

Appendix D

Wild and Scenic Rivers

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Introduction

The Wild and Scenic Rivers Act provides specific direction in Section 5(d)(1) regarding the identification of potential wild and scenic rivers (WSR) in Federal agency planning processes:

“In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials.”

Agency policy related to WSR assessment in the land management planning process is defined in the Land and Resource Management Planning Handbook (FSH 1909.12, Chapter 8, WSR Evaluation). It requires that rivers identified as potential WSRs be evaluated as to their eligibility/non-eligibility with the finding documented in the Forest Plan. Latitude is provided as to determining suitability, i.e., the determination of which rivers the agency will recommend to Congress as additions to the National WSR System. Specifically:

“The preferred process is to proceed with determining suitability by completing a river study in the draft forest plan. An alternative is to delay the suitability determination on eligible rivers until a subsequent separate study is carried out. If this latter alternative is used, the forest plan must provide for protection of the river area until a decision is made as to the future use of the river and adjacent lands. Unless the study process would be unduly delayed, subsequent study of eligible rivers may be coordinated with a general revision of the forest plan.” (FSH 1909.12, Section 8.14)

For the revision of the Allegheny National Forest (ANF) Land and Resource Management Plan (LRMP), a WSR assessment was conducted to determine the eligibility or non-eligibility of rivers or river segments given the changed conditions and new information available since the 1986 Forest Plan was written. Rivers previously identified as potential WSRs were also evaluated to determine if they still meet eligibility criteria. The determination of eligibility follows the procedure described in the Wild and Scenic Rivers Guidelines (U.S. Department of the Interior and U.S. Department of Agriculture, 1982), the 1968 Wild and Scenic Rivers Act, FSH 1924, FSH 1909.12, Chapter 8 and Wild and Scenic River Assessment, and the Forest Plan Revision Process, November 1996.

This Appendix is divided into two parts as follows:

- Part One: Historical Background, including current management direction.
- Part Two: Eligibility Process and Results

Part One: Historical Background

National

The Wild and Scenic Rivers Act of 1968 (Public Law 90-542) in Section 1(b) expresses Congressional policy for America's rivers as follows:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

To accomplish this decree, Congress established a National Wild and Scenic Rivers System (NWSRS) and prescribed methods and standards by which selected rivers could be added. Rivers or river segments are eligible to be considered for inclusion in the NWSRS if they are essentially free-flowing (without major dams, diversions, or channel modifications) and if they possess at least one outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic cultural or other similar value. These values should be a unique or exceptional representation for the area studied and must be related to the river or its immediate environment. For study purposes, the Act requires that the evaluation of a river's eligibility consider, as a minimum, the area within one-quarter mile of either side of the high water mark of the river.

Eligible rivers are classified and further evaluated for suitability. This analysis provides the basis for the determination of which rivers to recommend as a component of the NWSRS and considers the appropriateness of Congressional designation and classification as a wild, scenic or recreational river. A river is classified as wild, scenic, or recreational based mostly upon the amount and type of development along the river and ease of access. Suitable rivers may be recommended to Congress by the administration whereby Congress then decides whether to pass a law adding the river to the NWSRS. Rivers may also be added at the initiative of states by applying to the Secretary of Interior for inclusion in the NWSRS through Section 2(a) (ii). For a river in a state system to be designated by the Secretary of Interior, it must meet the same eligibility criteria as Congressionally designated rivers, and the state and/or local units must assure the Secretary of the Interior that they will protect the free flow and ORVs of the river. If designation occurs, a final boundary is established and a management plan developed.

Allegheny National Forest

The Clarion and Allegheny Rivers were included in the enabling legislation of the Wild and Scenic Rivers Act as 5(a) study rivers. In 1969, the United States Department of Interior (USDI), Bureau of Outdoor Recreation concluded that the Clarion River did not meet minimum eligibility requirements due to poor water quality (i.e., excessive acid mine drainage, inadequately treated municipal sewage and industrial wastes) and the lack of any ORVs.

In 1990, the ANF completed a WSR assessment of the Allegheny River, and in 1992, Public Law 102-271 added 87 miles of the Allegheny River to the NWSRS and classified it as a Recreational River. Reacting to increased public interest in protecting the Clarion River and the improvement of the water quality problem, Congress authorized it for study for a second time under Public Law 102-271 and also designated Mill Creek in Jefferson and Clarion Counties as a study river. In 1996, Public Law 104-314 added 52 miles of the Clarion River to the NWSRS and classified 17 miles as Scenic and 34 miles as Recreational. The study of Mill Creek has not been done. However; Mill Creek maintains its status as a designated study river per Public Law 102-271.

The Nationwide Rivers Inventory (NRI), first published by the National Park Service in 1982, is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more “outstandingly remarkable” natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential directive and related Council on Environmental Quality procedures, all Federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. The NRI included 18 miles of Kinzua Creek as eligible for further study and identified Kinzua Creek as follows.

Table D-1.

River	County	Reach	Length	ORVs	Description
Kinzua Creek	McKean	Allegheny Reservoir to headwaters	18 miles	Heritage	Historic (Segment includes the Kinzua Viaduct, a National Historic Register Site, which is the second highest bridge of this type on the North American continent.)
ORV = Outstandingly Remarkable Value					

Pennsylvania

The Pennsylvania Scenic Rivers Act (as amended 1982), allows the Pennsylvania Department of Conservation and Natural Resources (PADCRN) to designate and manage a State Scenic Rivers System. The Secretary of Environmental Resources is directed to encourage and assist any Federal studies of Pennsylvania rivers for inclusion in the NWSRS. The Secretary may enter into written cooperative agreements for joint Federal-state administration of a Pennsylvania component of the NWSRS, provided such agreements for the administration of land and water uses are not less restrictive than those set forth in this Act. There are currently no designated State Scenic Rivers on the ANF nor has PADCRN identified any rivers for state study. Rivers listed in the 1986 Forest Plan as potential scenic rivers have since been dropped from PADCRN's consideration for State Scenic Rivers.

The following map depicts the State Scenic Rivers and Federal Wild and Scenic Rivers currently designated in Pennsylvania.

Figure D1. Pennsylvania State and Federally Designated Rivers

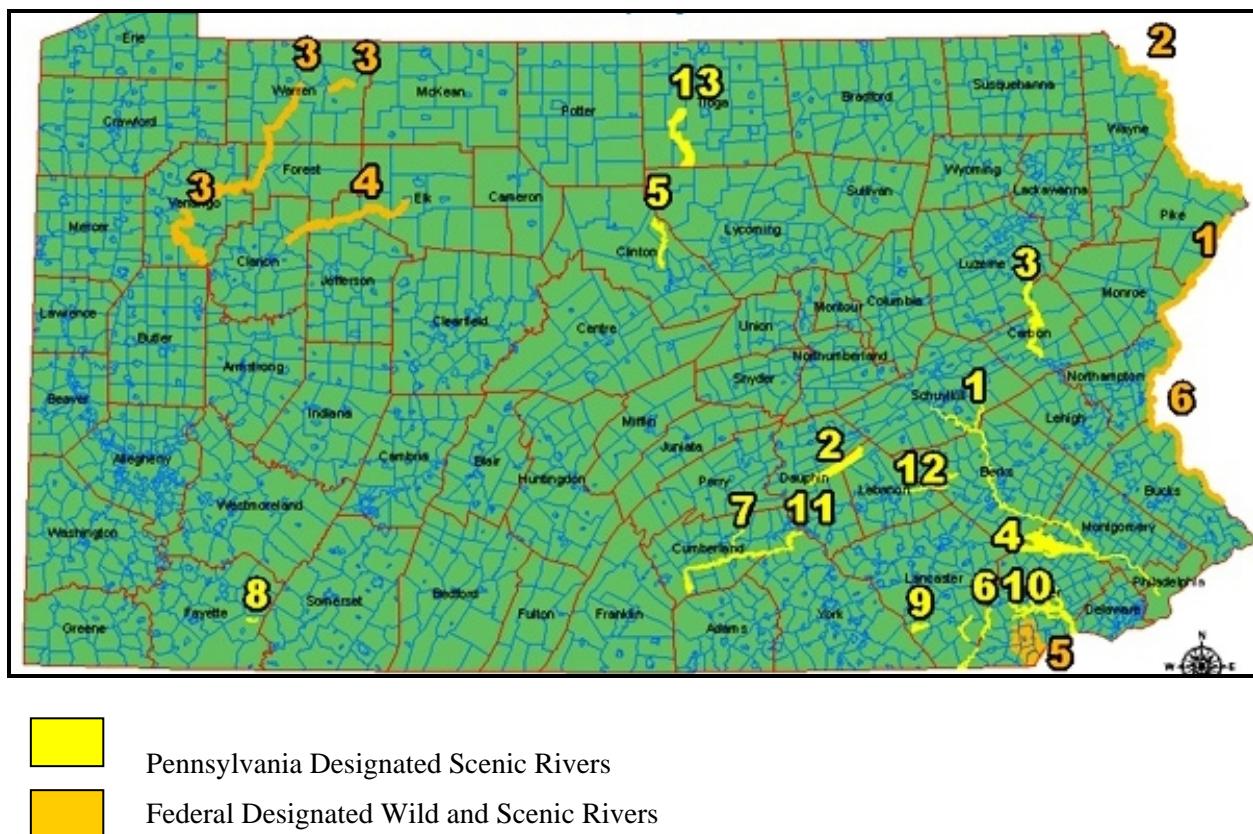


Table D-2.

Pennsylvania Designated Rivers					Federal Designated Rivers			
	Name	Date Designated		Name	Date Designated		Name	Date Designated
1	Schuylkill River	Nov. 1978	8	Bear Run	Dec. 1988	1	Middle Delaware River	Sept. 1965
2	Stony Creek	Mar. 1980	9	Tucquan Creek	Dec. 1988	2	Upper Delaware River	Nov. 1978
3	Lehigh River	Apr. 1982	10	Lower Brandywine	June 1989	3	Allegheny River	Apr. 1992
4	French Creek	Apr. 1982	11	Yellow Breeches Creek	Dec. 1992	4	Clarion River	Oct. 1996
5	Lick Run	Dec. 1982	12	Tulpehocken Creek	Dec. 1992	5	White Clay Creek	Oct. 1996
6	Octoraro Creek	Oct. 1983	13	Pine Creek	Dec. 1992	6	Lower Delaware River	Nov. 2000
7	Le Tort Spring Run	Mar. 1988						

1986 Forest Plan Direction

The 1986 Forest Plan stated on p. 4-11 that “the characteristics that make the Allegheny River, Clarion River and Kinzua Creek eligible for study and potential inclusion into the National Wild and Scenic River system will be protected through forest-wide and individual management area standards and guidelines.” In 1986, the Forest Plan provided direction to include standards and guidelines for each alternative considered in detail in order to “protect the values that make or may make the rivers eligible” (FEIS pp. 3-28 and 3-29). The Forest Service decided to postpone the eligibility study for Kinzua Creek until the next planning cycle.

Since the designation of the Allegheny and Clarion rivers, a management plan accompanied by an EIS was developed for the Allegheny River and incorporated into the 1986 Forest Plan through Amendment 7 (September 4, 1997). This Amendment defined the corridor boundary for the Allegheny National Wild and Scenic River and provided additional 1986 Forest Plan standards and guidelines for managing Federal lands within the designated corridor as identified in Management Areas 5.0, 6.1, 6.4, 7.0 and 8.0. No management plan or amendments have been developed for the Clarion River.

The 1986 Forest Plan also provided protection for “state scenic river study corridors” (FEIS p. 4-142) and listed Kinzua Creek, Clarion Creek, Bear Creek Tionesta Creek and the east Branch of Tionesta as top priority waterways for potential State Scenic River designation. These waterways were identified in a state-wide rivers inventory completed in 1975.

Part Two: Eligibility Process and Results

The first step in this process was to evaluate the status of WSR assessment in the 1986 Forest Plan. This Forest Plan listed and addressed both Federal and state eligible rivers located partially or wholly on the ANF. The 1986 Forest Plan included management direction for federally designated rivers (the Allegheny and Clarion), those listed in the nationwide rivers inventory (Kinzua Creek) and those eligible for state scenic designation (Kinzua Creek, Clarion Creek, Bear Creek Tionesta Creek and the east Branch of Tionesta Creek). Since the 1986 Forest Plan addressed eligibility on a forestwide basis, the recommended action is to consider new information/changed condition for eligibility (Wild and Scenic River Assessment Process, November 21, 1996).

The Wild and Scenic River assessment for Forest Plan revision identified acquisition of new lands as a significant changed condition. An evaluation in the changed conditions of land ownership identified any new rivers or river segments that may not have been addressed in the 1986 Forest Plan. Approximately 3,000 acres were added to the ANF as documented in Amendment 4, dated October 4, 1994. The approximate acreage of the National Forest System lands changed from 503,000 acres to 506,000 acres. This additional acreage included the acquisition of 12 independent tracts of land spread across the ANF. Each tract was inventoried to determine if there were any new rivers or river segments which qualified for study as a potential wild, scenic or recreational river. Twelve streams were included in the tracts and evaluated for eligibility. Kinzua Creek was also evaluated against changed conditions or new information to determine its eligibility/non-eligibility. The following 13 rivers and streams were assessed.

Table D3.

Stream Code Number	Stream Name	Miles
55718	Jones Run	2.1
56497	Brown's Run	9.1
55474	Fourmile Run	10.6
55725	Dale Run	2.2
49224	No name	1.1
50038	Painter Run	2.4
42122	No name	2.4
42122 (a and b)	No name	2.1
42122 (c)	No name	0.5
55729	Grove Run	1.6
55579	Jamison Run	2.4
56522	Kinzua Creek	18.0

Results

The eligibility process resulted in finding no rivers or river segments eligible for inclusion in the NWSRS. Documentation is in the project file for the eligibility assessment and evaluation criteria used for each of the 13 streams listed above. The evaluation of Kinzua Creek included an assessment of changed conditions and new information. In 2003, the heritage ORV identified as the Kinzua Viaduct crumbled and the state removed the site from the National Historic Register (changed condition/new information). The ANF concluded that there are no other outstandingly remarkable values on Kinzua Creek which necessitate further consideration for an eligible declaration. Consequently, Kinzua Creek is considered ineligible for further study as a Wild and Scenic River.

The status of current State Scenic River designations on the ANF was evaluated. PADCNR no longer considers any of the rivers listed in the 1986 Forest Plan as eligible for Scenic River study and there are no new rivers or river segments on the ANF being considered.

