

## APPENDIX 3—WILD AND SCENIC RIVER SUITABILITY EVALUATION REPORT

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Suitability is the process of determining which, if any, of the 12 river segments found to be free-flowing and having outstandingly remarkable values in the *Wild and Scenic River Eligibility and Tentative Classification Report, Richfield Field Office, March 2005* should be recommended to Congress as additions to the National Wild and Scenic River System (NWSRS). Suitability takes into account factors not considered in the eligibility evaluation, such as threats to a river or the need to develop the water for municipal, agricultural or industrial uses. It weighs tradeoffs between river development and protection, including the environmental and economic consequences of designation, and the manageability of the river if designated by Congress. Eligibility is based on criteria; suitability is based on judgment.

### SUITABILITY CONSIDERATIONS IN DRMP/DEIS ALTERNATIVES

Bureau of Land Management (BLM) policy requires that each eligible river must be considered suitable in at least one alternative and considered not suitable in at least one alternative to help identify and address tradeoffs. The Richfield Draft Resource Management Plan (DRMP) addresses suitability as follows:

- **Alternative N (No Action):** Because no suitability determination was made in previous land use plans, none is made with this alternative. Instead, all 12 eligible river segments would remain eligible and continue to be managed to protect their outstandingly remarkable values, free-flowing nature and tentative classification consistent with existing land use plans.
- **Alternative A (Access and Development):** Under this alternative, no eligible rivers would be determined suitable or managed to protect their outstandingly remarkable values, free-flowing nature, and tentative classification.
- **Alternative B (Preferred):** Under this alternative, the main stem of the Dirty Devil River (54 miles) and Fremont River above Capitol Reef National Park (4 miles) would be determined suitable and would be managed to protect their outstandingly remarkable values, free-flowing nature and tentative classification. These two river segments, in the view of BLM staff and management, are clearly the best candidates for Congressional wild and scenic river designation within the Richfield Field Office (RFO) boundaries.
- **Alternative C (Conservation):** Under this alternative, all eligible rivers would be determined suitable and would be managed to protect their outstandingly remarkable values, free-flowing nature and tentative classification.

The effects of these alternative considerations are disclosed in Chapter 4 (Environmental Consequences) of this Draft Resource Management Plan/Draft Environmental Impact Statement (DEIS).

### SUITABILITY FACTORS ADDRESSED FOR EACH ELIGIBLE RIVER

In addition to resource uses, conflicts and tradeoffs identified in the analysis of the alternatives, several suitability factors are addressed for each eligible river in this appendix, including:

- The characteristics that do or do not make the area a worthy addition to the National Wild and Scenic Rivers System.
- Current status of land ownership and human use of the area.

- Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress and the values that could be lost or diminished if the area is not protected as part of the national system.
- Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river and the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners.
- The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress.
- The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act.
- Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns.

## **Dirty Devil River and Tributaries**

### **Dirty Devil River**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Outstandingly remarkable values identified for the Dirty Devil River, including scenic, recreational, geologic, fish and wildlife, and cultural, represent some of the best examples within the Colorado Plateau physiographic province.

Scenery is rated Class A, and is outstanding within the region due to the extremely rugged topography and contrasting variety and color of exposed sandstone layers and vegetation. The Dirty Devil River and its surrounding landscape have been the subject of professional photographers.

Recreational opportunities, including hiking, backpacking and, on those rare occasions when conditions are right, boating attract visitors from outside the region. Several guidebooks describe outstanding opportunities for backpacking and hiking. The river and surrounding lands provide for commercial use, with trips conducted annually. People are willing to travel long distances to recreate here as indicated by repeat users, commercial operations, and increasing visitation levels despite the area's remoteness and the difficult access.

The Dirty Devil River has exposed eight different geologic formations, some of which contain rare paleontological resources within the river corridor.

Habitat for several special status species including the Mexican spotted owl, Southwest willow flycatcher, and yellow-billed cuckoo is found within the canyon created by the river. There are active peregrine falcon aeries in cliff habitat above the river. The river corridor provides crucial habitat for big game, neotropical migratory birds, non-game mammals, bats and small rodents.

The river corridor contains multiple sites with evidence of occupation and use by both Desert Archaic and Fremont peoples. Sites span a very long time period, from 5000 B.C. to 1300 A.D.

This river segment is free-flowing in character and free of impoundments and other intrusions.

- **Current status of land ownership and human use of the area**

The eligible segment totals 57.8 miles: 54 miles of BLM-administered land, 2.6 miles of state land and 1.2 miles of private land. There are no plans for acquisition of the private land. The river corridor is undeveloped and primitive and mostly within the Dirty Devil and Fiddler Butte Wilderness Study Areas (WSAs).

- **Uses, including the reasonably foreseeable potential uses of land and water that would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed, protect potential habitat for the Mexican spotted owl, and to manage the lands for primitive recreation opportunities.

Inclusion in the NWSRS could preclude dams, or other development including roads, pipelines or other structures on Federal lands within this stretch of river if classified as wild, but no such developments are proposed.

The Dirty Devil drainage is almost exclusively within the Dirty Devil and Fiddler Butte WSAs. These lands have been recommended by BLM to Congress for wilderness designation. Adjacent National Park Service (NPS) lands are also administratively recommended for wilderness. Designation of the Dirty Devil River into the NWSRS would be compatible with and enhance wilderness use and management of the area.

Failure to include the Dirty Devil River in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted wild and scenic river designation as a means of preserving the free-flowing character of this nationally significant river, and the National Park Service has determined the contiguous portion of the river that they manage to be eligible. No state, tribal, or local governments have expressed support for inclusion of the river in the NWSRS. Local and state agencies, water users, and municipalities oppose designation due to perceptions that upstream water rights and water projects could be adversely affected. No water developments are proposed or likely to be proposed within the eligible segment given it is immediately upstream from Lake Powell with its huge, and currently underutilized, water storage capacity.

The National Park Service has determined the portion of the river that they manage within the Glen Canyon National Recreation Area (NRA) to be an eligible wild and scenic river, so costs and administration of the river area could be shared between BLM and NPS if Congress added the entire Dirty Devil to the NWSRS.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition is needed, as no private land acquisitions are anticipated. State lands could be acquired through exchange. The initial costs of administration would include preparing and implementing a management plan as well as ongoing recreation permitting. Yearly administration costs thereafter could involve additional studies and monitoring as well as ongoing recreation permitting.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM currently has little administrative presence on this river. To date, remoteness and difficult access have kept visitation light throughout a significant portion of the year. Inclusion into the NWSRS would likely bring additional attention to the river and potentially draw a larger number of visitors. BLM is already imposing use limits that escalate the level of management and resources needed to protect natural features at risk, and designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs. BLM could partner with the NPS in administering the river.

The Dirty Devil River flows within the Dirty Devil and Fiddler Butte WSAs. Alternatives are being considered in the Richfield DRMP to designate the river as part of an Area of Critical Environmental Concern (ACEC) and/or a Special Recreation Management Area (SRMA). These designations, if implemented, would help protect outstandingly remarkable values. New costs could be incurred to implement any of these management schemes.

- **Existing rights which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

There are no valid mining claims, mineral leases or private lands within the public lands portion of the eligible segment. Wayne and Emery County interest have expressed concern that designation of the Dirty Devil into the NWSRS could affect upstream water rights and water uses on the Fremont River and Muddy Creek, tributaries of the Dirty Devil.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Beaver Wash Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Beaver Wash Canyon is a side canyon and tributary to the Dirty Devil River. The canyon was designated as an ACEC for its high biological and ecological values. Grazing and mineral extraction is not allowed in the river corridor below the canyon rim for resource concerns. The lands are also entirely within the Dirty Devil WSA.

The amount of water present can vary considerably seasonally and from year-to-year.

- **Current status of land ownership and human use of the area**

The river segment is 6.9 miles in length, including 6.8 miles of public lands administered by BLM and 1/10 mile state land. Grazing is not allowed in the river corridor below the canyon rim. The area does have an established hiking trail crossing it from Angel Point Trail head which provides access into the main Dirty Devil drainage and side canyons. Recreational use includes primitive hiking, canyoneering, camping, and sightseeing for day and extended use trips. Use levels are moderate and increasing.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water. However, congressional designation into the national system is not necessary for these goals to be achieved.

Non-designation would leave open the possibility of future water developments that could alter the free-flowing nature of the stream, thus diminishing natural values within public lands and limiting options for habitat enhancements. No such developments or uses are currently proposed, however.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS. Local and state agencies, water users, and municipalities oppose designation due to perceptions that existing water rights could be affected, and that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream. In actuality, there is no likely development identified within the eligible segment, and any upstream or downstream development would only be affected if Federal money was involved and if the development would invade or unreasonably diminish fish, wildlife, recreation or scenic values identified within the designated segment at the time of designation. Although the Wild and Scenic Rivers Act infers a Federal reserved water right upon designation, rather than establishing an amount, it actually imposes a limit, expressing that any such right is to be the minimum necessary for the purposes of the Act. Such right would have to be adjudicated through the State, and would be junior to any existing rights.

There is no opportunity to share costs of administration with the above entities. Also, there is no contiguous Federal agency with which to share cost of administration. If the entire watershed of the Dirty Devil River, including all of its side canyons, is designated, then there is an opportunity for shared administration of the river area with NPS if Congress were to also designate the portion of the river within their boundaries.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The Utah State owned lands could be acquired through exchange of lands with other public lands. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter would involve monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

The outstandingly remarkable values within this segment could also be effectively managed through land use prescriptions considered in the Richfield DRMP/DEIS should congressional designation not occur. The canyon's relevant and important values are currently protected by ACEC designation.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Larry Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Larry Canyon is a tributary side canyon to the Dirty Devil River. The canyon is rated Class A scenery. Long technical slots in the upper canyon and natural pour offs in the lower end hinder access and have kept the middle portion in pristine condition. Cottonwood trees complement the form, line, color and texture of the canyon walls and shade much of the canyon floor.

Larry Canyon provides one of the main hiking entries into the Dirty Devil River canyon system from the west. These public lands provide a significant part of the regional recreation opportunity serving as a gateway to the Dirty Devil River. People are willing to travel long distances to utilize the recreational opportunities within Larry Canyon and other canyons of the Dirty Devil River drainage, as indicated by increasing visitation levels despite lengthy and difficult access. Several guidebooks describe outstanding opportunities for hiking, backpacking and canyoneering, and there are opportunities for commercial use. There are challenging canyoneering opportunities in the upper stretch of Larry Canyon.

Long stretches of perennial springs within this canyon provide diverse habitats for native plants and support a great variety of bird and animal species. These include the Mexican spotted owl (Federally-

listed) and the goshawk and peregrine falcon, both sensitive species. This canyon is designated critical Mexican spotted owl habitat. The riparian corridor provides crucial habitat for big game, neo-tropical migratory birds, non-game mammals, bats and small rodents. It is identified by the Utah Division of Wildlife Resources (UDWR) as critical year-long habitat for the desert bighorn sheep.

This segment provides an exemplary illustration of the hydrologic transition from headwaters to a deeply incised canyon, all within the course of a few miles. The dramatic changes associated with the transition are visible from several vantage points along the canyon rim as well as while hiking through the canyon.

The drainage is intermittent.

- **Current status of land ownership and human use of the area**

The river segment is four miles in length and is administered totally by BLM. The lower end of the canyon could still be grazed. It has not been closed or relinquished for grazing. The primary activity occurring on public lands in the canyon is dispersed primitive recreation including hiking, hunting, and sightseeing. There are no private lands. This canyon is undeveloped and primitive and is within the Dirty Devil WSA.

- **Uses, including the reasonably foreseeable potential uses of land and water, which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation as a wild and scenic river would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water, protect potential habitat for the Mexican spotted owl, protect desert bighorn sheep habitat, and to manage the lands for their primitive recreation opportunities.

There are no proposals or potential for dam-building on this segment. No other developments including roads, pipelines or other structures are proposed or likely.

The entire canyon is within the Dirty Devil WSA. Designation of Larry Canyon into the NWSRS would be compatible with and enhance wilderness use and management of the area. Designation would also be compatible with management of the area as part of a Dirty Devil Special Recreation Management Area or Area of Critical Environmental Concern, both being considered in the Richfield DRMP/DEIS.

Failure to include Larry Canyon in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would, if implemented, also preserve and enhance such values.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted wild and scenic river designation. No state, tribal, or local governments have expressed support for inclusion of this river segment in the NWSRS.

None of the above entities would share costs or administration of the area should Congress designate it. There is also no contiguous Federal agency to share the costs or administration. If the river was designated as a portion of the larger Dirty Devil watershed, then there would be opportunity for joint management with the adjacent National Park Service river segment.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. Initial costs of administration would include preparing and implementing a corridor management plan and administering recreation permits. Yearly administration costs thereafter could involve additional studies and monitoring, as well as administering recreation permits.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

Larry Canyon is within the Dirty Devil WSA, which has been recommended for wilderness designation. Other alternatives to congressional wild and scenic river designation include land use prescriptions being considered in the Richfield DRMP/DEIS to designate the river and surrounding lands as an Area of Critical Environmental Concern and/or as a Special Recreation Management Area and implement land use prescriptions to protect riparian systems, including limiting off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

Development within the river corridor is unlikely due to its WSA status. There are no issues regarding upstream or downstream effects.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **No Mans Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

No Mans Canyon is a tributary to the Dirty Devil River. The river corridor and surrounding canyon system were inventoried as Class A scenery.

This canyon is one of the few that visitors can generally depend on for a reliable source of fresh water. Almost all visitors are from outside the general area. Almost all use occurs near the confluence with the Dirty Devil River and is associated with more extensive trips along the main drainage.

The river segment is free-flowing but intermittent. Water flows in No Mans Canyon can vary considerably from year to year based on upstream precipitation and water depletions. Large portions of the canyon in the upper reaches dry up during periods of the year.

- **Current status of land ownership and human use of the area**

The eligible segment of No Mans Canyon is 7.1 miles in length. The entire river corridor is public land administered by BLM.

The area is remote and access is limited and difficult, recreational use is relatively light except during the canyoneering season. Mineral exploration has occurred in the past but no unpatented mining claims remain active in the area. The river corridor is within the Dirty Devil WSA. None of the Dirty Devil or its side canyons have been closed or relinquished to grazing.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water, protect potential habitat for the Mexican spotted owl, and to manage the lands for their primitive recreation opportunities.

There are no proposals or potential for dam-building on this segment. No other development including roads, pipelines or other structures are proposed or likely.

This entire canyon is within the Dirty Devil WSA. These lands have been recommended by BLM to Congress for wilderness designation. Designation of No Mans Canyon into the NWSRS would be compatible with and enhance wilderness use and management of the area. Designation would also be compatible with management of the area as part of a Dirty Devil SRMA or ACEC, being considered in the Richfield DRMP/DEIS.

Failure to include No Mans Canyon in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS.

None of the above entities would share costs or administration of the area should Congress designate it. There is also no contiguous Federal agency to share the costs or administration. However, if the river is designated as a portion of the larger Dirty Devil watershed, then there is opportunity for joint management with the adjacent National Park Service river segment.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The initial costs of administration for the first three years would involve management plan preparation and implementation as well as ongoing recreation permitting. Yearly administration costs thereafter may involve additional studies and monitoring as well as ongoing recreation permitting.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

No Mans Canyon is within the Dirty Devil WSA, which has been recommended for wilderness designation. Other alternatives to congressional wild and scenic river designation are being considered in the Richfield DRMP/DEIS to designate the river and surrounding lands as an ACEC and/or as a SRMA and implement land use prescriptions to protect riparian systems, including placing limits on off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

Development within the river corridor is unlikely due to its WSA status. There are no issues regarding upstream or downstream effects.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Robbers Roost Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Robbers Roost Canyon is a side canyon and tributary to the Dirty Devil River. The river corridor as well as the whole canyon is rated as Class A, with superlative examples of red rock scenery. The name, outlaw lore and scenery draw recreationists from outside the region. Robbers Roost is the most accessible of all the Dirty Devil side canyons, and is publicized as a destination hike in a number of guidebooks. Canyoneers have come to recognize that the upper ends of each of the Robbers Roost tributaries contain superb opportunities for technical slot canyoneering. The canyon contains prehistoric values associated with Fremont Indian and archaic inhabitants. The river segment is free-flowing in character and free of impoundments and other intrusions. Water flows vary considerably from year-to-year based on precipitation and the upper reaches of the canyons dry seasonally.

- **Current status of land ownership and human use of the area**

The river segment is 33 miles in length: 31 miles cross public lands administered by BLM and two miles cross lands owned by the state of Utah. Although there is livestock grazing on the benchlands above the canyons, most use in the canyons is recreational including hiking, canyoneering, hunting, sightseeing, photography, and primitive recreation. The entire river corridor is within the Dirty Devil WSA.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water, protect potential habitat for the Mexican spotted owl, and to manage the lands for their primitive recreation opportunities.

There is no proposal or potential for dam-building on this segment. No other development including roads, pipelines or other structures could be developed within this stretch of river if classified as wild, but no such development is proposed or likely considering the area's WSA status.

This entire canyon is within the Dirty Devil WSA. These lands have been recommended by BLM to Congress for wilderness designation. Designation of Robbers Roost Canyon into the NWSRS would be compatible with and enhance wilderness use and management of the area. Designation would also be compatible with management of the area as part of a Dirty Devil SRMA or ACEC, being considered in the Richfield DRMP/DEIS.

Failure to include Robbers Roost Canyon in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local governments have expressed support for inclusion of this river segment in the NWSRS.

None of the above entities would share costs or administration of the area should Congress designate it. There is also no contiguous Federal agency to share the costs or administration. However, if the river was designated as a portion of the larger Dirty Devil Watershed, there would be opportunity for joint management with the adjacent National Park Service river segment of the Dirty Devil River.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The lands owned by the State of Utah could be acquired by exchange with public lands elsewhere. The initial costs of administration for the first three years would involve management plan preparation and implementation as well as ongoing recreation permitting. Yearly administration costs thereafter may involve additional studies and monitoring as well as ongoing recreation permitting.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

Robbers Roost Canyon is within the Dirty Devil WSA, which has been recommended for wilderness designation. Other alternatives to congressional wild and scenic river designation include land use prescriptions being considered in the Richfield DRMP/DEIS to designate the river and surrounding lands as an ACEC or as a SRMA and implement land use prescriptions to protect riparian systems, including placing limits on off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

Development within the river corridor is unlikely due to its WSA status. There are no issues regarding upstream or downstream effects.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

### **Sams Mesa Box Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Sams Mesa Box Canyon was inventoried as Class A scenery. It is a very deep, rugged canyon that descends through a series of steep falls that are visually attractive. At 400 to 600 feet deep, it is the deepest of all the Dirty Devil River tributary canyons.

There is no dependable hiking route into this canyon. Most visitors into the canyon use a semi-technical trail that starts on the west side of the Dirty Devil on Burr Point and drops in near Twin Corral Box Canyon. Access to the upper end of Sams Mesa Box is limited to technical canyoneering. People are willing to travel long distances to utilize the recreational opportunities along this river segment as indicated by visitation levels despite lengthy and difficult access.

This canyon provides habitat for the Mexican spotted owl and includes two known owl protected activity centers (PACs). The canyon has been designated by the UDWR as year-long critical habitat for desert bighorn sheep in this canyon.

The river segment is free of impoundments and other intrusions.

- **Current status of land ownership and human use of the area**

The river segment is 9.5 miles in length, entirely within public lands administered by BLM. Human use includes dispersed recreational activity including hiking, canyoneering, sightseeing, photography, and primitive recreation. The river corridor is almost completely within the Dirty Devil WSA, with the exception of a small portion of the south bank near its junction with the Dirty Devil River.

Although not used in recent years, this area is part of the Robbers Roost grazing allotment.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water, protect potential habitat for the Mexican spotted owl and desert bighorn sheep, and to manage the lands for their primitive recreation opportunities

There are no proposals or potential for dam-building on this segment. No other development including roads, pipelines or other structures are proposed or likely.

Most of this canyon is within the Dirty Devil WSA. These lands have been recommended by BLM to Congress for wilderness designation. Designation of Sams Mesa Box Canyon into the NWSRS would be compatible with and enhance wilderness use and management of the area. Designation would also be compatible with management of the area as part of a Dirty Devil SRMA or ACEC, being considered in the Richfield DRMP/DEIS.

Failure to include Sams Mesa Box Canyon in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river**

**administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS.

None of the above entities would share costs or administration of the area should Congress designate it. There is also no contiguous Federal agency to share the costs or administration. However, if the river was designated as a portion of the larger Dirty Devil watershed there would be opportunity for joint management with the adjacent National Park Service river segment for the Dirty Devil River.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The initial costs of administration for the first three years would involve management plan preparation and implementation as well as ongoing recreation permitting. Yearly administration costs thereafter may involve additional studies and monitoring as well as ongoing recreation permitting.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

Sams Mesa Box Canyon is within the Dirty Devil WSA, which has been recommended for wilderness designation. Other alternatives to congressional wild and scenic river designation include land use prescriptions being considered in the Richfield DRMP/DEIS to designate the river and surrounding lands as an ACEC and/or as a SRMA and implement land use prescriptions to protect riparian systems, including limiting off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

Development within the river corridor is unlikely due to its WSA status. There are no issues regarding upstream or downstream effects.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Twin Corral Box Canyon**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

Twin Corral Box Canyon possesses Class A scenery, enhanced by the transition from the Wingate to the Chinle formation. The canyon provides designated Mexican spotted owl habitat. In addition, the canyon has been designated by the UDWR as year-long critical habitat for desert bighorn sheep.

The river segment is free-flowing and free of impoundments and other intrusions. Water flows in Twin Corral Box Canyon can vary considerably year-to-year and the upper reaches of the canyon dry up seasonally.

- **Current status of land ownership and human use of the area**

The river segment is 10.1 miles in length. Of that, nine miles cross public lands administered by BLM, with 1.1 river miles crossing lands owned by the State of Utah. There are no private lands. Public lands support dispersed activity including hiking, canyoneering, sightseeing, photography, and primitive recreation.

All but the upper 2 to 3 miles of the canyon are within the Dirty Devil WSA. Twin Corral Box Canyon is within the Robbers Roost grazing allotment. Although no grazing has occurred in recent years, it is not closed or relinquished.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation as a wild and scenic river would be compatible with BLM proposals to maintain riparian values, protect the watershed and water quality, protect designated critical habitat for the Mexican spotted owl, and to manage the lands for primitive recreation opportunities.

There are no proposals or potential for dam-building on this segment. No other development including roads, pipelines or other structures are proposed or likely.

Most of the canyon is within the Dirty Devil WSA. These lands have been recommended by BLM to Congress for wilderness designation. Designation of Twin Corral Box Canyon into the NWSRS would be compatible with and enhance wilderness use and management of the area. Designation would also be compatible with management of the area as part of a Dirty Devil SRMA or ACEC, being considered in the Richfield DRMP/DEIS.

Failure to include Twin Corral Box Canyon in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as the area's WSA status would continue, and many of the other land use prescriptions being considered within the Richfield DRMP/DEIS would also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS.

None of the above entities would share costs or administration of the area should Congress designate it. There is also no contiguous Federal agency to share the costs or administration. However, if the river is designated as a portion of the larger Dirty Devil watershed, then there could be opportunities for joint management with the National Park Service river segment for the Dirty Devil River.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The initial costs of administration for the first three years would involve management plan preparation and implementation as well as ongoing recreation permitting. Yearly administration costs thereafter could involve additional studies and monitoring as well as ongoing recreation permitting. State lands could be acquired through exchange.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

Twin Corral Box Canyon is within the Dirty Devil WSA, which has been recommended for wilderness designation. Other alternatives to congressional wild and scenic river designation include proposals being considered in the Richfield DRMP/DEIS to designate the river and surrounding lands as an ACEC and/or as a SRMA and implement land use prescriptions to protect riparian systems, including placing limits on off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

There are no valid mining claims, mineral leases or private lands within the public land portion of the eligible segment. The State of Utah manages 1.1 miles of the eligible segment. Development within the river corridor is unlikely due to its WSA status. There are no issues regarding upstream or downstream effects.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## Other Rivers

### Fish Creek

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

This stream segment includes a significant Fremont Indian site containing rock art (Fish Creek Cove pictographs) and other evidence of habitation. The rock art is nationally significant and has been nominated to the National Register of Historic Places. It is an important site to several Indian tribes.

The river segment is free-flowing in character and free of impoundments and other intrusions. Water flows in Fish Creek can vary considerably from year to year. The segment involving public lands is very short, totaling just one-quarter mile in length.

- **Current status of land ownership and human use of the area**

The river segment is approximately one-quarter mile in length, entirely on public lands administered by the BLM. Public lands within the river corridor support livestock grazing and dispersed activity including sightseeing and photography. Recreation use levels are very low.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water, and protect cultural features.

Non-designation would leave open the possibility of future water developments that could alter the free-flowing nature of the stream. No such developments or uses are currently proposed, however.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation as a means of preserving the free-flowing character of the segment. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS. There is no opportunity to share costs with the above entities.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No private lands are proposed for acquisition. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter would involve monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

The public lands portion of Fish Creek is relatively short and would be difficult to manage separately from adjoining state, private and national forest lands. The Forest Service did not find its segment of Fish Creek as an eligible wild and scenic river. The outstandingly remarkable cultural value within this segment is protected by the Antiquities Act.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

No valid existing rights were identified in the eligible segment. The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

### **Fremont River (below Capitol Reef NP to Caineville Ditch Diversion)**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

The canyon of the Fremont River between Capitol Reef National Park and Caineville is geologically interesting in that it illustrates the relatively recent age of the local landscape and the huge volumes of material that were removed in a very short time.

A significant length of this river segment parallels Utah Highway 24, the main east-west route through the county and access route to Capitol Reef National Park. Much of the canyon is cut into the highly photogenic Brushy Basin member of the Morrison formation and examples of large balanced rocks are perched along the canyon walls. That the river cuts through the geological formations and is free-flowing and perennial in character makes it rare in the high desert of Southern Utah. In the neighborhood of 700,000 visitors travel to Capitol Reef National Park each year, many of whom enter or leave the park along this stretch of the river.

- **Current status of land ownership and human use of the area**

There are 6.4 river miles between the Capitol Reef National Park boundary and the Caineville ditch diversion. Of this, 3.75 miles are public lands administered by the BLM, 1.9 miles are owned by the State of Utah, and 1.2 miles are privately owned. Other than the Utah State Highway 24 which parallels the river, there is no development. Lands within the river corridor are open for grazing, although topography restricts actual use. Several small vehicle pull offs also exist for day use and overnight camping. Highway 24 is a state-designated scenic highway.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Wild and scenic river designation would be compatible with BLM proposals to maintain riparian values and protect the watershed and high quality of water. It would help to maintain the important scenic values of the area.

Inclusion into the NWSRS would preclude dams or other water developments within the designated stretch, but no such developments are currently planned. Wayne County interests have proposed water diversion and storage projects for the Fremont River in a variety of locations, including sites upstream and downstream from this location. To date, none of the proposals have moved beyond the "idea" stage.

Designation would complement management of the eligible river segment within Capitol Reef National Park.

Failure to include this segment of the Fremont River in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as other land use prescriptions being considered within the Richfield DRMP/DEIS could also preserve and enhance such values.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation as a means of preserving the free-flowing character and other values of this nationally significant river. No state, tribal, or local government has expressed support for inclusion of the river in the NWSRS. Local and state agencies, water users, and municipalities oppose designation due to perceptions that existing water rights could be affected, and that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream. In actuality, there is no likely development identified within the eligible segment, and any upstream or downstream development would only be affected if Federal money was involved, and even then only if the development would invade or unreasonably diminish fish, wildlife, recreation or scenic values identified within the designated segment at the time of designation. Wayne County has proposed a water diversion and storage project for the Fremont River in a variety of locations far upstream of the eligible segment in the past, and for a number of different purposes, but has no actual proposal under consideration.

Congressional designation of this eligible segment would not preclude consideration of this water diversion and storage project in the future, as long as it would not exceed the “invade or unreasonably diminish standard” discussed above. Although the Wild and Scenic Rivers Act infers a Federal reserved water right upon designation, rather than establishing an amount, it actually imposes a limit, expressing that any such right is to be the minimum necessary for the purposes of the Act. Such right would have to be adjudicated through the State, and would be junior to any existing rights.

Although none of the above entities would share costs, because the NPS has determined the contiguous portion of the river that they manage to be eligible, costs and administration of the river area could be shared with them if Congress were to also designate the portion of the river within their boundaries.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

Funding for acquisition would be needed if it was determined the private land within the river corridor were desirable for acquisition. The cost of acquiring the lands is not known at this time. State lands could

be acquired through exchange. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter could involve additional studies and monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs. Also, BLM could partner with the National Park Service in administering the river.

Alternatives to congressional wild and scenic river designation are proposed in the Richfield DRMP/DEIS and include prescriptions to manage riparian systems, watershed, water quality, and habitats for sensitive and listed fish and wildlife species, including placing limits on off-road motorized travel, mining and mineral leasing, and rights-of-way. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

Local and state agencies, water users, and municipalities have expressed concern that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

### **Fremont Gorge (Fremont River above Capitol Reef National Park)**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

The scenery in Fremont Gorge is outstanding. It is the deepest gorge cutting across the Waterpocket Fold. The scenery is highly diverse and not common to other rivers in the region. There are no human developments and land use impacts on public lands do not detract from the natural qualities found in the rugged and primitive stretches of the gorge.

This is a free-flowing, perennial segment, although water flows in Fremont Gorge can vary considerably from year to year based on upstream precipitation and upstream water diversions.

- **Current status of land ownership and human use of the area**

The river segment is 5.0 miles in length, all public lands administered by BLM. Public lands within the river corridor support livestock grazing and dispersed activity including hiking, hunting, sightseeing, photography, and other types of primitive recreation. Use levels are low. The only access to the area is along a single non-maintained vehicle way.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river was designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Wild and scenic river designation would be compatible with BLM proposals to maintain riparian values and protect the watershed and high quality of water. It would help to maintain the important scenic values of the area.

Inclusion into the NWSRS could preclude dams or other water developments within the designated stretch, but no such developments are currently planned. Wayne County interests have proposed water diversion and storage projects for the Fremont River in a variety of locations, including sites upstream and downstream from this location. To date, none of the proposals have moved beyond the "idea" stage.

Designation would complement management of the eligible river segment within Capitol Reef National Park.

Failure to include this segment of the Fremont River in the NWSRS would not necessarily diminish the values for which the river was determined eligible inasmuch as other land use prescriptions being considered within the Richfield DRMP/DEIS could also preserve and enhance such values if implemented.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation as a means of preserving the free-flowing character and other values of this nationally significant river. No state, tribal, or local government has expressed support for inclusion of the river in the NWSRS. Local and state agencies, water users, and municipalities oppose designation due to perceptions that existing water rights could be affected, and that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream. In actuality, there is no likely development identified within the eligible segment, and any upstream or downstream development would only be affected if Federal money was involved, and even then only if the development would invade or unreasonably diminish fish, wildlife, recreation or scenic values identified within the designated segment at the time of designation.

Congressional designation of this eligible segment would not preclude consideration of this water diversion and storage project in the future, as long as it would not exceed the "invade or unreasonable diminish standard" discussed above. Although the Wild and Scenic Rivers Act infers a Federal reserved water right upon designation, rather than establishing an amount it actually imposes a limit, expressing that any such right is to be the minimum necessary for the purposes of the Act. Such right would have to be adjudicated through the State, and would be junior to any existing rights.

Although none of the above entities would share costs, because Capitol Reef National Park has determined the contiguous portion of the river that they manage to be eligible, costs and administration of the river area could be shared with them if Congress were to also designate the portion of the river within their boundaries.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter could involve additional studies and monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs. Also, BLM could partner with the National Park Service in administering the river.

Alternatives to congressional wild and scenic river designation are being considered in the Richfield DRMP/DEIS and could include land use prescriptions to manage riparian systems, watershed, water quality, and habitats for sensitive and listed fish and wildlife species, including potential SRMA or ACEC designations, and limiting off-road motorized travel, mining and mineral leasing, and rights-of-way development. New costs could be incurred to implement any of these management schemes.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. Any such right would be the minimum necessary for the purposes of the Act, would have to be adjudicated through the state, and would be junior to any existing rights.

Local and state agencies, water users, and municipalities have expressed concern that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Maidenwater Creek**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

The entire canyon is rated Class A scenery due to the closeness of canyon walls, topographical screening, and the diversity of vegetation – including on the canyon walls. Visitors to the canyon are attracted by the scenic contrast displayed in the formations. This area is unique in that hanging gardens are prevalent and have not been heavily impacted by domestic ungulates.

This narrow slot canyon provides canyoneering opportunities with a variety of visual and other natural attractions. Guidebooks and websites publicize this area and attract visitors from outside the region. Almost all users to the area come from outside the region.

There is a diversity of animal life. Speckled dace, several species of aquatic invertebrates, observed ring-tail cat, deer and bighorn sheep tracks and scat and old beaver cuttings and blown-out dams were noted in a field visit.

This is an intermittent, free-flowing segment. The amount of water present can vary considerably seasonably and from year-to-year.

- **Current status of land ownership and human use of the area**

The river segment is 4.3 miles in length, including 3.0 miles of public lands administered by BLM and 1.3 miles of state land. Public lands within the river corridor support livestock grazing and dispersed recreational activity including sightseeing, canyoneering, hiking and photography. Actual cattle use in the river corridor is restricted by topography to the benchlands above the canyon, as there are limited access points.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

Designation would be compatible with BLM proposals to maintain riparian values, protect the watershed and high quality of water.

Non-designation would leave open the possibility of future water developments that could alter the free-flowing nature of the stream, thus diminishing natural values within public lands and limiting options for habitat enhancements. No such developments or uses are currently proposed, however.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Some private citizens and regional and national conservation groups have promoted designation. No state, tribal, or local government has expressed support for inclusion of this river segment in the NWSRS. Local and state agencies, water users, and municipalities oppose designation due to perceptions that existing water rights could be affected, and that opportunities for water development could be foreclosed, not only within the eligible river segment, but also upstream and downstream. In actuality, there is no likely

development identified within the eligible segment, and any upstream or downstream development would only be affected if Federal money was involved and if the development would invade or unreasonably diminish fish, wildlife, recreation or scenic values identified within the designated segment at the time of designation. Although the Wild and Scenic Rivers Act infers a Federal reserved water right upon designation, rather than establishing an amount, it actually imposes a limit, expressing that any such right is to be the minimum necessary for the purposes of the Act. Such right would have to be adjudicated through the State, and would be junior to any existing rights.

There is no opportunity to share costs of administration with the above entities. Also, there is no contiguous Federal agency with which to share cost of administration.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No funding for acquisition would be needed, as there is no private land within the river corridor. Utah State lands could be acquired through exchange with other public lands elsewhere. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter would involve monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

BLM has the capability of managing this segment as wild and scenic. Designation of this segment would not significantly elevate management costs above current levels nor require substantial increases in appropriations or diversion of resources from critical ongoing programs.

The outstandingly remarkable values within this segment could also be effectively managed through other land use prescriptions considered in the Richfield DRMP/DEIS should congressional designation not occur.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

The lands within the river corridor are public lands administered by the BLM. There are no valid mining claims, mineral leases, private lands or other existing rights within the eligible segment that would be affected by congressional designation.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **Quitchupah Creek**

- **Characteristics Which Do or Do Not Make the Area a Worthy Addition to the National Wild and Scenic Rivers System**

There are many documented Fremont and archaic habitation sites and use areas as well as the remnants of more recent historic activity within the river corridor and canyon. Many of these sites have been determined by the Utah State Historic Preservation Officer to be eligible for listing in the National Register of Historic Places. Also, the Paiute Indian Tribe of Utah and the Hopi Tribe have both stated that the canyon is sacred to them. Tribes contend that the traditional use of the canyon plays an important role in the spiritual welfare and existence of both Tribes. An ethnographic study conducted to document the importance and use of the canyon to and by the interested tribes supports this view.

- **Current status of land ownership and human use of the area**

The river segment is 1.0 miles in length, entirely public lands administered by BLM. River corridor uses include livestock grazing and dispersed recreational activities such as hunting. Recreation use levels are very low. The canyon has been proposed and is currently under review for possible development of a coal haul road.

- **Uses, including the reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the river were designated into the NWSRS by Congress; and the values which could be lost or diminished if the area is not protected as part of the national system**

There are no proposals or potential for dam-building on this segment. However, the canyon has been proposed and is currently under review for possible development of a coal haul road. Failure to include Quitchupah Creek in the NWSRS would not necessarily diminish the values for which the river was determined.

- **Interest by local, state, or Federal agencies, Indian tribes, and other public entities in congressional designation or non-designation of the river; also the extent to which river administration, including costs thereof, may be shared by state and local agencies or other potential partners**

Tribal governments support wild and scenic river designation to protect cultural resource values found along the river corridor. Local and state agencies have expressed opposition due to the effect such designation could have on the proposed coal haul road.

None of the above entities would share costs or administration of the area should Congress designate it. The Forest Service did not find its portion of Quitchupah Creek eligible for inclusion in the NWSRS.

- **The estimated cost to the government of acquiring lands, interests in lands, and administering the area if the river is designated into the NWSRS by Congress**

No acquisition of private or state land is proposed. The initial costs of administration for the first three years would involve management plan preparation and implementation. Yearly administration costs thereafter could involve additional studies and monitoring.

- **The ability of BLM to manage and protect the values of the river segment as part of the NWSRS if designated by Congress, and other mechanisms to protect identified values other than through Congressional designation under the Wild and Scenic Rivers Act**

The small portion of public land along the river would make management difficult.

- **Existing rights, which may be adversely affected because of designation into the NWSRS, or other issues or concerns**

No existing rights were identified that would be affected by adding the river segment to the NWSRS.

The Wild and Scenic Rivers Act infers a Federal reserved water right upon designation. However, it does not quantify the right other than to place limitations on it. The Act states that it shall not be construed as a reservation for purposes other than those specified in the Act, or in quantities greater than necessary to accomplish these purposes. The amount of the Federal right will therefore depend upon the river's flow, the values for which the river is being protected, and the unappropriated quantities in the river. It would be adjudicated through the state and would be junior to any rights existing prior to the date of designation.

## **DECISION ON SUITABILITY**

The decision on suitable wild and scenic rivers will be a part of the Record of Decision (ROD) for the approved RMP. Following the signing of the ROD, rivers determined suitable will be managed to protect their outstandingly remarkable values, free-flowing nature and tentative classification until enacted upon by Congress or reconsidered in a future RMP. Eligible rivers not found suitable will be managed for other purposes in accordance with the new land use plan.