS should be

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

identified as a “preliminary administrative recommendation for wild and scenic river designation.” Use the following statement in the ROD or plan approval document.

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

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

84.11b – Agency Recommendation

Once a final agency decision has been made and documented, a notification letter documenting the recommendation will be prepared for submittal to Congress. This letter should be forwarded to Congress by the Secretary of Agriculture.

84.2 – Legislatively-Mandated Study**84.21 – Study Report and Applicable National Environmental Policy Act Document**

The responsible official prepares the combined study report and applicable NEPA document for legislatively mandated wild and scenic river study. See FSH 1909.15 to determine the applicable NEPA documentation.

1. The regional forester shall send two copies of the preliminary study report/applicable NEPA document to the Chief for review who authorizes the approval to print or requests to make changes.
2. When the study report/applicable NEPA document is printed, the regional forester shall transmit 10 copies to the Chief. The Washington Office, Director, Wilderness and Wild and Scenic Rivers staff, prepares the transmittal letter from the Secretary to the heads of the following agencies, for a 90-day review as required in section 4(b) of the WSR Act:
 1. Secretary of the Interior.
 2. Secretary of the Army.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

3. Chairman of the Federal Energy Regulatory Commission.
4. Head of any other affected Federal department or agency.
5. Governor of the State where the river is located (unless the Federal Government already owns, or has been authorized to purchase, the area within the proposed boundaries).

84.22 – Public Notice and Comment

The Washington Office, Director, Wilderness and Wild and Scenic Rivers staff is responsible for sending any comments received from the other Federal/State officials through the regional forester to the administrative unit conducting the analysis. This unit responds to these and other comments received on the draft study report, prepares a preliminary final study report/applicable NEPA document, and sends two copies upon regional forester concurrence to the Washington Office, Director, Wilderness and Wild and Scenic Rivers staff. Upon the Chief's approval, the responsible administrative unit prints the final study report/applicable NEPA document.

84.23 – Approval Process

After printing of the final study report/applicable NEPA document, the regional forester shall:

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

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****84.23 – Exhibit 01****Sample Transmittal Letter**

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

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

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

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

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

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION****84.23 – Exhibit 01--Continued**

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

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

Alternative 1 – No action.

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

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

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

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

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

84.23 – Exhibit 01--Continued

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

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

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

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

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

Sincerely,

President of the United States

Enclosures

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 80 – WILD AND SCENIC RIVER EVALUATION**

84.23a – Office of Management and Budget Coordination

1. The Washington Office, Director, Legislative Affairs staff, works with the Region in preparation of proposed legislation for the designation(s) recommended in the study report. This legislation is in the form of an amendment to the Wild and Scenic Rivers Act. The proposed legislation and supporting documentation are transmitted to the Secretary of Agriculture with a cover letter for transmittal to OMB.
2. OMB coordinates the final review with other Federal agencies, and recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the draft legislation. Occasionally, where significant changes occur, it may be necessary to revise the study report/applicable NEPA document.
3. When the OMB review is complete, the President signs and forwards the transmittal letter and legislative proposal including the study report/applicable NEPA document to the Congress. Copies of the study report/applicable NEPA document and the transmittal letter are then distributed to the public by the responsible administrative unit.

The proposal then awaits legislative action by the Congress.

85 – DESIGNATION

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

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