

Appendix B – Wild and Scenic River Evaluation

B1. Introduction and Background

In 1990, a seven member interdisciplinary team (IDT) of resource specialists from the Lake Tahoe Basin Management Unit (LTBMU), in conjunction with the Tahoe National Forest (TNF), undertook an analysis to determine eligibility and suitability of potential candidate streams for designation under the Wild and Scenic Rivers Act of 1968. The resources represented on the LTBMU team included fisheries, forest archaeology, wildlife, grazing, hydrology, sensitive plants and planning.

The initial analysis, coordinated by the Tahoe National Forest, evaluated a total of about 600 rivers and streams using forest-wide resource information, as well as local field knowledge. From this screening process, 100 rivers were identified for more detailed study. Eligibility indicators were developed to help the IDT determine which rivers were eligible. These indicators defined local, regional and national significance for each resource. Out of the 100 rivers and streams identified for more detailed study, 30 were found eligible. Suitability of these 30 rivers was evaluated in two studies, one for the east side and one for west side.

Eight rivers (a total of 59 miles) were evaluated in the Eight Eastside Rivers Wild and Scenic River Study Report and FEIS (Eastside Study), and two rivers in the Basin were found eligible based on Outstandingly Remarkable Values (ORVs) of national or regional significance. The Upper Truckee River was recommended for “Wild” designation due the mix of recreation, scenic, and historic values that were all considered outstandingly remarkable. The Truckee River was also considered due to its outstandingly remarkable recreation and prehistoric values. However, it was later considered not suitable for several reasons including management limitations due to existing land uses and water right constraints and opposition from the city of Truckee.

In 1999, the Record of Decision (ROD) for the Eight Eastside Rivers FEIS documented the LTBMU Forest Supervisor’s recommendation to designate a segment of the Upper Truckee as Wild under the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287, Public law 90-542 October 2, 1968). The Regional Forester approved the decision at the time but no further action was taken to designate this segment.

To provide interim protection, the segment has been managed in accordance with the direction in Appendix A of the FEIS (USDA Forest Service 1998,) to ensure that eligibility is maintained. Interim protection requires that all projects proposed on National Forest System lands maintain the free-flowing status and that the ORVs listed for these rivers be protected or enhanced.

B2. LTBMU Wild and Scenic River Review

“A comprehensive evaluation of the potential for rivers to be eligible for inclusion in the national Wild and Scenic River system is required during land management planning. However, if a systematic inventory or other unit-wide suitability study has previously been completed and documented, additional assessment and study at the time of Forest Plan revision is only required if changed circumstances warrant additional review or if the Responsible Official decides to evaluate suitability (FSH 1909.12, Ch. 81.2).”

In accordance with this direction, an IDT of resource specialists was convened in 2011 to consider whether there were any **changed circumstances** (e.g. increasing rarity of a river-related value or new outstandingly remarkable values) that warranted additional review of eligibility within the Basin since the completion of the Eastside Study (USDA Forest Service 1998).

Considering this FEIS and ROD along with input provided by the public during scoping, the IDT reviewed the rivers, streams, and creeks in the Lake Tahoe Basin to determine whether additional assessment is needed. To maintain consistency with the original analysis, this review utilized the same region of comparison as the original. This means that a river value would need to be outstandingly remarkable when considered in the context of the original area of analysis, and not just the Lake Tahoe Basin.

The IDT used the criteria in FSH 1909.12 Ch. 82.14a to determine if there were any **changed circumstances** from the original 1990s eligibility inventory that constitute ORVs not present at the time of the previous analysis: Scenery, Recreation, Geology, Fisheries, Wildlife, Historic and Cultural, and Other Values.

The results are presented in the following narratives.

Upper Truckee River

“The Upper Truckee River has a special mix of recreation, scenic, and historic values that are all considered Outstandingly Remarkable (OR). The largest watershed feeding Lake Tahoe, it has scenic landforms, attractive meadows, and easy access, attracting various backcountry users. In addition, the historic cabin provides a scenic accent to the high-country meadows...In addition to these values, self-sustaining populations of Lahontan cutthroat trout and highly valued early summer deer fawning habitat provide for special natural values which are also identified as OR values. The combination of these values indicates that this stream can clearly be considered an excellent candidate representing eastside Sierra streams and a worthy addition to the National System of Wild and Scenic Rivers” (USDA Forest Service 1999).

Finding: *The Upper Truckee River continues to have the outstanding remarkable values as described in the 1999 Report and continues to be supported by the IDT as “Wild” under Wild and Scenic River Act.*

In response to comments submitted on the DEIS in 2012, the LTBMU conducted an additional analysis of tributaries in the Upper Truckee River watershed. As a first step, IDT members identified potential ORVs associated with 9 of the 11 tributaries reviewed (see Project Record). This review was presented to the Forest Leadership Team (FLT) to consider in making a suitability finding and a decision about whether to recommend any additional tributaries. In

considering the suitability criteria in FSH 1909.10 Ch. 82.4, the FLT found that additional protection was not needed. The watershed is currently within an Inventoried Roadless Area, and would receive equivalent protection as a Backcountry Management Area in the Revised Forest Plan. This Management Area status would limit uses and activities, thus providing adequate protection for the valued attributes of the watershed. While several tributaries support populations of Lahontan Cutthroat Trout or are proposed areas for reintroduction, the Endangered Species Act provides stronger protection for this species than the Wild and Scenic Rivers Act, so no additional protection is needed for this species. An additional factor considered was that some opposition to recommending additional tributaries had been expressed at the county level.

The following section summarizes the initial eligibility review conducted by the IDT for 11 tributaries of the Upper Truckee:

Scenery

Three tributaries were found to have geologic features, lakes, and meadows and aspen stands with backdrops with high scenic value.

Recreation

While the IDT identified several trails that provide outstanding recreation values, these trails were found not to be river related. No other potential recreation ORVs were identified.

Geology

One tributary was found to include an outstanding example of the Mehrten formation. While the Mehrten formation is relatively rare in the Lake Tahoe Basin, it is common within the region of comparison.

Fish

Populations – Four tributaries currently support populations of the endangered Lahontan Cutthroat Trout.

Habitat – Five tributaries provide suitable potential habitat for Lahontan cutthroat trout.

Wildlife

Populations – Four tributaries are within northern goshawk and/or California spotted owl Protected Activity Centers or Home Range Core Areas and there have been recent detections of these species. Bald eagle perch sites were found associated with 2 tributaries. One tributary was noted for high wildlife species diversity.

Habitat – Highly suitable deer habitat was associated with three tributaries; additional findings included northern goshawk and California spotted owl habitat.

Historic and Cultural

History – The Hawley Grade National Historic Trail and Pony Express Trail are near one tributary, but were found not to be river related values because the river was not the reason for their establishment.

Pre-history – A prehistoric milling district is associated with one tributary.

Other Values

Botanical – Fens and/or TESP (Threatened, Endangered, Sensitive, or Proposed) species, including whitebark pine, were found associated with three tributaries.

Truckee River

While the Truckee River was found eligible for designation on the basis of its outstandingly remarkable recreation values, it was not found suitable based on its complex management challenges. The Truckee River Operating Agreement (TROA) has clarified the complex management of this river, but the management situation has not changed in a way that would change the suitability of the river for designation.

The Forest Service has limited jurisdiction over the management of the Truckee River. In addition, Nation Forest System lands along the Truckee River have reserved rights retained by Liberty Energy that allow power development and power lines along the bed and banks for 100 feet adjoining the river. The Truckee River is also a corridor for power lines, sewage lines, water lines. The utility lines have no alternative location in this area. Designation could create difficult or costly requirements for future infrastructure modification or improvements. A bicycle trail and Highway 89 run parallel and immediately adjacent to the river. Private ownership is concentrated on the banks of the river in small parcels which constitute 27 percent of the river corridor and include 11 private bridges in 13 miles.

In addition, provisions in the TROA provide protections equivalent to those of a Recreation designation in the Wild and Scenic River System, including managing Truckee River waters in a manner that enhances beneficial uses of water for fish, wildlife, and recreation in the Truckee River basin (TROA Part 419.1 (b-2))

Finding: *The Truckee River continues to have the outstanding remarkable recreation values resources as described in the 1999 Report. The recreation values were considered significant due to the high levels of general recreation use, the orientation of most of this use towards the river, and the opportunity for the public to raft without guides in a high-mountain environment.*

Analysis of Other Rivers

This section describes changes related to each ORV category that have occurred since the initial analysis and presents findings for each category. It applies to rivers other than the Truckee and Upper Truckee, and uses the region of comparison in the original analysis.

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, CH 82.14a ,1).”

Rationale: Major changes to the scenic resource in the Lake Tahoe Basin include installation of the Heavenly Gondola, the Gondola and Angora fires, none of which enhanced scenic values. While vegetation management projects have altered views in localized areas, scenic values associated with rivers and streams in the Lake Tahoe Basin have not materially changed since 1999.

Finding: Scenic values associated with other rivers in the Lake Tahoe Basin have not changed.

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 (FSH 1909.12, CH 82.14a ,2)”

Rationale: While visitation to Lake Tahoe has increased, the lake remains the primary destination. The range of recreation opportunities available on Lake Tahoe tributaries has not changed, and opportunities are not unique or rare within the region.

Finding: Recreation values associated with other rivers in the Lake Tahoe Basin have not changed.

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) (FSH 1909.12, CH 82.14a ,3).”

Finding: Geologic characteristics of Lake Tahoe Basin rivers and river corridors have not changed.

Fish

“Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions (FSH 1909.12, CH 82.14a ,4).”

- a. *“Populations. The river is nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable. “*

Rationale: A recovery plan for LCT is being implemented, but self-sustaining populations are not yet present in any tributaries except the Upper Truckee. Populations of other native fish have not increased significantly since 1999.

Finding: Fish populations of Lake Tahoe Basin rivers have not changed such that they would constitute an ORV.

- b. *“Habitat. The river provides exceptionally high quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.”*

Rationale: Stream channel restoration projects to improve aquatic habitat have been undertaken on several tributaries in the Lake Tahoe Basin. Most of these projects are still in progress or have not been completed long enough for the habitat benefits to be realized.

Finding: Fish habitat has not improved such that it would constitute an ORV.

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. (FSH 1909.12, CH 82.14a ,5).”

- 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 considered to be unique, and/or populations of federal or state listed or candidate threatened, endangered, or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable. “*

Finding: Wildlife populations have not changed in any river or river corridors in the Lake Tahoe Basin such that they constitute an ORV.

- b. *“Habitat - The river, or area within the river corridor, provides exceptionally high quality habitat for wildlife of national or regional significance, and/or may provide unique habitat or a critical link in habitat conditions for federal or state listed or candidate threatened, endangered, or sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitat is an important consideration and could, in itself, lead to a determination of outstandingly remarkable. “*

Rationale: While a number of small wildlife habitat improvement projects associated with Lake Tahoe tributaries have been accomplished (e.g. Cookhouse meadow, aspen restoration), they have not significantly changed habitat on any given tributary. Habitat restoration for Sierra Nevada Yellow-legged Frog is underway in several lakes in the Desolation Wilderness, but reintroduction has not yet been accomplished, and the projects are associated with lakes rather than tributaries.

Finding: Wildlife habitat in rivers or river corridors has not improved such that it constitutes an ORV.

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. (FSH 1909.12, CH 82.14a ,6).”

- 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.”*

Finding: No additional historic resources have been found that would constitute an ORV.

- b. *“Pre-history - Sites may have unique or rare characteristics or exceptional 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 by cultural groups for rare sacred purposes.”*

Finding: No additional pre-historic resources have been found that would constitute an ORV.

Other Values

“While no specific national evaluation guidelines have been developed for the “other similar values” category, assessments of additional river-related values consistent with the foregoing guidance may be developed, including, but not limited to, hydrology, paleontology, and botany resources(FSH 1909.12, CH 82.14a ,7).”

Finding: No additional river-related values have been found that would constitute an ORV.

B3. Summary and Conclusion

As defined by FSH 1909.12 Ch. 80, it was the goal of the IDT to determine if there were any “*changed circumstances*” from those described in 1999 Eight Eastside Rivers Wild and Scenic River Study Report and Final Environmental Impact Statement that affected the free-flowing status, and to determine if any new Outstandingly Remarkable Values are associated with any Lake Tahoe Basin rivers, stream, or creeks.

This evaluation reaffirms the 1999 Record of Decision, and the original recommendation to designate the identified segment of Upper Truckee River as a Wild River pursuant to the Wild and Scenic Rivers Act of 1968. In response to comments submitted on the DEIS, the tributaries of the Upper Truckee River were re-analyzed. The IDT identified potential ORVs associated with many tributaries, but the tributaries were not found suitable. Given the protections and restrictions inherent in the Management Area where these tributaries are located, and protections provided by the Endangered Species Act, additional protection is not needed. Since no additional protection is needed, recommending these tributaries may not be consistent with the intent of the Wild and Scenic River Act. An additional consideration was opposition expressed at the county level.

It also reaffirms the decision to not recommend the Truckee River. The Truckee River has sustained the Outstandingly Remarkable Values described in the ROD, but its suitability is still challenged by the same issues that existed in 1999. In addition, the Truckee River has benefited from the more recent adoption of the 2008 TROA, which provides many of the protections that were originally sought under the Wild and Scenic River designation.

It is important to note that the Lake Tahoe Basin represents one of the most heavily managed landscapes in the United States. Federally designated as an Outstanding National Resource Water, Lake Tahoe and its surrounds have evolved into a rigorously scrutinized environment in which a cadre of federal, state, regional, and local regulatory agencies cooperatively manage and protect its most precious natural resource - Lake Tahoe and its contributing watersheds.