

**6400 – WILD AND SCENIC RIVERS**

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**.01 Purpose.** This manual contains general Bureau of Land Management (BLM) policy and program direction for the evaluation and management of potential wild and scenic rivers (WSRs) and the management of designated components of the National Wild and Scenic Rivers System (NWSRS). This program guidance is provided to fulfill obligations contained in the Wild and Scenic Rivers Act of 1968, as amended.

Designated wild and scenic rivers are managed within the BLM's National Landscape Conservation System (NLCS). This manual provides policy and program guidance for implementing the NLCS mission of conserving, protecting, and restoring nationally significant landscapes recognized for their outstanding cultural, ecological, and scientific values.

This manual provides overall policy and guidance for the BLM's WSRs. In accordance with this policy and the requirements of the Wild and Scenic Rivers Act the BLM shall:

- A. Evaluate free flowing rivers to determine if these rivers are eligible for inclusion within the NWSRS.
- B. Assign a tentative classification (wild, scenic or recreational) for river segments determined eligible for inclusion within the NWSRS.
- C. Determine the suitability of eligible rivers for inclusion within the NWSRS.
- D. Manage eligible rivers to protect and enhance free flowing character, water quality, and identified outstandingly remarkable values until suitability can be determined through land use planning.
- E. Manage suitable rivers to protect and enhance free flowing character, water quality, and identified outstandingly remarkable values until Congress designates the river as a component of the NWSRS or releases the river for other uses.
- F. Submit recommendations resulting from agency-initiated studies and studies authorized by Congress to the Secretary of the Interior on potential WSRs.
- G. Manage designated WSRs to protect and enhance free flowing character, water quality, and river-related outstandingly remarkable values.
- H. Make determinations regarding the impacts of proposed water resource projects on designated wild and scenic rivers, congressional authorized study rivers, and on rivers identified as eligible or suitable by the BLM.

**.02 Objectives.** The objectives of this guidance are to:

- A. Comply with the Wild and Scenic Rivers Act, subject to valid existing rights, by protecting and enhancing the free flowing character, water quality, and outstandingly remarkable values of each eligible, suitable, and designated WSR;

- B. Develop and maintain science, partnerships, and outreach to achieve the full potential of the BLM's WSRs.

**.03 Authorities.**

- A. River and Harbors Act of 1899, (33 U.S.C. 403).
- B. Federal Power Act of 1920, (16 U.S.C. 791 et seq.).
- C. Fish and Wildlife Coordination Act of 1934, as amended; (16 U.S.C. 661 – 63)
- D. Oregon and California Grant Lands Act of 1937, (43 U.S.C. 1181a, et seq.).
- E. Wilderness Act of 1964, (16 U.S.C. 1131).
- F. Land and Water Conservation Fund Act of 1965, as amended, (16 U.S.C. 4601 (1—6a) et seq.).
- G. National Historic Preservation Act of 1966, (16 U.S.C. 470.).
- H. Department of Transportation Act of 1966, (49 U.S.C. 303).
- I. National Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271—87, et seq.).
- J. National Environmental Policy Act of 1969, (42 U.S.C. 4321, et seq.).
- K. Federal Water Pollution Control Act Amendments of 1972 (a.k.a. Clean Water Act) (33 U.S.C. 1251, et seq.).
- L. Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.).
- M. Archaeological Resources Protection Act of 1979, (16 U.S.C. 470).
- N. Alaska National Interest Lands Conservation Act of 1980, (16 U.S.C. 3101, et seq.).
- O. Federal Lands Recreation Enhancement Act of 2004, Section 804 (16 U.S.C. 6801 et seq.).
- P. Omnibus Public Lands Management Act of 2009 (P.L. 111-11).
- Q. Paleontological Resources Protection Act of 2009, (P.L. 111-11).
- R. Title 43 CFR, Subpart 8351 - Designated National Areas.
- S. 1977 Floodplain Management, Executive Order No. 11988, (42 F.R. 26951).
- T. 1982 U.S. Department of the Interior - U.S. Department of Agriculture Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

**.04 Responsibilities.**

- A. Director, Bureau of Land Management, through the Assistant Director, National

Landscape Conservation System and Community Partnerships, shall:

1. Establish policy and guidance for the BLM's WSR program.
2. Direct fiscal resources related to the administration and management of WSRs.
3. Coordinate with BLM State Directors, field offices, other agencies, and other entities in submitting WSR recommendations to the Secretary of the Interior.
4. Develop and maintain relationships with tribal governments, other federal agencies, state and local governments, national level partnership organizations, other non-profit groups, and the general public interested in the management of designated rivers and the evaluation and management of potential additions to the NWSRS.

B. State Directors shall:

1. Ensure compliance with the Wild and Scenic Rivers Act.
2. Provide policy guidance and direction reflecting national goals for WSRs.
3. Implement policy and provide statewide program coordination and guidance for managing WSRs.
4. Provide program development, technical management assistance, and funding support to field offices to ensure WSR studies and protective management is addressed during the development of land use plans.
5. Make determinations regarding the impacts for proposed water resources projects on designated wild and scenic rivers and congressionally authorized study rivers where other Federal agency assistance is involved. This responsibility may not be delegated.
6. Develop and maintain relationships with tribal governments, other federal agencies, state and local governments, friends groups and other non-profit organizations, and the general public concerned with comprehensive river-related plans, studies, and/or management.

C. District and Field Managers shall:

1. Implement policy for BLM's WSR Program.
2. Develop and implement land use plans and associated implementation plans that reflect the requirements of the Wild and Scenic Rivers Act and national policies and guidance.
3. Manage all eligible, suitable or designated WSRs so as to protect, enhance and not degrade the free flowing character, water quality and identified outstandingly remarkable river values.

4. Make determinations regarding the impacts of proposed water resources projects on designated wild and scenic rivers and congressionally authorized study rivers where the project is initiated by the BLM and on rivers identified for study by the BLM.
5. Maintain relationships with tribal governments, other federal agencies, state and local governments, friends groups and other non-profit organizations, and the general public concerned with comprehensive river-related plans, studies, and/or management.

**.05 References.**

- A. Parts 235 and 245, Departmental Manual, Chapter 1.1, Part C-General Program Delegation
- B. Part 516, Departmental Manual, National Environmental Policy Act Requirements
- C. Part 710, Chapter 710, Part 1 – National Rivers and Trails Systems
- D. BLM Manual Section 1270 – Records Administration
- E. BLM Manual Section 1601 – Land Use Planning
- F. BLM Manual Section 6720 – Aquatic Resource Management
- G. BLM Manual Section 8100 - The Foundations for Managing Cultural Resources
- H. BLM Manual Section 8320 – Planning for Recreation Resources
- I. BLM Manual Section 8323 – Recreation Project Planning
- J. BLM Manual Section 6410 – Inventory, Planning and Management of Eligible and Suitable Wild and Scenic Rivers (RESERVED)
- K. BLM Manual Section 6420 – Wild and Scenic Rivers Management (RESERVED)
- L. BLM Manual Section 8400 – Visual Resource Management
- M. BLM Manual Section 8561 – Wilderness Management Plans
- N. BLM Manual Section 9160 – Mapping Sciences
- O. BLM Handbook H-1601-1 – Land use Planning Handbook
- P. BLM Handbook H-2930-1 – Recreation Permit Administration
- Q. BLM Handbook H-8410-1 – Visual Resource Inventory

In addition to the Authorities and references listed above, managers are to follow guidance provided by the Interagency Wild and Scenic Rivers Coordinating Council. The Interagency Council consists of representatives of the four federal wild and scenic rivers administering agencies (Bureau of Land Management, Fish and Wildlife Service, Forest Service and National Park Service) and has the overriding goal of improving interagency

coordination in the implementation of the Wild and Scenic Rivers Act. The Interagency Council has published a number of technical papers which managers should consult when implementing all requirements of the Act.

**.06 Policies.** The BLM is committed to carrying out the provisions of the Wild and Scenic Rivers Act and shall: (1) evaluate free flowing rivers to determine if these rivers are eligible for inclusions within the NWSRS; (2) assign a tentative classification (wild, scenic or recreational) for river segments eligible for inclusion within the NWSRS; (3) determine the suitability of eligible rivers for inclusion within the NWSRS; (4) manage eligible rivers to protect and enhance the free flowing character, water quality, and outstandingly remarkable values until suitability can be determined; (5) manage suitable rivers to protect and enhance the free flowing character, water quality, and outstandingly remarkable values until Congress designates the river as a component of the NWSRS or releases the river for other uses; (6) submit recommendations resulting from agency-initiated studies and as authorized by Congress to the Secretary of the Interior on potential WSRs; (7) manage designated WSRs to protect and enhance the free flowing character, water quality, and outstandingly remarkable values; and (8) make determinations regarding the impacts of proposed water resource projects on designated wild and scenic rivers, congressional authorized study rivers and on rivers identified as eligible or suitable by the BLM. Specifically, it shall be the policy of the BLM to implement the policies set forth below.

- A. Identification of Potential WSRs. The BLM shall identify all rivers on BLM administered lands which may have potential for addition to the NWSRS. Rivers appearing on lists compiled by other public agencies or organizations with demonstrated expertise in identifying potential WSRs shall be considered. Whenever there is a question about whether or not a particular river segment is a potential WSR, it should be evaluated.
- B. Evaluation. The BLM shall evaluate identified river segments for their eligibility and suitability for WSR designation. Eligibility determinations are generally completed during the land use planning process but in some cases may be established using an activity level planning document. Suitability determinations shall be completed during the land use planning process or plan amendment such as a statewide rivers evaluation which amends respective land use plans. Activity level planning shall not be used to accomplish suitability evaluations without also amending the respective land use plan.
- C. Protective Management. The BLM shall manage eligible, suitable, or designated WSRs so as to protect, enhance, and not degrade its free flowing character, water quality, and identified outstandingly remarkable river values.
- D. Coordination and Consultation. The BLM shall coordinate and consult with other tribal, federal, state, and local agencies, as well as with interested citizens, groups, and organizations. This interaction and public involvement is considered to be particularly important as rivers, due to their linear nature, often cross jurisdictional

boundaries. Efforts shall be taken to involve any affected or concerned interest at all stages of the WSR process.

**.07 File and Records Management (Reserved)**

**.08 Program Relationships.** The BLM's resource programs are highly interdependent and require coordinated resource management. Managers and program staff are often required to initiate and coordinate with many resource programs, supporting staff, and other agencies involved with WSR planning and management. Managing rivers effectively across jurisdictions requires interdisciplinary and multi-resource analysis. Planning efforts must ensure that the actions of other programs are not adversely affecting WSR corridor management objectives. Planning for rivers within overlapping designations must be consistent with the expressed administrative purpose(s) or controlling statutory intent(s) of the existing designation, (e.g., wilderness area, national monument, etc). Comprehensive management plans for designated WSRs are prepared to implement land use plan decisions.

**.09 Glossary.** Following are definitions for terms used in this manual.

**Classification:** the process where rivers are segmented according to the criteria and classes established in Section 2(b) of the Wild and Scenic Rivers Act. These classifications are based on an analysis of the present level of development within the stream corridor at the time the inventory was completed. These classifications also control the level of development that may occur within a stream corridor, once a stream is determined eligible or suitable and a classification is assigned. The classifications are: (1) recreation--rivers or sections of rivers that are readily accessible by road or railroad and that may have some development along their shorelines and may have undergone some impoundments or diversion in the past; (2) scenic--rivers or sections of rivers free of impoundments with shorelines or watersheds still largely undeveloped but accessible in places by roads; and (3) wild--rivers or sections of rivers free of impoundments and generally inaccessible except by trails, with watersheds or shorelines essentially primitive and waters unpolluted.

**Designation:** the process where additional components are added to the NWSRS under Section 2(a) of the Act. Inclusion of a river area into the WSRS can occur in two ways. First, by an act of Congress under section 3 or 2 (a)(i) of the Act; or second, by administrative action of the Secretary of the Interior under section 2(a)(ii) of the Act at the request of a state to include a state-protected river.

**Eligible River:** a river or river segment found to meet criteria found in sections 1(b) and 2(b) of the Wild and Scenic River Act of being free-flowing and possessing one or more outstandingly remarkable value.

**Free-flowing:** existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway (Section 16(b) of the Wild and Scenic Rivers Act). The existence of small dams, diversion works, or other minor structures shall not automatically disqualify a river as a potential addition to the NWSRS.



Congress did not intend all rivers to be "naturally flowing," i.e., flowing without any manmade up- or downstream manipulation. The presence of impoundments above and/or below the segment (including those which may regulate flow regimes within the segment), and existing minor dams or diversion structures within the study area, do not necessarily render a river segment non-eligible. There are segments in the NWSRS which are downstream from major dams or are located between dams.

Land Use Plan: a set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed. This term includes both resource management plans and amendments.

National Landscape Conservation System: the directorate within the BLM responsible for conserving, protecting and restoring nationally significant landscapes recognized for their outstanding cultural, ecological, and scientific values. Areas within the National Landscape Conservation System include national monuments, national conservation areas, outstanding natural areas, forest reserves, cooperative management and protection areas, wilderness, wilderness study areas, wild and scenic rivers, national scenic and historic trails, and conservation lands of the California Desert.

National Wild and Scenic Rivers System: a system of nationally designated rivers and their immediate environments that have outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values and are preserved in a free-flowing condition.

Nationwide Rivers Inventory: 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. All Federal agencies, as part of ongoing planning, management, and environmental review activities, must assess whether rivers on their lands that are identified in the NRI are suitable for inclusion in the NWSRS. Until this determination is made, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments.

Outstandingly Remarkable Values: values among those listed in Section 1(b) of the Wild and Scenic Rivers Act: "scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values..." Other values that may be considered include, but are not limited to, ecological, biological or botanical, paleontological, hydrological, traditional cultural uses, water quality, and scientific values. The Act does not further define Outstandingly Remarkable Values. Agency resource professionals develop and interpret criteria in evaluating river values (unique, rare, or exemplary) based on professional judgment on a regional, physiographic, or geographic comparative basis.

Public Lands and Related Waters: lands or interest in lands owned by the United States and

administered by the Secretary of the Interior through the BLM. Related waters are waters which lie directly over or adjacent to public lands and require some management control to protect federally administered resources or to provide for enhanced visitor safety.

Recreational River Areas: those rivers or sections of rivers readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

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. (Section 16(a) of the Wild and Scenic Rivers Act).

River Area: a portion of a river (segment or corridor) authorized either by Congress or an agency for study and its immediate environment comprising a minimum area extending at least 1/4 mile (1/4 mile to 1/2 mile for rivers designated in Alaska by the Alaska National Interest Lands Conservation Act of 1980) from each river bank. For designated rivers, the river and adjacent land within the authorized boundaries.

Scenic River Areas: those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Suitable River: an eligible river segment found through administrative study to meet the criteria for designation as a component of the NWSRS, as specified in Section 4(a) of the Wild and Scenic Rivers Act.

Study Report: the report on the suitability or nonsuitability of a river for the inclusion in the NWSRS which Section 4(a) or Section 5(a) of the Wild and Scenic Rivers Act requires the Secretary of the Interior, or the Secretary of Agriculture, or both jointly to prepare and submit to the President. The President transmits the report with his or her recommendation(s) to the Congress.

Wild River Areas: those rivers or segments of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Wild, Scenic, or Recreational River: the three classes of what is traditionally referred to as a "Wild and Scenic River." Designated river segments are classified as wild, scenic or recreational, but the segments cannot overlap.

Wild and Scenic Rivers Act: National Wild and Scenic Rivers Act of 1968, as amended, P.L. 90—542 (16 U.S.C. 1271—87, et seq.).

Wild and Scenic Study River: rivers identified for study by Congress under section 5(a) of the act or identified for study by the Secretary of Agriculture or the Secretary of the Interior under section 5(d)(1) of the act. These rivers shall be studied under the provisions of Section 4 of the Wild and Scenic Rivers Act.