

Wild and Scenic Rivers Eligibility Report Lewistown Field Office, Montana

Chouteau, Judith Basin, Fergus, and Petroleum Counties



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ACRONYMS AND ABBREVIATIONS

Full Phrase

ACEC	area of critical environmental concern
BLM	United States Department of the Interior, Bureau of Land Management
EIS	environmental impact statement
EMPSi	Environmental Management and Planning Solutions, Inc.
Forest Service	United States Department of Agriculture, National Forest Service
LFO	Lewistown Field Office
MFWP	Montana Fish, Wildlife, & Parks
NEPA	National Environmental Policy Act
National System	National Wild and Scenic Rivers System
ORV	outstandingly remarkable value
RMP	resource management plan
US	United States
USFWS	US Department of the Interior, Fish and Wildlife Service
VRM	visual resource management
WSR	wild and scenic river
WSR Act	Wild and Scenic Rivers Act of 1968

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CHAPTER I

INTRODUCTION

The United States (US) Department of the Interior, Bureau of Land Management (BLM), Lewistown Field Office (LFO) has completed a wild and scenic river (WSR) evaluation as part of its resource management plan (RMP) process. During the identification phase, the BLM examined river and stream segments within the LFO boundaries to identify those segments that either pass through or are bordered by BLM-administered lands. Once identified, standard criteria were applied to determine the eligibility of each segment. This report describes the identification process that was followed, the eligibility and preliminary classification criteria that were used, and the determinations that were made during the eligibility phase of the WSR evaluation for the LFO.

I.1 PROJECT AREA

The land area to be covered under the Lewistown RMP is in the central part of Montana in Cascade, Chouteau, Fergus, Judith Basin, Meagher, Petroleum, Pondera, and Teton Counties and in the northern portion of Lewis and Clark County. The Lewistown RMP decision area comprises approximately 655,300 acres of BLM-managed lands in a 12,906,800-acre planning area.

I.2 WHY CONDUCT A WSR STUDY AND WHY NOW?

Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 (WSR Act; Public Law 90-542; 16 US Code 1271-1287) directs federal agencies to consider potential WSRs in their land and water 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”). To fulfill this requirement, whenever the BLM undertakes land use planning (for example, an RMP), it analyzes river and stream segments that might be eligible for inclusion in the National Wild and Scenic Rivers System (National System).

The LFO is preparing an RMP and associated environmental impact statement (EIS) to guide management of BLM-administered lands (surface lands and federal minerals) in the LFO. The RMP/EIS will be prepared as a dynamic and flexible plan to allow management to reflect the changing needs of the planning area. It will replace the Headwaters RMP, approved in July 1984 (BLM 1984) and the Judith-Valley-Phillips RMP, approved in September 1994, as amended (BLM 1994). The Lewistown RMP will not include lands in the Upper Missouri River Breaks National Monument.

This WSR study is being conducted now because the BLM is required by the WSR Act to assess river and stream segments under its management jurisdiction as part of its RMP process. The formal public comment period as required by the National Environmental Policy Act of 1969 (NEPA; Public Law 91-190) began on February 10, 2014, with the publication of a Notice of Intent in the *Federal Register*, and ended on April 11, 2014.

I.3 WHAT IS A WILD AND SCENIC RIVER?

Congress enacted the WSR Act on October 2, 1968, to address the need for a national system of river protection. As an outgrowth of a national conservation agenda in the 1950s and 1960s, the WSR Act was in response to the dams, diversions, and water resource development projects that occurred on America's rivers between the 1930s and 1960s. The WSR Act stipulated that selected rivers should be preserved in a free-flowing condition and be protected for the benefit and enjoyment of present and future generations. Since 1968, the WSR Act has been amended many times, primarily to designate additional rivers and to authorize the study of other rivers for possible inclusion.

The WSR Act seeks to protect and enhance a river's natural and cultural values and to provide for public use consistent with its free-flowing character, its water quality, and its outstandingly remarkable values (ORVs). Designation affords certain legal protection from development. For instance, new dams cannot be constructed, and federally assisted water resource development projects that might negatively affect the designated river values are not permitted. Where private lands are involved, the federal managing agency works with local governments and owners to develop protective measures.

As of September 2012, the National System protects 12,602 miles of 203 rivers in 38 states and the Commonwealth of Puerto Rico; this is a little more than one-quarter of one percent of the nation's rivers (Interagency Wild and Scenic Rivers Coordinating Council 2012). These nationally recognized rivers make up a valuable network of natural and cultural resources, scenic beauty, and recreation opportunities.

I.4 STEPS IN THE WILD AND SCENIC RIVER STUDY PROCESS

A WSR study process is composed of two main components: the eligibility phase and the suitability phase. These phases were conducted in accordance with BLM Manual 6400, Wild and Scenic Rivers—Policy and Program Direction

for Identification, Evaluation, Planning, and Management (BLM 2012) and with The Wild and Scenic River Study Process technical report (Interagency Wild and Scenic Rivers Coordinating Council 1999). An overview of the WSR study process is shown in **Figure I-1**, Wild and Scenic Rivers Study Process. Excerpts from BLM Manual 6400 are presented below to explain the process.

A river study area extends the length of the identified river segment and includes the river area and its immediate environment. It should include (or total) an average of no more than 320 acres per mile, measured from the ordinary high-water mark on both sides of the river. The planning team should outline a preliminary or proposed boundary, usually a 0.25-mile buffer from the ordinary high water mark on either side of the river.

I.4.1 Eligibility Evaluation

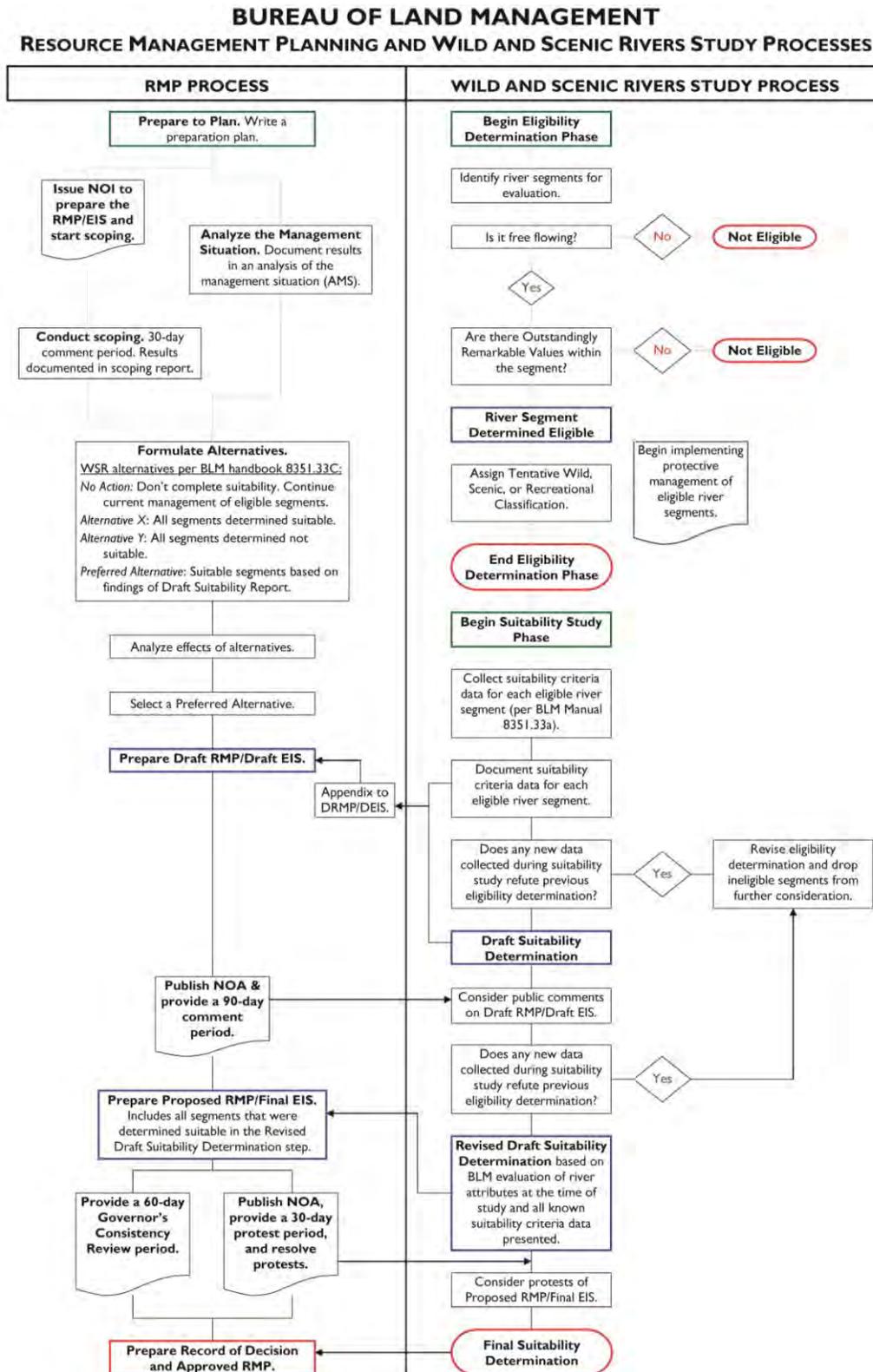
Each identified river segment shall be evaluated to determine whether it is eligible for inclusion as a component of the National System. The authorized officer (BLM Field Manager or District Manager) should document determinations of eligibility. This should be done before the alternatives are formulated but no later than the release of the draft RMP or RMP amendment.

The WSR Act states that, in order to be found eligible, a river segment must be “free flowing” and contain at least one river-related value considered to be “outstandingly remarkable.”

If the eligibility phase determines segments to be eligible, the BLM assigns a tentative classification and management measures needed to ensure appropriate protection of the values supporting the eligibility and classification determinations.

There are three classes for rivers designated under the WSR Act: wild, scenic, and recreational. Classes are based on the type and degree of human development and access associated with the river and adjacent lands at the time of the eligibility determination. The classification does not reflect the types of values present along a river segment. The classification assigned during the eligibility phase is tentative. Final classification is a congressional legislative determination, along with designation of a river segment as part of the National System.

**Figure I-1
Wild and Scenic Rivers Study Process**



I.4.2 Suitability Phase

The purpose of the suitability phase is to determine whether eligible river segments are suitable for inclusion in the National System per the criteria of the WSR Act. Suitability considerations include the environment and economic consequences of designation and the manageability of a river if Congress were to designate it.

The suitability evaluation does not result in actual designation, only that a river segment is suitable for designation. The BLM cannot administratively designate a stream via a planning decision or other agency decision into the National System; no segment studied is or will be automatically designated as part of the National System. In most cases, only Congress can designate a WSR; however, in some instances, the Secretary of the Interior may designate a WSR. This would happen when the governor of a state, under certain conditions, petitions for a river to be designated.

Members of Congress will ultimately choose the legislative language if any suitable segments are presented to them. Water protection strategies and measures to meet the purposes of the WSR Act will be the responsibility of Congress in any legislation proposed. Rivers found not suitable would be dropped from further consideration and managed according to the objectives outlined in the RMP. Suitability determinations are draft until the record of decision for the RMP is signed.

I.5 SUMMARY OF FINDINGS

Previously the LFO completed the eligibility phase of the WSR study for segments on BLM-administered lands in Pondera, Teton, Lewis and Clark, Cascade, and Meagher Counties (BLM 2010). These counties generally comprise the western portions of the LFO planning area. Of 78 segments identified and evaluated, 37 were identified for intensive study. Of these, 19 segments were determined eligible for suitability study because they are free flowing and possess one or more ORVs (see **Table I-1**, Stream Segments Determined Eligible for Suitability Study, and **Figure I-2**, Stream Segments Determined Eligible for Suitability Study).

While developing the Judith-Valley-Phillips RMP, the BLM completed a WSR study for segments on BLM-administered lands in Chouteau, Judith Basin, Fergus, and Petroleum Counties. These counties generally comprise the eastern portions of the LFO planning area. Conditions have changed sufficiently in that portion of the field office to warrant reevaluation. The LFO updated and completed the eligibility phase while developing the Lewistown RMP in 2014. Of 86 segments identified and evaluated, 24 were identified for intensive study. Of these segments, eight were determined eligible for suitability study. This was because they are free flowing and possess one or more ORVs (see **Table I-1** and **Figure I-2**).

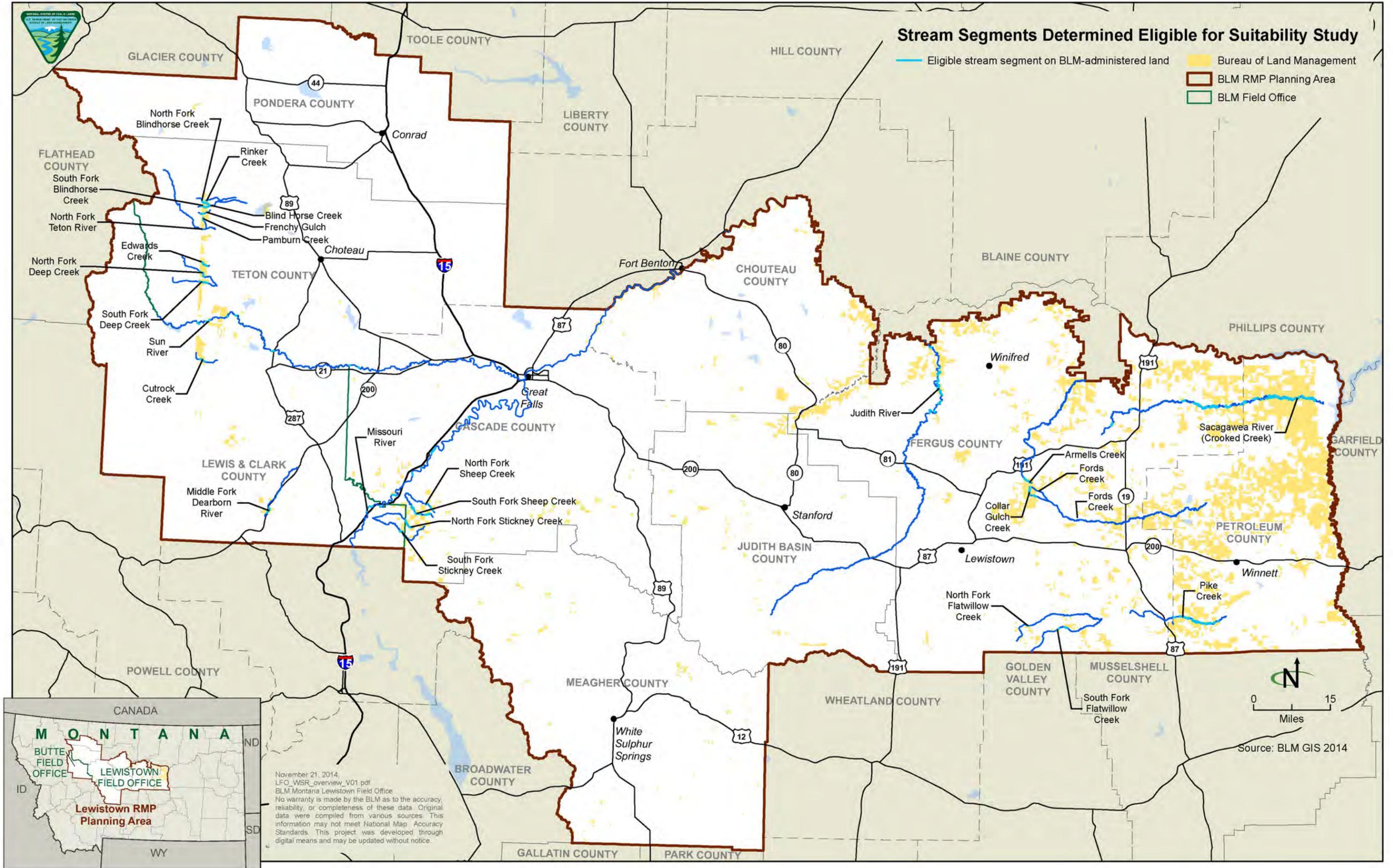
**Table I-1
Stream Segments Determined Eligible for Suitability Study**

River Segment	Length on BLM Land (miles)	Outstandingly Remarkable Value(s)	Tentative Classification
<i>Western Portion of Planning Area</i>			
Blind Horse Creek	0.4	Scenic	Wild
Cutrock Creek	1.2	Scenic	Wild
Edwards Creek	1.8	Scenic	Wild
Frenchy Gulch	0.8	Scenic	Wild
Middle Fork Dearborn River	1.8	Scenic	Recreational
Missouri River	4.7	Scenic, Recreation, Historic	Recreational
North Fork Blindhorse Creek	2.3	Scenic	Wild
North Fork Deep Creek	1.6	Scenic	Wild
North Fork Sheep Creek	1.5	Scenic	Scenic
North Fork Stickney Creek	2.0	Scenic	Scenic
North Fork Teton River	0.3	Scenic, Fish	Recreational
Pamburn Creek	0.5	Scenic	Wild
Rinker Creek	0.4	Scenic	Wild
South Fork Blindhorse Creek	1.7	Scenic	Wild
South Fork Deep Creek	1.8	Scenic, Fish	Scenic
South Fork Sheep Creek	4.1	Scenic	Scenic
South Fork Stickney Creek	0.2	Scenic	Scenic
Sun River Segment 1	1.7	Scenic, Recreation, Fish, Cultural	Recreational
Sun River Segment 2	1.3	Recreation, Fish, Cultural	Recreational
<i>Eastern Portion of Planning Area</i>			
Armells Creek	1.3	Scenic	Scenic
Collar Gulch Creek	2.5	Scenic, Fish	Scenic
Fords Creek	1.3	Scenic	Scenic
Judith River	6.9	Geology	Scenic
North Fork Flatwillow Creek	0.3	Scenic	Scenic
Pike Creek	11.1	Fish	Recreational
Sacagawea River (also known as Crooked Creek)	33.5	Fish	Scenic
South Fork Flatwillow Creek	1.1	Scenic	Scenic

Source: BLM 2010

Of the segments identified and evaluated in **Table I-1**, 27 total segments were determined eligible for study in the LFO.

Figure 1-2



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CHAPTER 2

METHODOLOGY

This section describes the methodology implemented to identify river and stream segments to be evaluated for eligibility on BLM-administered lands in Chouteau, Judith Basin, Fergus, and Petroleum Counties. The methods used are described in BLM Manual 6400 (BLM 2012).

2.1 METHODS USED TO IDENTIFY RIVER AND STREAM SEGMENTS

All rivers that may have potential for WSR designation were identified and evaluated. Care was taken to avoid overlooking any river segment located on BLM-administered lands. To accomplish this, the BLM relied on several sources, including geographic information systems data, LFO resource specialists, informational sources, other agencies, and public input. The result was a list of 61 individual streams, or stream segments, to be considered for eligibility. **Table 2-1**, Streams Reviewed for Eligibility, presents the results from the identification effort. Shaded rows in the table represent segments determined to be eligible. (Those segments in the western portion of the planning area were analyzed previously but are included in the table.)

2.1.1 Geographic Information Systems

Geographic information systems data compiled by the US Geological Survey, National Wetland Institute, and Montana Natural Heritage Program were used to generate a table of all the perennial stream segments that contain BLM-administered land next to at least one bank of the stream.

2.1.2 BLM Resource Interdisciplinary Team

The BLM interdisciplinary team consisted of resource specialists from the LFO and EMPSi, the BLM's contractor. The team reviewed the initial geographic information systems table to identify all the segments that potentially contained ORVs. These segments were then further evaluated for eligibility. In addition to considering perennial segments, the team also added any non-perennial segments potentially containing ORVs for further consideration.

**Table 2-1
Streams Reviewed for Eligibility**

River or Creek Name ¹	Portion of Segment Occurring on BLM Lands (Miles)	Free Flowing Determination	Outstandingly Remarkable Values ²								Notes
			Scenic	Recreational	Geological	Fish	Wildlife	Historic	Cultural	Other	
Western Portion of Planning Area											
Battle Creek	n/a	Y									No ORVs present.
Black Canyon Creek	n/a	Y									No ORVs present.
Birch Creek	n/a	N	X					C			Scenery outstanding; grizzly bear is present but is not river related. Portions of segment rechannelized.
Blind Horse Creek	0.4	Y	X					C			Scenery outstanding; grizzly bear and lynx may be present but are not river related.
Buttolph Creek	n/a	N									Flows into canal.
Cutrock Creek	1.2	Y	X				C	C			Scenery outstanding; grizzly bear and lynx may be present but are not river related; fishery is not remarkable.
Dry Gulch Creek	n/a	Y									No ORVs present.
Eagle Creek	n/a	Y									No ORVs present.
Edwards Creek	1.8	Y	X					C			Scenery outstanding; grizzly bear and lynx may be present but are not river related.
Ford Coulee Creek	n/a	Y									No ORVs present.
Frenchy Gulch Creek	0.8	Y	X					C			Outstanding scenery; grizzly bear, lynx, and wolverine may be present but are not river related.
Green Timber Creek	n/a	Y									No ORVs present.
Indian Creek	n/a	Y									No ORVs present.
Marias River	n/a	Y									No ORVs present.
Middle Fork Dearborn River	1.8	Y	X					C		C	Outstanding scenery; grizzly bear may be present but is not river related. Cultural resources present but are not remarkable.

**Table 2-1
Streams Reviewed for Eligibility**

River or Creek Name ¹	Portion of Segment Occurring on BLM Lands (Miles)	Free Flowing Determination	Outstandingly Remarkable Values ²								Notes
			Scenic	Recreational	Geological	Fish	Wildlife	Historic	Cultural	Other	
Missouri River	4.7	Y	X	X		C		X			Outstanding scenery and recreation opportunities; fish species are not remarkable. The river is in the Lewis and Clark National Historic Trail corridor.
North Fork Blind Horse Creek	2.3	Y	X				C				Scenery outstanding; grizzly bear and lynx may be present but are not river related.
North Fork Deep Creek	1.6	Y	X				C				Scenery outstanding; grizzly bear and lynx may be present but are not river related.
North Fork Musselshell River	n/a	Y				C					Brook trout present; no ORVs present.
North Fork Smith Creek	n/a	Y									No ORVs present.
North Fork Sheep Creek	1.5	Y	X								Outstanding scenery (Devil's Kitchen).
North Fork Stickney Creek	2.0	Y	X								Outstanding scenery (Devil's Kitchen).
North Fork Teton River	0.3	Y	X	C		X	C				Outstanding scenery. Habitat for westslope cutthroat trout. Grizzly and lynx are present but are not river related.
North Fork Whetstone Creek	n/a	Y					C				No riparian vegetation; no known ORVs.
Pamburn Creek	0.5	Y	X				C				Outstanding scenery; grizzly bear and lynx may be present but are not river related.
Park Creek	n/a	Y					C				No ORVs present.
Ray Creek	n/a	Y									No ORVs present.
Rinker Creek	0.4	Y	X				C				Outstanding scenery; grizzly bear and lynx may be present but are not river related.

**Table 2-1
Streams Reviewed for Eligibility**

River or Creek Name ¹	Portion of Segment Occurring on BLM Lands (Miles)	Free Flowing Determination	Outstandingly Remarkable Values ²								Notes
			Scenic	Recreational	Geological	Fish	Wildlife	Historic	Cultural	Other	
South Fork Blind Horse Creek	1.7	Y	X				X	C			Outstanding scenery; genetically pure westslope cutthroat trout, which are an ORV. Grizzly bear and lynx may be present but are not river related.
South Fork Deep Creek	1.8	Y	X				X	C			Outstanding scenery. Grizzly bear and lynx may be present but are not river related.
South Fork Sheep Creek	4.1	Y	X								Outstanding scenery (Devil's Kitchen)
South Fork Stickney Creek	1.2	Y	X				C				Outstanding scenery; stream contains brook and rainbow trout, which are not outstandingly remarkable.
Strawberry Gulch	n/a	Y									No ORVs present.
Sun River Segment 1	1.7	Y	X				X	C		X	Scenery outstanding; fluvial arctic grayling, a sensitive species; grizzly bear and lynx may be present; wintering elk are present but are not river related. Contains areas of cultural importance.
Sun River Segment 2	1.3	Y		X						X	Attracts visitors from outside region; contains areas of cultural importance.
Two Medicine River	n/a	Y									Seriously dewatered; no ORVs present.
Wegner Creek	n/a	Y									No ORVs present.
Eastern Portion of Planning Area											
Antelope Creek	3.0	Y									No ORVs present.
Anthern Creek	0.2	Y									No ORVs present.
Armells Creek Segment 1	1.3	Y	X								Scenery outstanding.
Armells Creek Segment 2	7.2	Y									No ORVs present.

**Table 2-1
Streams Reviewed for Eligibility**

River or Creek Name ¹	Portion of Segment Occurring on BLM Lands (Miles)	Free Flowing Determination	Outstandingly Remarkable Values ²								Notes
			Scenic	Recreational	Geological	Fish	Wildlife	Historic	Cultural	Other	
Arrow Creek	2.3	Y	C					C			Good example of Great Plains riparian ecosystem in the region and provides wildlife habitat; however this is not an ORV. Segment is within scenic quality A rating, but this is not directly attributable to the stream.
Blood Creek	20.7	Y		C							In a nationally recognized hunting district, but wildlife values are not directly river related.
Box Elder Creek	12.6	Y						C			Grazing-impacted Great Plains riparian ecosystem provides diminished wildlife habitat.
Buffalo Creek	4.6	Y									No ORVs present.
Collar Gulch Creek	2.5	Y	X	C			X				Scenery outstanding; easternmost population of genetically pure westslope cutthroat trout.
Sacagawea River (aka Crooked Creek)	33.6	Y					X				Contains outstanding example of prairie fisheries.
Dovetail Creek	12.8	Y		C							In a nationally recognized hunting district, but wildlife values are not directly river related.
Drag Creek	13.3	Y		C							In a nationally recognized hunting district, but wildlife values are not directly river related.
Elk Creek	0.8	Y									No ORVs present.
Fords Creek Segment 1	1.3	Y	X								Outstanding scenery.
Fords Creek Segment 2	10.0	Y									No ORVs present.
Judith River	13.9	Y		C	X			C			Outstanding geological resources are varied and visually pleasing.
Little Battle Creek	0.7	Y									No ORVs present.

**Table 2-1
Streams Reviewed for Eligibility**

River or Creek Name ¹	Portion of Segment Occurring on BLM Lands (Miles)	Free Flowing Determination	Outstandingly Remarkable Values ²								Notes
			Scenic	Recreational	Geological	Fish	Wildlife	Historic	Cultural	Other	
Little Crooked Creek	0.4	Y									No ORVs present.
Musselshell River	5.2	Y					C				Good example of Great Plains riparian forest ecosystem in the region and provides wildlife habitat; however, this is not an ORV.
North Fork Flatwillow Creek	0.3	Y	X								Outstanding scenery.
Pike Creek	11.2	Y				X					Northern redbelly x finescale dace hybrid population is an ORV.
South Fork Flatwillow Creek	1.1	Y	X								Outstanding scenery.
Surenough Creek	1.0	Y									No ORVs present.

Source: BLM 2010; BLM GIS 2014; Montana NHD GIS 2014; National Wetland Inventory and Montana Natural Heritage Program GIS 2013

¹ Shading = Segment was determined to be eligible.

² X = Value determined to meet ORV criteria; C = Considered but value was determined not to meet ORV criteria.

2.1.3 Informational Sources

The BLM used a number of informational sources and publications to identify potential river and stream segments, as follows:

- Geographic information systems data for perennial streams (BLM GIS 2014; National Wetland Inventory and Montana Natural Heritage Program GIS 2013; Montana NHD GIS 2014)
- Nationwide Rivers Inventory List (NPS 2009)
- Published guidebooks, regional guides, and inventories (e.g., American Whitewater Affiliation List)
- River segments identified in the Statewide Comprehensive Outdoor Recreation Plan (Montana Fish, Wildlife & Parks [MFWP] 2008)
- River segments officially identified by state or local government agencies as being in the public interest for river protection
- River segments identified in public scoping during the RMP process
- BLM floatable rivers database (River Management Society 2014)

2.1.4 Other Agencies

Additional information was gathered from other federal and state agencies using scoping letters, existing documents, and applicable rivers lists on the Internet. The following other sources were used to identify potentially eligible rivers:

- The HiLine Draft RMP/EIS planning area is contiguous with the northern LFO planning area boundary. The HiLine planning area is managed by three BLM field offices, in Havre, Malta, and Glasgow, and the Great Falls Oil and Gas Field Office. These field offices are in the process of completing a draft RMP and associated EIS, and, as part of the process, they have completed draft WSR eligibility and suitability studies. None of the streams determined eligible for inclusion in the National System are contiguous with the LFO planning area.
- The Miles City Field Office planning area is contiguous with the eastern LFO planning area boundary. This field office is in the process of completing a draft RMP and associated EIS. As part of the process, no rivers or river segments were determined to be eligible for inclusion in the National System.
- The Billings Field Office planning area is contiguous with the southern LFO planning area boundary. This field office is in the process of completing a draft RMP and associated EIS to guide management of public lands in the planning area and Pompeys Pillar National Monument. As part of the process they have completed a draft WSR eligibility study. No rivers or river segments determined

to be eligible for inclusion in the National System are contiguous with the LFO planning area.

- The Upper Missouri River Breaks National Monument covers about 375,000 acres and portions of four counties in the LFO planning area boundary. The National Monument includes the Upper Missouri National Wild and Scenic River. Management of the WSR is guided by the 2008 Proposed RMP/Final EIS (BLM 2008). The Upper Missouri River Breaks National Monument is not included in this assessment. There are no WSR segments in the Upper Missouri River Breaks National Monument that are contiguous with segments in this study.

2.2 ELIGIBILITY CRITERIA

Each identified river segment in the field offices' planning areas must be evaluated to determine whether it is eligible for inclusion in the National System. To be eligible, a river segment must be free flowing and must possess at least one ORV. These criteria are described below.

2.2.1 Free-Flowing Criteria

The LFO applied the definition of free-flowing described in the WSR Act and BLM guidance. They used this definition to make a determination of free flowing for each of the segments containing at least one ORV.

Free-flowing is defined by Section 16(b) of the WSR Act as “existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” The existence of small dams, diversion works, or other minor structures in the river segment should not automatically disqualify it for consideration as a potential addition to the National System.

Congress requires rivers to be “naturally flowing”; in other words, flowing without any upstream manipulation except by nature. A river in the study reach would not be rendered ineligible by impoundments above or below the segment (including those that may regulate the flow regime through the segment), existing minor dams, and diversion structures. There are many segments in the National System that are downstream from major dams or between dams.

Additionally, a river need not be “boatable or floatable” in order to be eligible. For purposes of eligibility determination, flow volume is sufficient if it is enough to maintain the ORVs identified in the segment. Rivers with intermittent flows exist in the National System; rivers that represent desert ecosystems having outstanding ecological or other values should be considered.

The BLM guidance contained in BLM Manual 6400 (BLM 2012) states the following:

...As a general rule, the segment should contain regular and predictable flows (even though intermittent, seasonal, or interrupted). This flow should derive from naturally occurring circumstances (e.g., aquifer discharge, seasonal melting from snow or ice, normal precipitation, or instream flow from spillways or upstream facilities). Caution is advised in applying the free-flow criterion to water courses that only flow during flash floods or unpredictable events. The segment should not be ephemeral (flow lasting only a few days per year in direct response to precipitation). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory.

2.2.2 Outstandingly Remarkable Values Criteria and Region of Comparison

The determination of whether a river area contains ORVs is a professional judgment and is documented in this report. To be considered as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale (region of comparison). Values are scenic, recreational, geological, fish related, wildlife related, historic, cultural, botanical, hydrological, paleontological, or scientific, or other similar values (see **Table 2-2**).

While the spectrum of resources that may be considered is broad, all values should be directly river related. That is, they should have one or more of the following characteristics:

- Be located in the river or on its immediate shore lands (within 0.25-mile on either side of the river)
- Contribute substantially to the functioning of the river ecosystem
- Owe their location or existence to the presence of the river

Table 2-2, Outstandingly Remarkable Values and Region of Comparison, displays guidelines for the ORVs that determine the eligibility of river segments and the region of comparison that are considered in this report. Only one ORV is needed for eligibility. These criteria are based on the guidelines described in BLM Manual 6400 (BLM 2012).

Table 2-2
Outstandingly Remarkable Values Criteria and Region of Comparison

Outstandingly Remarkable Values	Criteria	Region of Comparisons
Scenic	<p>The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features or attractions within the geographic region. The Visual Resource Inventory may be used in assessing the visual quality and in evaluating the extent of development on scenic values; the rating area must be scenic quality A, as defined by the BLM Visual Resource Inventory Handbook, H-8410-1 (BLM 1986). When analyzing scenic values, additional factors may be considered, such as seasonal variations in vegetation, scale of cultural modifications, and length of time that negative intrusions are viewed. Scenery and visual attractions may be highly diverse over most of the river segment length.</p>	<p>The region of comparison is generally the Great Plains and the Northern Rocky Mountains Physiographic Provinces (BLM 2014). The Great Plains province is characterized by rolling to rough grassy plains, badlands, buttes, mesas, and steep-sided river valleys (breaks). It is further characterized by isolated mountains that are dispersed and lie away from the main body of the Northern Rocky Mountains. This province is characterized by flat, grassy valleys and evergreen-forested mountains, sculpted into dramatic peaks and valleys by tectonic and glacial activity.</p>
Recreational	<p>Recreational opportunities are or have the potential to be unusual enough to attract visitors from or beyond the region of comparison. River-related recreation opportunities include sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. Such a recreation opportunity may be an outstandingly remarkable value without the underlying recreation resource being an outstandingly remarkable value (e.g., fishing may be an outstandingly remarkable value without the fish species being an outstandingly remarkable value). The river may provide or have the potential to provide settings for national or regional commercial usage or competitive events.</p>	<p>The region of comparison is people's willingness to travel long distances to access and recreate on a particular segment (e.g., tourism markets internationally, nationwide, and in Montana).</p>
Geologic	<p>The river area contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison. The feature or features may be in an unusually active stage of development or may represent a textbook example of a unique or</p>	<p>The region of comparison is areas of state or regional geologic importance.</p>

**Table 2-2
Outstandingly Remarkable Values Criteria and Region of Comparison**

Outstandingly Remarkable Values	Criteria	Region of Comparisons
Fish	<p>rare combination of geologic features (e.g., erosional, volcanic, glacial, or other geologic structures).</p> <p>Fish values are either indigenous fish populations or habitat or a combination of the following river-related conditions:</p> <ul style="list-style-type: none"> a. Populations—The river is nationally or regionally an important producer of resident, indigenous, or anadromous fish species. Of particular significance is the presence of wild stocks of state or federally listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value. 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 or state or federally listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value. 	The region of comparison is based on each species.
Wildlife	<p>Wildlife values are either terrestrial or aquatic wildlife populations or habitat or a combination of the following conditions:</p> <ul style="list-style-type: none"> a. Populations—The river or area within the river corridor contains nationally or regionally important populations of indigenous wildlife species that depend on the river environment. Of particular significance may be species considered to be unique to the area or populations of state or federally listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value. b. Habitat—The river or area within the river 	The entire range of that species, especially threatened, endangered, and sensitive species.

**Table 2-2
Outstandingly Remarkable Values Criteria and Region of Comparison**

Outstandingly Remarkable Values	Criteria	Region of Comparisons
	corridor provides exceptionally high quality habitat for wildlife of national or regional significance or it may provide unique habitat or a critical link in habitat conditions for state or federally listed or candidate, threatened, or endangered species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value.	
Cultural	The river or area within the river corridor contains rare or outstanding examples of historic or prehistoric locations of human activity, occupation, or use. Examples are locations of traditional cultural or religious importance to specified social or cultural groups. Likely candidates might include a unique plant procurement site of contemporary significance.	National scale using National Register of Historic Places criteria.
Historic	The river or area within the river corridor has scientific value or contains a rare or outstanding example of a district, site, building, or structure that is associated with an event, person, or distinctive style. Likely candidates are sites that are listed on or eligible for listing on the National Register of Historic Places or those that the Secretary of the Interior has designated as national historic landmarks.	National scale using National Register of Historic Places criteria.
Other Similar Values	No specific evaluation guidelines have been developed for the “other similar values” category. Nevertheless, additional values deemed relevant to the eligibility of the river segment should be considered in a manner consistent with the guidance listed above. Other similar values may be hydrological, possess ecological/biological diversity, or offer paleontological, botanical, or scientific study opportunities.	Varies depending on the factor considered.

Source: BLM 2012

2.2.3 Preliminary Classification Criteria

If a river segment is considered eligible, it is assigned a tentative classification. The criteria for classification used in this evaluation are defined in Section 2(b) of the WSR Act and are described in **Table 2-3**, Preliminary Classification Criteria.

Table 2-3
Preliminary Classification Criteria

River Classification Attribute	Wild	Scenic	Recreational
Water Resources Developments (impoundments, diversions, etc.)	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion.
	N/A	N/A	Low dams, diversions, or other modifications of the waterway are 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 and 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.
	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 vehicles in the river area. A few existing roads leading to the boundary of the river area are	Roads may occasionally reach or bridge the river. Short stretches of conspicuous or longer stretches of inconspicuous roads or	Parallel roads or railroads on one or both banks as well as bridge crossings and other river access points are acceptable.

**Table 2-3
Preliminary Classification Criteria**

River Classification Attribute	Wild	Scenic	Recreational
	acceptable.	railroads are acceptable.	
Water Quality	Meets or exceeds federal 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 prescribed by the WSR Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the US 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.	

Source: BLM 2012

CHAPTER 3

ELIGIBILITY EVALUATION

The segments listed in this section have been determined to meet the eligibility criteria described in **Section 2.2**, Eligibility Criteria. In accordance with Section 3.1 of the BLM Manual 6400 (BLM 2012), the BLM does not have the authority to evaluate the presence, absence, or quality of values that occur on private lands. However, the boundary of that river may include private lands. As such, the eligibility determinations in this report are only for those portions of rivers or streams that occur on BLM-administered lands. Eligibility determinations have not been made on portions of rivers or streams occurring on state or private lands.

Of the segments identified and evaluated, 27 in the LFO planning area were determined to be eligible for study, as summarized in **Table I-1**. Of these 27 segments, none were found to be suitable for inclusion in the National System. Refer to **Section 2.1**, Methods Used to Identify River and Stream Segments, for a summary of segments determined not to meet the eligibility criteria.

Eligibility evaluations for the 19 segments in the western portion of the planning area determined to be eligible are included in that portion of the planning area's *Final Eligibility Report* (BLM 2010). Eligibility evaluations for the eight segments in the eastern portion of the planning area are discussed below.

3.1 ARMELLS CREEK

Location: Northern Fergus County. Township 17 North, Range 20 East, Section 17 SW $\frac{1}{4}$, Section 18 NW $\frac{1}{4}$, NE $\frac{1}{4}$, and SE $\frac{1}{4}$ $\frac{1}{4}$
See **Figure 3-1**, Armells Creek

Total Segment Length: 63.0 miles **Length on BLM Land :** 1.3 miles

Tentative Classification: Scenic

ORVs: Scenic

Segment Location and General Description

Armells Creek is in northern Fergus County and originates in the Judith Mountains. It generally flows northeast, through the southeastern portion of the Upper Missouri River Breaks National Monument. Shortly after exiting the monument, Armells Creek joins the Missouri River. Access is via US Highway 191, Irish Road, and Horse Ranch Road. The public can access the creek where it is contiguous with the Judith Mountains. Segments of Armells Creek on BLM-administered land are generally located in segments in the north, next to the Upper Missouri River Breaks National Monument, and segments to the south in the Judith Mountains.

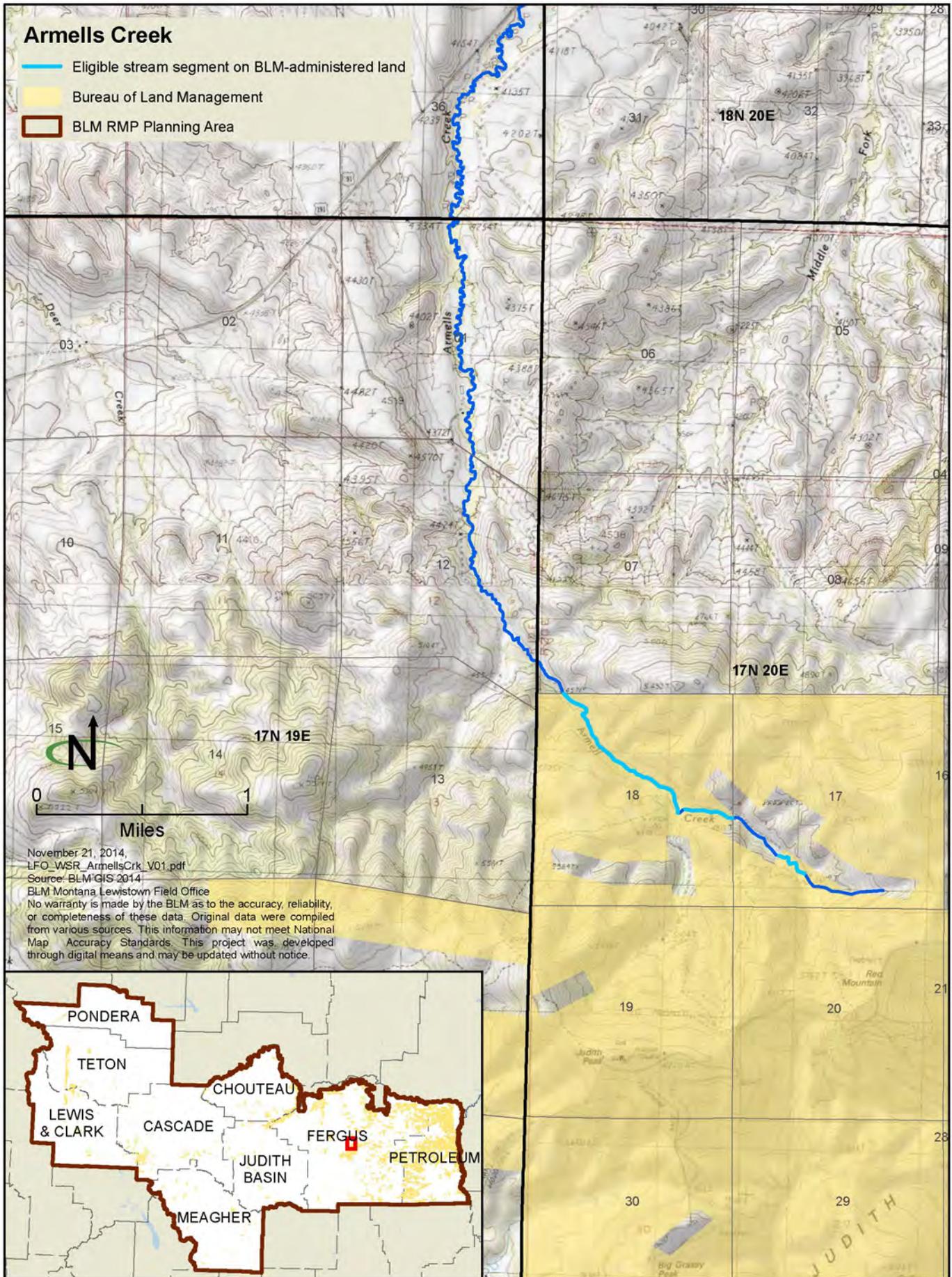
Description of Outstandingly Remarkable Values

Scenic. Approximately 1.3 miles of the Armells Creek segment are rated scenic quality A, which is the BLM's classification for most valued scenery. The segment portions of Armells Creek that contribute to the scenic quality A rating are due to the presence of water, contrast in soils and vegetation, seasonal color variations of increasing variety and interest, and lack of localized cultural modifications. The remaining portions of the segment are scenic quality B, and are determined to be ineligible.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. Roads in the vicinity of the segment are unimproved dirt roads, which are impassible during wet weather; accordingly, the area is generally undeveloped. Overall, the segment appears largely primitive and undeveloped, with little evidence of substantial human activities.

Figure 3-1



3.2 COLLAR GULCH CREEK

Location: Central Fergus County. Township 17 North, Range 20 East, Section 20 SW $\frac{1}{4}$, Section 29 NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 32 NW $\frac{1}{4}$ and NE $\frac{1}{4}$, and Section 33 NW $\frac{1}{4}$ and SW $\frac{1}{4}$
See **Figure 3-2**, Collar Gulch Creek

Total Segment Length: 6.4 miles **Length on BLM Land :** 2.5 miles

Tentative Classification: Scenic

ORVs: Scenic, Fish

Segment Location and General Description

Collar Gulch Creek is in central Fergus County. The creek originates on BLM-administered land in the Judith Mountains and flows southeast to its confluence with Fords Creek. Access is from the Collar Gulch Trail, a hiking trail that traverses the upper watershed in the Judith Mountains. Access to the trailhead is from Judith Peak Road.

Collar Gulch Creek is listed as impaired for metals on the 2012 list of impaired waters pursuant to section 303(d) of the 1972 Clean Water Act (MDEQ and EPA 2013). This indicates that water quality in this portion of Collar Gulch Creek does not meet state water quality standards. In response, the Montana Department of Environmental Quality (MDEQ) has developed total maximum daily loads for Collar Gulch Creek. A total maximum daily load is the maximum amount of a pollutant a water body can receive and still meet water quality standards. An assessment of potential sources of metals loading to Collar Gulch Creek was performed in 2011. The GIS analysis identified eight abandoned mines in the upper half of the drainage, including the Tail Holt Mine, which is on the MDEQ's list of priority abandoned mines (MDEQ and EPA 2013).

Description of Outstandingly Remarkable Values

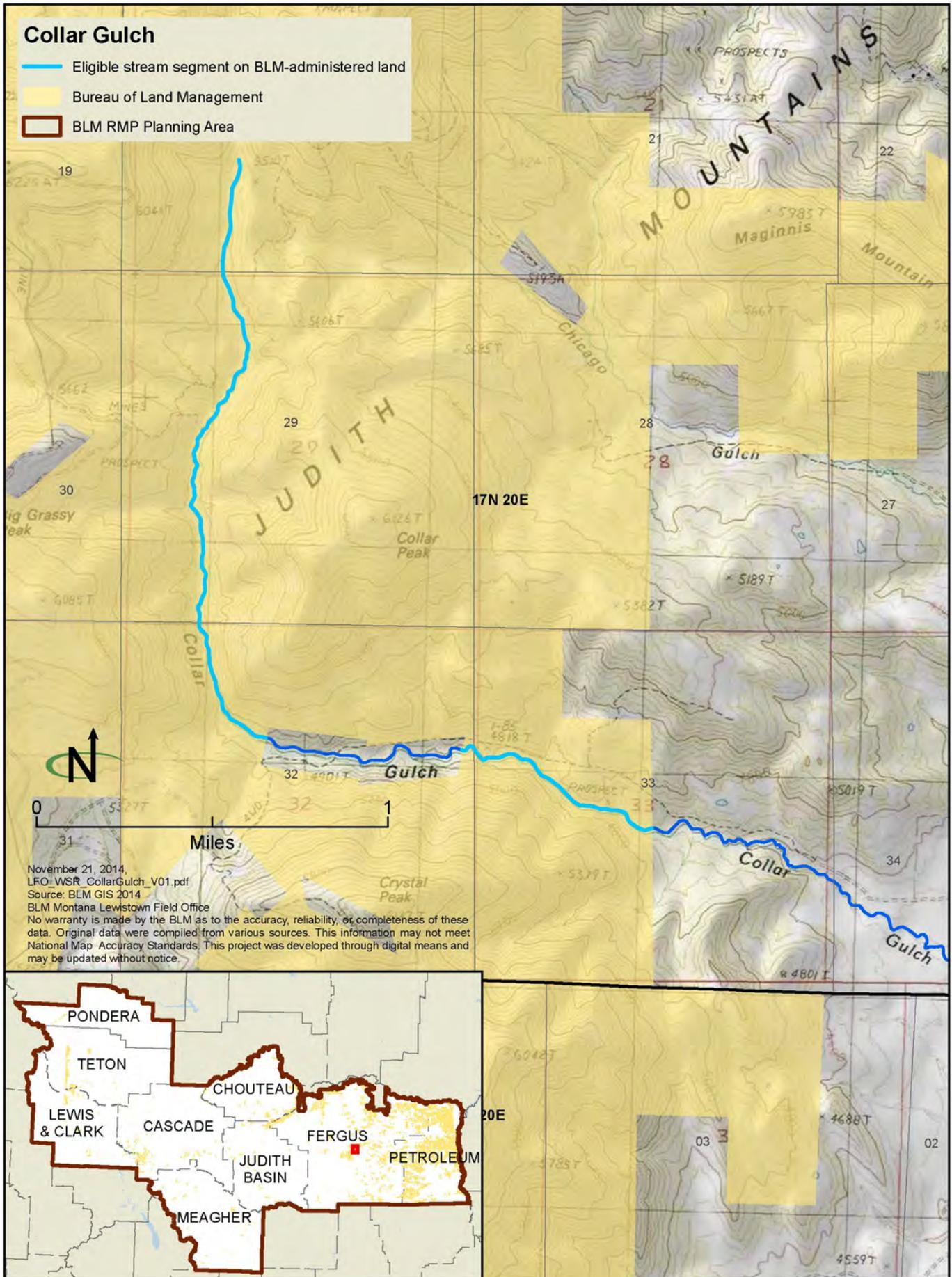
Scenic. The Judith Mountains are a unique habitat in the eastern LFO jurisdiction. The high-elevation landscape supports stands of evergreen conifer forest. Approximately 2.5 miles of the segment are scenic quality rating A, which is the BLM's classification for most valued scenery.

Fish. Collar Gulch Creek contains the eastern-most population of genetically pure westslope cutthroat trout (*Oncorhynchus clarki lewisi*), a BLM sensitive species and MFWP state species of special concern.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. Access to the trail is from a developed hiking trail. The watershed is generally undeveloped, though several gold mines are present outside of the 0.5-mile stream corridor. Overall, the segment appears largely primitive and undeveloped, with little evidence of substantial human activities.

Figure 3-2



3.3 FORDS CREEK

Location: Central Fergus County. Township 17 North, Range 20 East, Section 20 SE ¼, Section 21 SW ¼, Section 28 North ½, and Section 27 NW ¼
See **Figure 3-3**, Fords Creek

Total Segment Length: 72.9 miles **Length on BLM Land :** 1.3 miles

Tentative Classification: Scenic

ORVs: Scenic

Segment Location and General Description

Fords Creek is in central Fergus County. It originates on BLM-administered land in the Judith Mountains and flows east to its confluence with Box Elder Creek in western Petroleum County. Fords Creek is composed of approximately eight individual study segments scattered over nearly 40 straight-line miles of stream. Segments east of the Judith Mountains are impacted by ranching, grazing, or agriculture, and very little public access exists within these segments because of the private landownership pattern in the area.

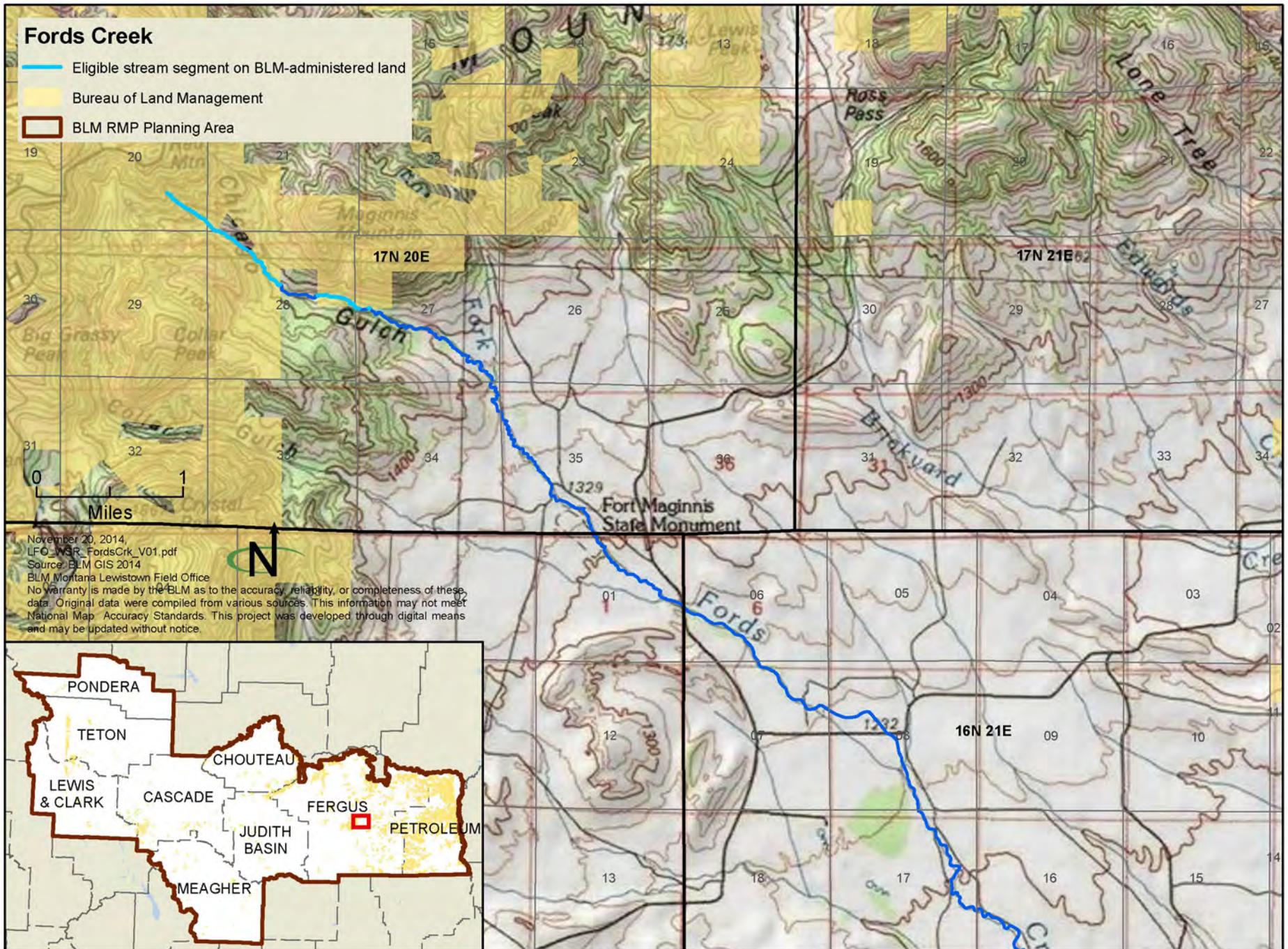
Description of Outstandingly Remarkable Values

Scenic. The Judith Mountains are a unique habitat in the eastern LFO jurisdiction. The high-elevation landscape supports stands of evergreen conifer forest. Approximately 1.3 miles of the segment are scenic quality rating A, which is the BLM's classification for most valued scenery. Segments outside of the Judith Mountains do not contain ORVs.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. The watershed is generally undeveloped, though several gold mines are present outside of the 0.5-mile stream corridor. Overall, the segment appears largely primitive and undeveloped with little evidence of substantial human activities.

Figure 3-3



3.4 JUDITH RIVER

Location: Northern Fergus County. Township 20 North, Range 16 East, Section 12 East ½,
Township 19 North, Range 17 East, Section 7 SE ¼, Township 20 North, Section 17 East, Section 32 South ½, Section 28 NW ¼, Section 29 NE ¼, Section 20 SE ¼, NE ¼, and NW ¼, Section 17 SW ¼, NE ¼, and NW ¼, Section 8 West ½, Section 5 North ½,
Township 21 North, Range 17 East, Section 31 East ½,
Township 21 North, Range 16 East, Section 12 NW ¼, and Section 11 NE ¼
See **Figure 3-4**, Judith River

Total Segment Length: 119.2 miles **Length on BLM Land :** 6.9 miles

Tentative Classification: Scenic

ORVs: Geologic

Segment Location and General Description

The Judith River is in the Judith Resource Area of the LFO planning area, in northern Fergus County. It originates in the Judith Mountains and flows north toward its confluence with the Missouri River. While developing the Judith-Valley-Phillips RMP/EIS, the interdisciplinary team determined the Ming Coulee to Anderson Bridge segment of the Judith River to be eligible for WSR consideration (BLM 1994). Portions of the Judith River are currently listed as impaired (non-pollution impairment) on the 2014 305(b) list (EPA 2014). These portions comprise approximately 6.7 miles of river segment on BLM-administered land. This indicates that water quality in this portion of the river does not meet state water quality standards. Probable causes of impairment include alteration of streamside or littoral vegetation, due in part to grazing and agricultural activities (EPA 2014).

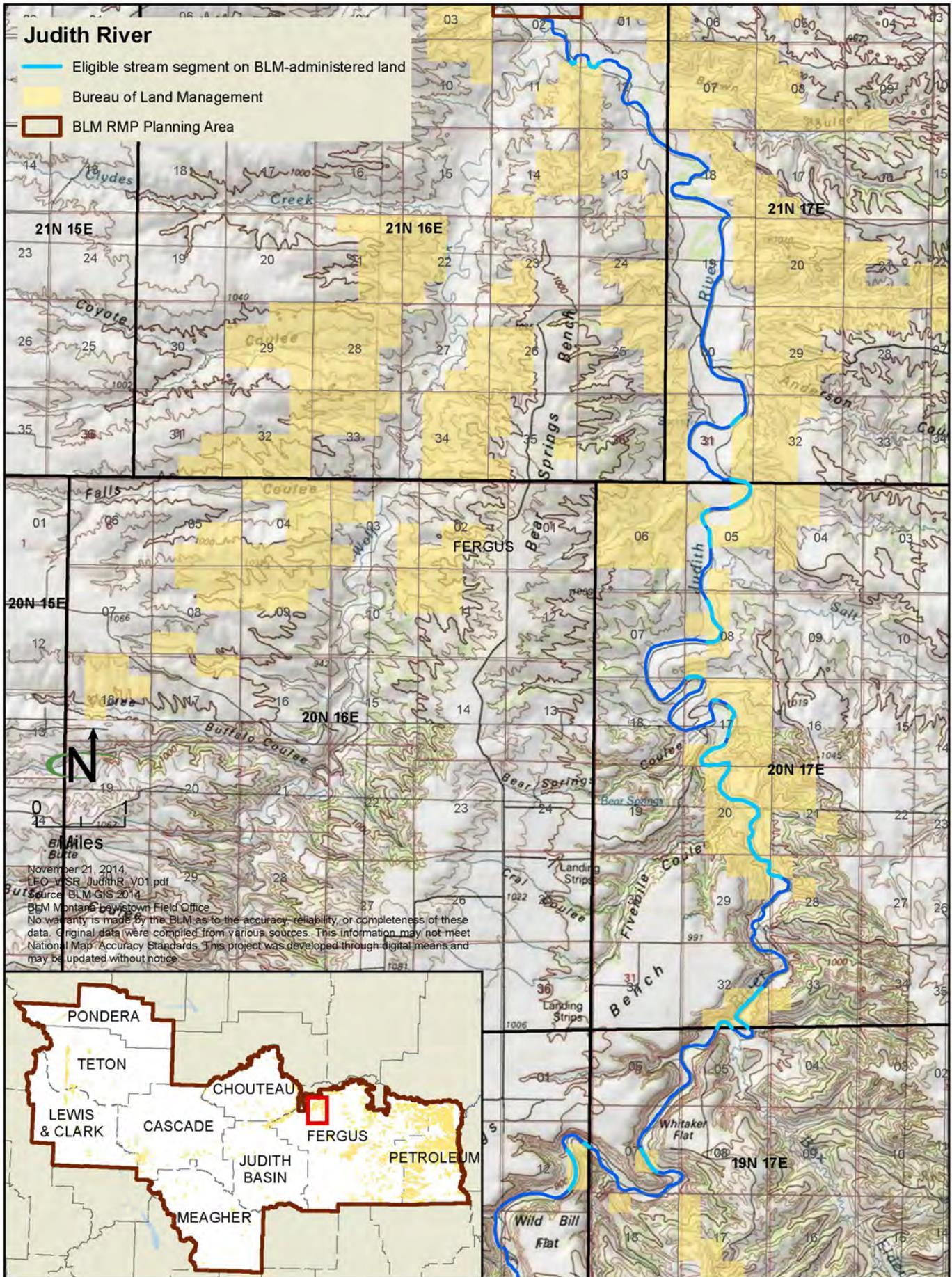
Description of Outstandingly Remarkable Values

Geologic. Geology in the upper half of the segment is dominated by highly scenic white cliffs of Virgelle sandstone (the lower unit of the Eagle sandstone formation). These appear as rim-rocks along a narrow river valley at Ming Coulee. They slip below the alluvium of the valley floor just below the segment's confluence with Box Elder Creek. As the white Virgelle sandstone moves from the rim to the valley floor, it is replaced along the rim, and then along the slopes, by alternating beds of gray to buff sandstone, shale, carbonaceous shale, and coal of the upper and middle members of the Eagle formation. The Eagle formation is then overlain by the brownish-gray marine shales of the Claggett formation. As Anderson Bridge is approached, cliffs again appear along the rim. Here the light-brown sandstone of the Judith River formation becomes more and more of a dominant feature. The Claggett and Judith River formations form badlands-type topography.

Tentative Classification

The segment of the Judith River between Ming Coulee and Anderson Bridge is tentatively classified as **Scenic**. The river is free of impoundments. It is inaccessible except by unobtrusive vehicle trails, and they are only briefly visible from the water's surface. Its watershed and shoreline are primitive except for irrigation pumps just above Anderson Bridge. The Judith River's waters are unpolluted, with the possible exception of agricultural chemicals that may be leaching into the river above this segment. The only elements to detract from the segment fully representing a vestige of primitive America are the abandoned homestead below Box Elder Creek and the Judith River Ranch headquarters and fence.

Figure 3-4



3.5 NORTH FORK FLATWILLOW CREEK

Location: Southern Fergus County. Township 12 North, Range 20 East, Section 4, SE ¼
See **Figure 3-5**, North Fork Flatwillow Creek

Total Segment Length: 29.3 miles **Length on BLM Land :** 0.3 miles

Tentative Classification: Scenic

ORVs: Scenic

Segment Location and General Description

North Fork Flatwillow Creek originates in the Little Snowy Mountains in southeast Fergus County. The creek flows east to its confluence with South Fork Flatwillow Creek, where it becomes Flatwillow Creek. Flatwillow Creek flows east, eventually joining Box Elder Creek in southern Petroleum County. The study segment on North Fork Flatwillow Creek is in a shallow, evergreen-forested valley in the foothills of the Little Snowy Mountains. Most of the surrounding land is private; there is some evidence of ranching, including cattle fencing, dirt roads, and a culvert over a creek crossing.

Description of Outstandingly Remarkable Values

Scenic. The entire study segment is scenic quality rating A, which is the BLM's classification for most valued scenery. North Fork Flatwillow Creek contributes to the scenic quality A rating. The criteria for this rating are the presence of water, landform characteristics, variety and contrast between vegetation types, seasonal variation of willow and aspen, and absence of localized cultural modifications.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. The watershed is generally undeveloped, though there is evidence of grazing, such as fences and several dirt roads. Overall, the segment appears largely primitive and undeveloped, with little evidence of substantial human activities.

3.6 PIKE CREEK

Location: Southern Fergus County. Township 13 North, Range 25 East, Section 31 NW ¼, Section 29 South ½, Section 28 SW ¼, Section 33 North ½, Section 34 NW ¼ and SE ¼, Section 35 South ½
 Township 12 North, Range 25 East, Section 1 North ½,
 Township 12 North, Range 26 East, Section 6 North ½,
 Section 5 North ½, Section 4 North ½, Section 3 NW ¼,
 Township 13 North, Range 26 East, Section 33 South ½
 See **Figure 3-6**, Pike Creek

Total Segment Length: 34.3 miles **Length on BLM Land :** 11.1 miles

Tentative Classification: Recreational

ORVs: Fish

Segment Location and General Description

Pike Creek originates in southeast Fergus County in the foothills of the Big Snowy Mountains. It flows east into Petroleum County before its confluence with Flatwillow Creek. No portion of the creek is on BLM-administered land in Fergus County. However, access to segments of the creek is via Pike Creek Road, which is on BLM-administered land. State Highway 87 and State Route 244 cross the creek in two locations, but no public access is available due to private lands.

Description of Outstandingly Remarkable Values

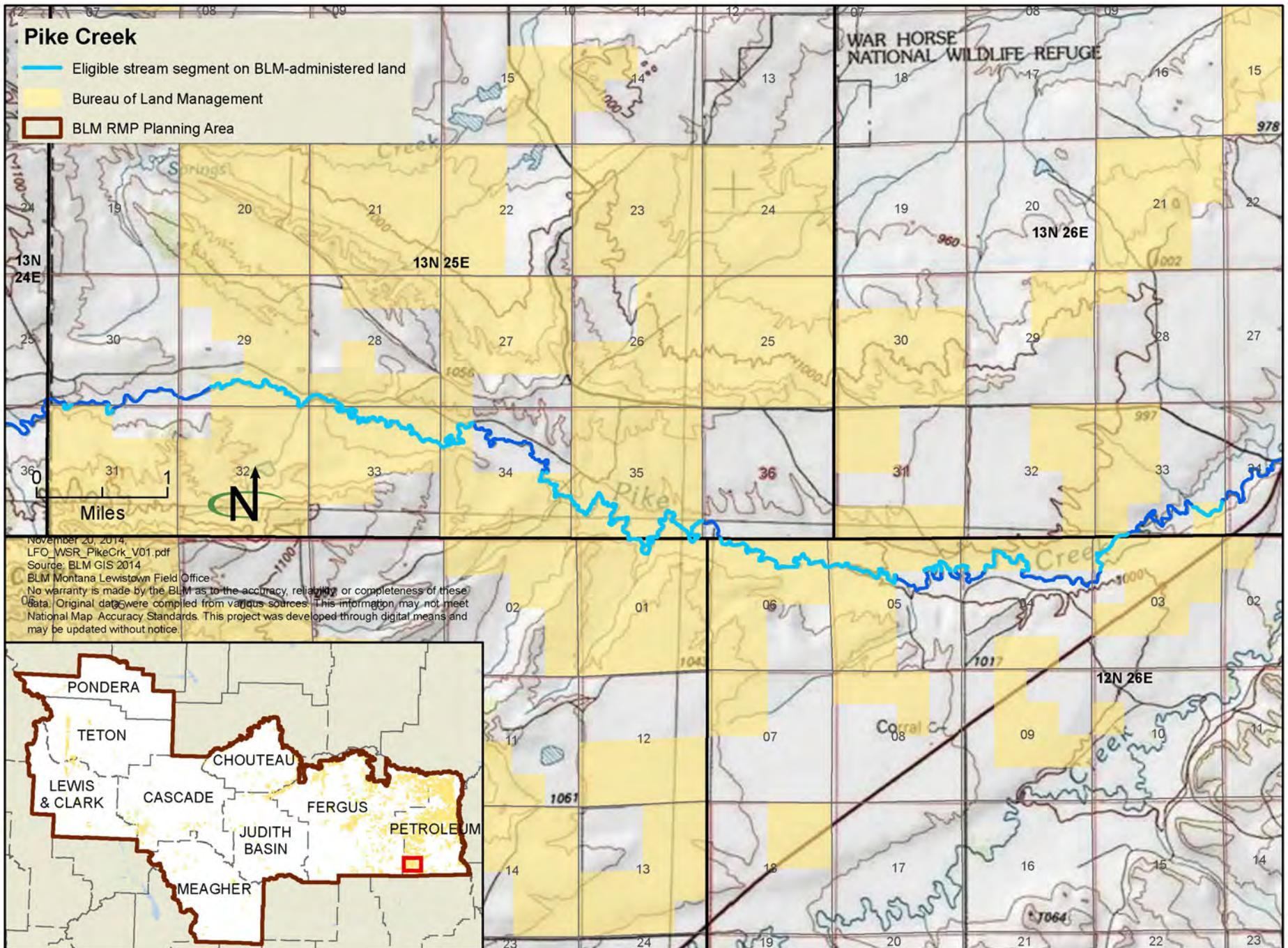
Fish. Pike Creek supports a population of northern redbelly x finescale dace hybrid (*Chrosomus eos* x *C. neogaeus* [syn. = *Phoxinus e.* x *P. n.*]). This fish is a Montana species of special concern (S3) and a BLM sensitive species. The S3 ranking denotes that it is potentially at risk because of limited or declining numbers or range or habitat, even though it may be abundant in some areas. It was placed on the species of concern list due to its rarity and unusual form of genetic reproduction (Montana Field Guide 2014; Montana AFS 2001). Montana appears to be the only state where the hybrid species has a special status listing, though other states identify the northern redbelly dace or the finescale dace as special status species (Montana Chapter of the American Fisheries Society 2001).

Further inventory is needed to better define the species' distribution in Montana. The hybrid species is difficult to differentiate from the northern redbelly dace in the field; for this reason it is likely that some waters thought to contain only northern redbelly dace may also contain the hybrid. Northern redbelly dace are not extremely common in Montana. Surveys have been conducted on 43 prairie streams of the Missouri and Yellowstone Rivers. Northern redbelly dace was identified at just three sites, one of which contained the hybrid. Few prairie streams in Montana have the clear pool habitat preferred by northern redbelly dace (Montana Field Guide 2014).

Tentative Classification

This segment has been tentatively classified as **recreational**. It is free of impoundments. Ranching is widespread in the vicinity, and grazing improvements are common.

Figure 3-6



3.7 SACAGAWEA RIVER (ALSO KNOWN AS CROOKED CREEK)

Location: Fergus and Petroleum Counties.
 Township 19 North, Range 22 East, Section 24
 Township 19 North, Range 23 East, Section 3
 Township 20 North, Range 25 East, Sections 29, 34, and 35
 Township 19 North, Range 25 East, Section 1
 Township 19 North, Range 26 East, Sections 6, 5, 3, and 2
 Township 20 North, Range 26 East, Sections 32 and 34
 Township 20 North, Range 27 East, Sections 31, 32, 27, 26, and 25
 Township 20 North, Range 28 East, Sections 30, 19, 29, 28, 27, 26, and 25
 Township 20 North, Range 29 East, Sections 30, 29, and 28
 See **Figure 3-7**, Sacagawea River (Crooked Creek)

Total Segment Length: 105.9 miles **Length on BLM Land :** 33.5 miles

Tentative Classification: Scenic

ORVs: Fish

Segment Location and General Description

The segment originates in northeastern Fergus County and flows generally east through Petroleum County toward its confluence with the Musselshell River. Due to the scattered landownership pattern over much of the area, this segment is composed of many small segments on BLM-administered land over an approximately 40-mile length of stream. BLM-administered land is concentrated in three areas: within the headwaters of the stream, near the confluence with Antelope and Little Crooked Creeks, and near the confluence with the Musselshell River.

Description of Outstandingly Remarkable Values

Fish. Sacagawea River (also known as Crooked Creek) is a regionally important producer of indigenous resident fish species and provides habitat for diverse populations of prairie fish. At least 15 species of prairie fish, most of which are native, are known to inhabit these segments. These species are as follows (MFWP 2014):

- Black bullhead (*Ameiurus melas*)
- Brook stickleback (*Culaea inconstans*, native, potential species of concern)
- Channel catfish (*Ictalurus punctatus*, native)
- Common carp (*Cyprinus carpio*)
- Fathead minnow (*Pimephales promelas*, native)
- Flathead chub (*Platygobio gracilis*, native)
- Green sunfish (*Lepomis cyanellus*)

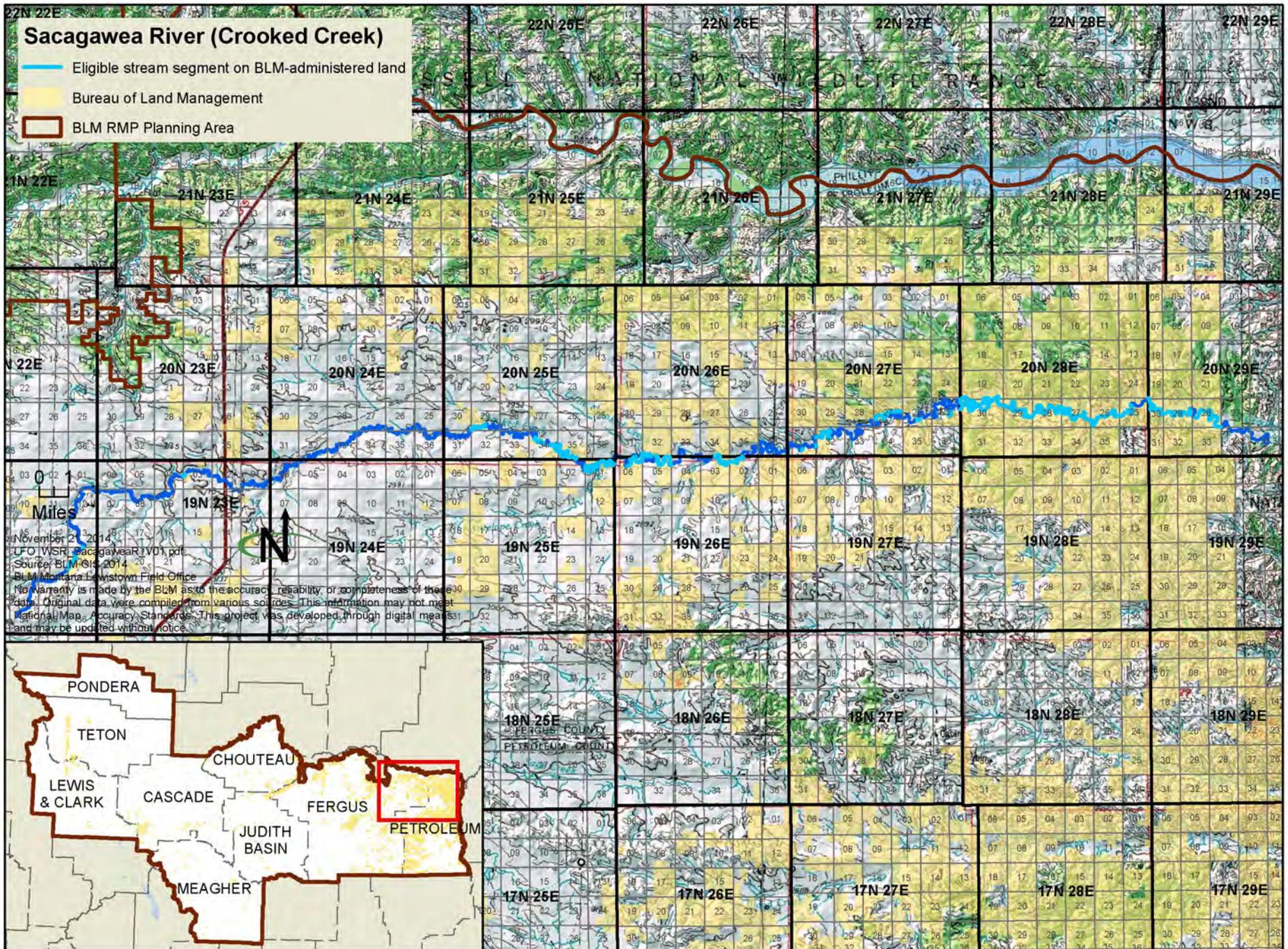
- Lake chub (*Couesius plumbeus*, native)
- Longnose dace (*Rhinichthys cataractae*, native)
- Northern pike (*Esox lucius*, native)
- Plains minnow (*Hybognathus placitus*, native, potential species of concern)
- River carpsucker (*Carpionodes carpio*, native)
- Sand shiner (*Notropis stramineus*, native)
- Western silvery minnow (*Hybognathus argyritis*, native)
- White sucker (*Catostomus commersoni*, native)

The river provides exceptionally high quality habitat for a broad diversity of native and introduced warm-water fish species. This diversity of representative prairie fisheries is an ORV.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. Roads in the vicinity of the segment are unimproved dirt roads, which may be impassible during wet weather. Accordingly, the area is generally undeveloped, though cattle appear to be grazed in the area. Overall, the segment appears largely primitive and undeveloped, with little evidence of substantial human activities.

Figure 3-7



3.8 SOUTH FORK FLATWILLOW CREEK

Location: Southern Fergus County. Township 12 North, Range 21 East, Section 9 SW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 10 NE $\frac{1}{4}$, and Section 11 NW $\frac{1}{4}$

See **Figure 3-8**, South Fork Flatwillow Creek

Total Segment Length: 25.1 miles **Length on BLM Land :** 1.1 miles

Tentative Classification: Scenic

ORVs: Scenic

Segment Location and General Description

South Fork Flatwillow Creek originates in the Little Snowy Mountains in southeast Fergus County. The creek flows east to its confluence with North Fork Flatwillow Creek. Combined, they become Flatwillow Creek. This creek flows east, eventually joining Box Elder Creek in southern Petroleum County. The study segments on South Fork Flatwillow Creek are in a steep-sided, evergreen-forested canyon in the foothills of the Little Snowy Mountains. Most of the surrounding land is private, and there is some evidence of ranching, including cattle fencing and dirt roads. South Fork Flatwillow Creek supports a well-developed willow-scrub riparian community within the study segments.

Description of Outstandingly Remarkable Values

Scenic. The entire study segment is scenic quality rating A, which is the BLM's classification for most valued scenery. South Fork Flatwillow Creek contributes to the scenic quality A rating due to presence of water, landform characteristics, variety and contrast between vegetation types, seasonal variation of willow and aspen, and absence of localized cultural modifications.

Tentative Classification

This segment has been tentatively classified as **scenic**. It is free of impoundments. The watershed is generally undeveloped, though evidence of grazing—fences and several dirt roads—are present. Overall, the segment appears largely primitive and undeveloped, with little evidence of substantial human activities.

CHAPTER 4

INTERIM MANAGEMENT AND NEXT STEPS

4.1 INTERIM MANAGEMENT

River segments determined to be eligible are afforded interim protective management until a suitability study is completed. The BLM's policy is to protect any ORVs identified in the eligibility determination process to ensure that a decision on suitability can be made; or in the case of suitable rivers, until Congress designates the river or releases it for further uses (BLM 2012).

The BLM has broad discretion authority to not impact river values or make decisions that might lead to a determination of eligibility. It is the BLM's policy to manage and protect the free-flowing character, tentative classification, and identified ORVs of eligible rivers according to the decisions in the associated RMP. This protection occurs at the point of eligibility determination, so as not to adversely constrain the suitability assessment or subsequent recommendation to Congress. The BLM may protect river values using both NEPA and the Federal Land Policy and Management Act.

Wild and scenic river issues involving NEPA supplementation are the same as for other resource values. When the BLM considers a proposal that could constitute a major federal action that significantly affects the quality of the human environment, the Council on Environmental Quality's regulations require NEPA compliance before the BLM can act on the proposal (40 Code of Federal Regulations, Part 1506.1). Eligible river segments determined to be unsuitable through a land use plan decision are subject to the direction and management decisions contained in the RMP.

Table 4-1, Interim Protection for Candidate Wild and Scenic Rivers, describes the interim protection standards for eligible and suitable segments.

**Table 4-1
Interim Protection for Candidate Wild and Scenic Rivers**

Issue	Management Prescription/Action
Study boundary	Minimum of 0.25-mile from ordinary high-water mark Boundary may include adjacent areas needed to protect identified values
Preliminary classification (Section 2(b) of WSR Act)	Three classes: wild, scenic, recreational (defined by statute) Criteria for classification described in Interagency Guidelines Manage at recommended classification
Study report review procedures	Notice of study report/draft EIS published in the <i>Federal Register</i> Comments/response from federal, state, and local agencies, and the public included in the study report/final EIS transmitted to the President and Congress
Private land: <ul style="list-style-type: none"> • Administration • Acquisition 	Affect private land uses through voluntary partnership with state/local governments and landowners No regulatory authority Typically an evaluation of the adequacy of local zoning and land use controls is a component of suitability determination ¹ No ability to acquire interest in land under the Act's authority prior to designation
Water resources project	River's free-flowing condition protected to the extent of other agency authorities; not protected under the WSR Act
Land disposition	Agency discretion to retain lands within river corridor in federal ownership
Mining and mineral leasing	Protect free flow, water quality, and ORVs through other agency authorities
Actions of other agencies	Affect actions of other agencies through voluntary partnership.
Protect Outstandingly Remarkable Values	No regulatory authority conferred by the WSR Act; agency protects through other authorities Section 11(b)1: Limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources ²

¹For an agency-identified study river that includes private lands there is often the need to evaluate existing state and local land use controls and, if necessary, assess the willingness of state and local government to protect river values.

²Section 11(b)1 authorizes the Secretary of the Interior and Secretary of Agriculture, or the head of any other federal agency, to provide for "limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources." This authority "applies within or outside a federally administered area and applies to rivers which are components of the National and to other rivers." The recipients of federal assistance include states or their political subdivisions, landowners, private organizations, or individuals. Some examples of assistance under this section include, but are not limited to, riparian restoration, riparian fencing to protect water quality and riparian vegetation, or vegetative screening to enhance scenery/recreation experience.

Source: Interagency Wild and Scenic Rivers Coordinating Council 1999

4.2 NEXT STEPS

The BLM will be completing the suitability phase for the eligible stream segments as part of the RMP revision process. Each eligible river segment will be evaluated for suitability or nonsuitability to assess whether or not it is a potential candidate for inclusion in the National System.

The Draft RMP will incorporate each of the eligible stream segments into one or more alternatives and the Draft EIS will provide an assessment of potential impacts from determining each segment as either suitable or not suitable for inclusion in the National System. The BLM will then seek public review and comment on the Draft RMP. The proposed RMP and final EIS will include final suitability determinations on the eligible rivers. Congressional legislative action is required for actual designation and final classification of suitable river segments.

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CHAPTER 5

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CHAPTER 6

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