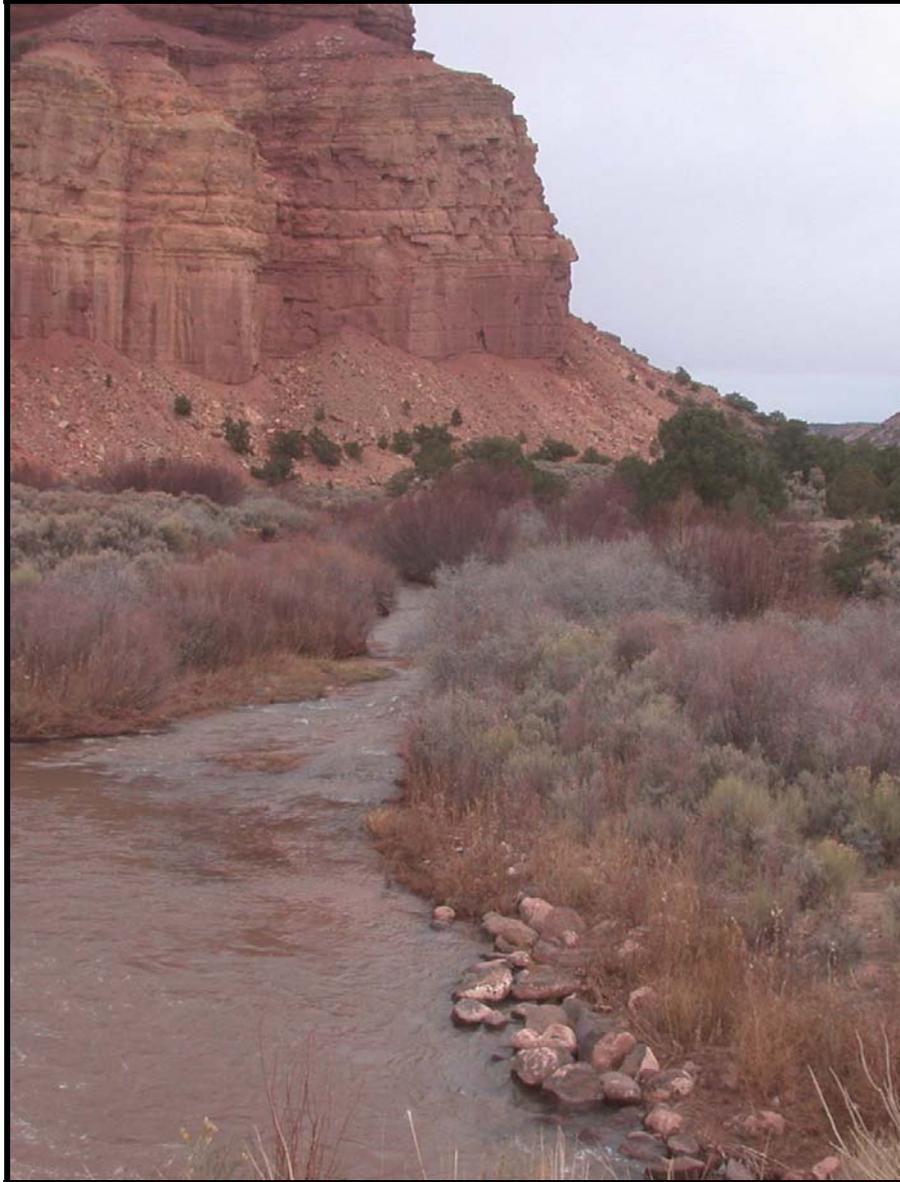


WILD AND SCENIC RIVER ELIGIBILITY AND TENTATIVE CLASSIFICATION REPORT



Fremont Gorge

**Richfield Field Office
Bureau of Land Management
March 2005**

WILD AND SCENIC RIVER ELIGIBILITY AND TENTATIVE CLASSIFICATION REPORT

On March 1, 2004, the Bureau of Land Management (BLM) released a *Wild and Scenic River Preliminary Eligibility and Tentative Classification Report for the Richfield Field Office* for 60 days of public comment. That report identified 13 river segments totaling 155.5 miles as free-flowing and possessing one or more outstandingly remarkable values (ORV), making them eligible for further consideration as suitable wild, scenic, or recreational rivers in the Richfield Resource Management Plan/Draft Environmental Impact Statement (RMP/DEIS). The eligibility determinations of two drainages and the determination of the cultural values in seven other drainages were deferred at that time.

The evaluation process began with a BLM interdisciplinary (ID) team inventorying all named drainages crossing public lands within the Richfield Field Office as depicted on the BLM 1:100,000 scale topographic maps to determine if they were (1) free-flowing¹ and (2) contained any potential outstandingly remarkable values as defined in the Wild and Scenic Rivers Act. Three hundred and four (304) drainages were identified, including multiple segments of the Fremont and Sevier rivers. Also considered were nominations for wild and scenic rivers submitted as part of scoping for the Richfield RMP and the earlier—but never completed—Henry Mountain RMP. Thirty-three (33) rivers or river segments were identified as potentially possessing one or more ORVs. The process the ID team used to evaluate the 33 rivers is documented in the *Preliminary Report*.

Following consideration of the comments on the *Preliminary Report* and other new information, including field reviews and revised policy guidance, the BLM determined that 12 river segments totaling 135 miles have one or more ORVs and are eligible for further consideration in the RMP. Table 1 lists the eligible rivers, along with their ORVs. In addition, all river segments and ORVs deferred in the preliminary report are now resolved.

This document tracks the changes between the preliminary report and this report. There is considerable information about the evaluation process in the preliminary report that is not repeated here. Copies of the *Wild and Scenic River Preliminary Eligibility and Tentative Classification Report for the Richfield Field Office* are available online at www.richfieldrmp.com or from the BLM.

Table 1. Wild and Scenic River Eligibility and Classification

River or River Segment	Outstandingly Remarkable Value(s)	Tentative Classification	BLM Miles	Total Miles ²
Dirty Devil Complex:				
Dirty Devil River	Scenic, recreation, geologic, fish, and wildlife and cultural	Wild	54	57
Beaver Wash Canyon	Scenic and ecological	Wild	6.8	6.9
Larry Canyon	Scenic, recreation, and wildlife and ecological	Wild	4	4
No Mans Canyon	Scenic, recreation, cultural	Wild	7.1	7.1

¹ "Free-flowing"...means existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modifications of the waterway. The existence, however, of low dams, diversion works, or other minor structures at the time any river is proposed for inclusion in the national wild and scenic river system shall not bar its consideration for such inclusion.

² Includes BLM, state and private river miles.

Robbers Roost Canyon	Scenic, recreation, historic, and cultural	Wild	31	33
Sams Mesa Box Canyon	Scenic and wildlife	Wild	9.5	9.5
Twin Corral Box Canyon	Scenic and wildlife	Wild	9	10
Fish Creek	Cultural	Scenic	.25	.25
Fremont River:				
Fremont Gorge	Scenic	Wild	3	6
Capitol Reef NP to Caineville Diversion	Scenic and geologic	Recreational	4	6
Maidenwater Creek	Scenic, recreation, geologic, fish, and wildlife and ecological	Scenic	3	4
Quitcupah Creek	Cultural	Recreational	1.4	1.4
Total			133.05	145.5

COMMENTS ON PRELIMINARY REPORT

Seventy-six comments were received on the preliminary report, categorized as follows:

- **Cooperators:** Comments were received from Emery, Garfield, Sevier, and Wayne counties; Governor's Office of Planning and Budget; State Institutional Trust Lands Administration; and the National Park Service (Capitol Reef National Park).
- **Groups:** Four groups commented: Coloradans for Utah Wilderness, Great Old Broads for Wilderness, Southern Utah Wilderness Alliance (SUWA), and Utah Rivers Council (URC).
- **Individuals:** 63 individuals commented, including guidebook author Steve Allen, geomorphologist John Dohrenwend, and George and Frances Alderson, a couple from Maryland who specifically traveled to Utah to explore and comment on rivers mentioned in the preliminary report.
- **BLM:** Two Richfield Field Office (field office) employees provided comments on the preliminary report. Several others reviewed the submitted comments and helped develop the BLM position, reflected in the discussion and determinations shown below.

Copies of the comments are available for review at the field office.

Other New Information

- On June 21, 2004, the Director of the National Landscape Conservation System issued an Instruction Memorandum (IM-2004-196, attached) clarifying BLM's policy with respect to the eligibility criteria for potential wild and scenic rivers and protective management of identified segments. The IM addressed ephemeral drainages and other issues, including the requirement for outstandingly remarkable values to be river-related. It advised caution in applying the free-flowing criteria to water courses that flow only during flash floods or other circumstances caused by unpredictable events and stated that eligible segments should generally not be ephemeral.
- Following the release of the preliminary report, BLM staff and cooperators field-checked several potentially eligible river segments. Results of those field visits are reflected in this final report.

- BLM management accepted the field office archeologist's recommendations for cultural ORVs. These values had been "deferred" in the *Preliminary Report* over concern they did not rise to the level of being regionally significant.

EVALUATION OF NEW INFORMATION AND ELIGIBILITY DETERMINATION

Note: If no new information was received during the comment period regarding a previously considered river, it is not shown below but is carried forward with no change from the *Preliminary Report*. As part of their comments, the Southern Utah Wilderness Alliance (SUWA) included a list of drainages they wanted reconsidered as eligible. However, they provided no supporting information by which to evaluate their nominations; hence, eligibility findings regarding those drainages were not reconsidered unless specific comments were provided by others.

Big Hollow

- **Preliminary report recommendation:** Deferred (ephemeral).
- **New Information:** IM-2004-196 and statement from BLM Natural Resource Specialist Doug Thurman, "There is only ephemeral flow in this hollow."
- **Discussion:** The interdisciplinary team identified Big Hollow on Parker Mountain as a potentially eligible wild and scenic river because of its importance as a raptor migratory route and foraging and nesting area; however, it was deferred because it is an ephemeral drainage.
- **Determination:** Not eligible because it is ephemeral, per IM-2004-196.

Bullfrog Creek and North Fork Bullfrog Creek (including Muley Creek)

- **Preliminary Report Recommendation:** Both creeks were nominated for scenic, recreation, geologic, cultural and ecological ORVs but found not eligible.
- **New Information:** John Dohrenwend: "In its lower reaches Bullfrog Creek has carved a narrow canyon nearly 1000 feet deep into surrounding high plateaus. This canyon is overlooked by the Stratton Road (part of the Burr Trail) that affords continuous opportunities to view and enjoy the heart of the plateau. I would rank this road as one of the most breathtaking (yet easily accessible) touring opportunities in the United States. From a geologic perspective it is difficult to name an area having better examples of the landforms that distinguish the canyon country of the [Colorado] Plateau... In summary I find the assessment of 'not eligible, no outstanding value' to be completely unsupportable."
- **Discussion:** The landforms discussed are not part of the Bullfrog Creek drainage nor were they formed by the same. The road is well away from the drainage and has nothing to do with it. The Bullfrog Creek Canyon is narrow and deep, but this is not rare within the region. Although the Stratton Road overlooks Bullfrog Creek in places, the recreational activity is not within the river corridor and it is not river related. Very little recreational activity takes place within the canyon itself, other than some hiking activity originating within Glen Canyon NRA and possibly extending onto the BLM portions of the canyon. Bullfrog Canyon and Upper Muley/Bullfrog were both given Class B Scenery ratings as part of the VRM Inventory.
- **Final Decision:** Not eligible. No values were determined to be outstandingly remarkable.

Dirty Devil Complex

Dirty Devil River

- **Preliminary report recommendation:** Eligible for scenic, recreation, geologic, and fish and wildlife values.
- **New Information:** More comments were received about the Dirty Devil River and its tributaries than all other rivers within the field office boundary combined. Emery, Wayne, and Garfield counties questioned the determination of several “outstandingly remarkable values” notably scenery and recreation. Garfield County stated “Scenery in the drainage was similar to cliffs and rock stands throughout the area”; Emery County wrote, “Considering the region of comparison is the Colorado Plateau, neither contrast of sandstones nor vegetative diversity are unique or outstandingly remarkable”; and Wayne County stated that it “does not agree that the Dirty Devil Complex meets the standard for scenic ORVs.” However, people who had visited the canyon wrote about it in glowing terms. John Cedarquist stated, “This resource is an amazing one, offering very unique opportunities for scenic value, personal reflection, healthy physical activities, challenge, and connection with very rare cultural values.” Curtis Anderson said, “The Dirty Devil offers outstanding beauty and wilderness. The geology is magnificent.” These comments were typical of those who support the eligibility determination. BLM staff from the state and field offices hiked the Dirty Devil and several of its side canyons in April, 2004 and agreed with the interdisciplinary team that the river has many ORVs.
- **Discussion:** No evidence was brought forth that convinced us to change our determinations from the preliminary eligibility report. The interdisciplinary team continues to believe that this river is outstandingly remarkable for all of the values identified, even when compared with other rivers within the Colorado Plateau. With its multiple ORVs, it is clear the Dirty Devil far exceeds the standard for eligibility, which requires only one of these values to be present.
- **Determination:** Eligible for scenic, recreation, geologic, fish and wildlife, and cultural outstandingly remarkable values.

Beaver Wash Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and ecological ORVs.
- **New Information:** George and Frances Alderson said, “We visited this river May 10. We believe the wildlife values of Beaver Wash should be considered ‘outstanding’ in your study, reflecting the presence of beaver, bighorn sheep, and Mallard ducks...” In the arid Colorado Plateau, a breeding population of Mallards is unusual. BLM Natural Resource Specialist Doug Thurman stated, “I checked color infrared air photos which clearly show riparian vegetation the entire length of the canyon.”
- **Discussion:** The values mentioned by the Aldersons are best addressed by the ecological ORV.
- **Determination:** Eligible for scenic and ecological outstandingly remarkable values.

Buck and Pasture Canyons

- **Preliminary Report Recommendation:** Not Eligible.

- **New Information:** Steve Allen said, “The BLM flat missed the boat with not recommending these canyons for Wild and Scenic designation. With the comment that there are outstanding values, it becomes apparent the BLM personnel either never walked the canyons or did so with blinders on...” Allen comments support scenic, ecological, and recreation ORVs.
- **Discussion:** These canyons are ephemeral drainages.
- **Determination:** Not eligible because they are ephemeral, per IM-2004-196.

Fiddler Cove Canyon

- **Preliminary Report Recommendation:** Deferred (ephemeral).
- **Discussion:** The interdisciplinary team identified multiple ORVs: scenic, geologic, wildlife, cultural, and ecological. However it is an ephemeral drainage.
- **Determination:** Not eligible because it is ephemeral, per IM-2004-196.

Happy Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and recreation ORVs.
- **New Information:** Doug Thurman, BLM Natural Resource Specialist noted “...flows are ephemeral in this canyon. There may be a few small seeps but in no way is the flow intermittent. I have talked with a member of our staff who has been up Happy Canyon several miles from the bottom and saw no evidence of riparian vegetation or intermittent flow. I have studied our color and color infrared aerial photographs, which show a very dry canyon with no riparian vegetation.”
- **Discussion:** Happy Canyon is ephemeral.
- **Determination:** Not eligible because it is ephemeral, per IM-2004-196.

Hatch Canyon

- **Preliminary Report Recommendation:** Not eligible.
- **New Information:** Steve Allen said, “The BLM write-up reminds me of a famous quote, ‘if you’ve seen one redwood tree, you’ve seen them all.... This canyon is part of the famous and oft-used ‘Outlaw Trail’.... Zane Grey wrote about the area in his novel, *Robbers Roost*, as did Louie L’Amour in...*Sunset Pass*. One reason to designate this canyon as Wild and Scenic is to truncate illegal off-road vehicle use.... ... there are only a couple of other canyons that the bighorn frequent in this area.... With such a small area being used by bighorn ... I would think that any canyon and water source they use or could use would be critical.”
- **Discussion:** In response to Mr. Allen’s comments, BLM specialists wrote, “...when looking at this as regionally significant or outstanding, we have better. There is very little variation or rarity. It is not biologically diverse.” The off-road vehicle use is a compliance issue rather than a designation issue as the area is already part of a wilderness study area.
- **Determination:** Not eligible. No values were determined to be outstandingly remarkable.

Larry Canyon

- **Preliminary Report Recommendation:** Eligible for scenic, recreation, wildlife, and ecological ORVs.
- **New Information:** Steve Allen said, “BLM did an excellent evaluation of Larry Canyon.”
- **Discussion:** Thanks, Steve.
- **Determination:** Eligible for scenic, recreation, wildlife, and ecological outstandingly remarkable values.

No Mans Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and recreation ORVs; deferred cultural ORV.
- **New Information:** Steve Allen said, “A constructed stock trail dating back to the early days takes one out of the canyon and to Robbers Roost country.”
- **Discussion:** The new information supports the preliminary eligibility determination.
- **Determination:** Eligible for scenic, recreation, and cultural outstandingly remarkable values.

Robbers Roost Canyon

- **Preliminary Report Recommendation:** Eligible for scenic, recreation, and historic ORVs; deferred cultural ORV.
- **New Information:** Steve Allen stated, “Over the past 10 years canyoneers have come to recognize that the upper ends of each of the Robbers Roost tributaries contain superb opportunities for technical slot canyoneering...”
- **Discussion:** The new information supports the preliminary eligibility determination. The cultural value is no longer "deferred" and is accepted.
- **Determination:** Eligible for scenic, recreation, historic, and cultural outstandingly remarkable values.

Sams Mesa Box Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and wildlife ORVs.
- **New Information:** Steve Allen said, “High walls, a variety of sandstones and formations, and an intermingling of colors from the brown/red/purple/grays of the Chinle to the sweep of the Wingate make this canyon a textbook example of the formations that make up the Glen Canyon group....”
- **Discussion:** BLM’s geologist responded, “The Chinle and Wingate are by no means rare in the region nor are the Navajo Sandstone and Kayenta formations.”
- **Determination:** Eligible for scenic and wildlife outstandingly remarkable values.

Twin Corral Box Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and wildlife ORVs.
- **New Information:** Steve Allen: "...the upper part of the canyon, which forms a deep, narrow slot or defile is now a popular goal for canyoneers. It has been written up in at least one BLM guidebook and on several Web sites."
- **Discussion:** Although some recreation activity is taking place, it is low in comparison to other locations in the area, or even other canyons in the upper part of the Dirty Devil drainage. Access is difficult and mostly of a technical nature.
- **Determination:** Eligible for scenic and wildlife outstandingly remarkable values.

Fish Creek

- **Preliminary Report Recommendation:** Deferred for cultural ORV.
- **Discussion:** The cultural values are no longer "deferred" and are now accepted as outstandingly remarkable.
- **Determination:** Eligible for cultural outstandingly remarkable values.

Fremont River segments

Below Mill Meadow Dam

- **Preliminary Report Recommendation:** Eligible for recreation and fish and wildlife ORVs.
- **Discussion:** Comments reflected that this segment below the Mill Meadow Dam is all but dewatered from October through May each year and again for a 2-week period each summer, thus not meeting the definition of "free-flowing"—that is, flowing in natural condition.
- **Determination:** Not eligible (not free-flowing).

Fremont Narrows

- **Preliminary Report Recommendation:** Not eligible.
- **New Information:** BLM Hydrologist Phil Zieg noted that the channel in this segment has been restored and rehabilitated—including gabions, potholes, and protective fencing—and that it provides substantial wildlife and waterfowl habitat. However, irrigation practices completely dewater the segment during June, July, and August each year.
- **Discussion:** Because the stream course has been significantly modified and the stream is dewatered annually for upstream irrigation, this segment does not meet the definition of "free-flowing"—that is, flowing in natural condition.
- **Determination:** Not eligible (not free-flowing).

Fremont Gorge

- **Preliminary Report Recommendation:** Eligible scenic and fish and wildlife ORVs.

- **New Information:** Wayne County disagreed that this segment was any more outstandingly remarkable than numerous similar landscape through the Colorado Plateau and that the fish and wildlife ORV should not be based on “potential habitat.” The National Park Service (NPS) noted that geology was not identified as an ORV and stated, “We disagree with the latter assessment. First, it is the exposed geology that creates the scenic appeal of the gorge. Second, the Permian and Triassic layers exposed in the gorge span nearly 100 million years of geologic time. And third, the Cutler Formation and Kaibab Limestone that are exposed in the gorge are relatively rare in the region...” The Aldersons said, “We visited this river on May 11 and we agree with BLM’s conclusion that it has outstanding...values. It forms a corridor contiguous to Capitol Reef National Park and is a valuable route for recreational hiking between the park and Route 12 near Torrey.”
- **Discussion:** The BLM inventoried the Fremont Gorge as Class A Scenery, so we stand by the scenic ORV. “Potential” habitat appears insufficient to stand as ORV, so that is dropped. A BLM geologist disagrees with NPS that the geology in the Fremont Gorge is an ORV, stating, “In terms of geologic time, 100 million years is not a long time and many canyons within the region will span as much or more time. BLM also disagrees that Permian Cutler Group rocks crop out extensively just to the southeast of the field office and by no stretch of the imagination are the Kaibab Formation and Cutler Group rare. They may form less than 1 percent of the exposed rocks in the field office, but they are found in the subsurface throughout the region.”
- **Determination:** Eligible for scenic—but not geologic or fish and wildlife--outstandingly remarkable values.

Below Capitol Reef NP to Caineville Ditch Diversion

- **Preliminary Report Recommendation:** Not eligible.
- **New Information:** Wayne County agrees with the preliminary determination that this stream segment is not eligible. The NPS commented that it disagreed with the determination that scenic and recreational values were not outstanding: “A significant length of this river segment parallels Utah 24, the main east-west route through the county and the access route to Capitol Reef National Park by visitors traveling from the east. The Class A scenery that is viewed by travelers on this route is notable, scarce, and exemplary simply by virtue of its free-flowing and perennial character. Similar opportunities are 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...To say that this segment of river attracts little recreational use imposes a narrow and inaccurate definition of what the public perceives as recreation...” NPS also took exception to the statement in the *Preliminary Report* that the Flannelmouth sucker, bluehead sucker, and speckled [dace]—all candidate threatened and endangered species—are prevalent throughout the Western United States. Said NPS, “...if they’re threatened and endangered here, they aren’t likely to be prevalent anywhere. Therefore, the analysis that the fish and wildlife values are not outstanding needs revision.” Geomorphologist Dr. John Dohrenwend wrote, “Geomorphologically speaking, the canyon of the Fremont River between Capitol Reef National Park and Caineville Mesas is one of the most unusual canyons on the Colorado Plateau, indeed one of the most unusual canyons in all of North America. Along this entire reach, the canyon is constrained between high, multiple terraces that are capped by thick boulder gravels of early to middle Pleistocene age ... what is unusual ... about these terraces is that they cap the highest land (ridges, buttes, and mesas) between Capitol Reef National Park and the Caineville mesas. That is to say, the high mesas and ridges of this area were not so long ago the lowest valley bottom in this rapidly evolving landscape. In geomorphological parlance, this situation is termed an absolute topographic inversion, and such extreme examples of this situation are very

rare.... Moreover, the scenery in this region is rated as Class A. Much of the canyon is cut into the highly photogenic Brushy Basin member of the Morrison formation and numerous examples of large balanced rocks are perched along the canyon walls. For these reasons, it is clear that this reach of the Fremont River should be classified as highly scenic and unusual.”

- **Discussion:** In response to the Park Service comments, BLM specialists replied, “We acknowledge that the scenery along this reach is Class A; however, we respectfully disagree with the Park Service that it is notable, scarce, or exemplary in the region. Traveling Highway 24 to and from Capitol Reef National Park is not a river-related recreational activity. These visitors are not being drawn by the river but simply traveling through to other destinations (notably Capitol Reef National Park itself).” The statement that the listed fish species are “prevalent throughout the West” [Western United States] was documented in a conversation between BLM’s wildlife biologist and a U.S. Fish and Wildlife Service fisheries biologist. The BLM geologist did not respond to Dr. Dohrenwend’s comments. Given the disparity in professional opinion and in the interest of continuing the dialogue, BLM acknowledges that the scenery—which is inventoried as Class A—and the geology meet the criteria for outstandingly remarkable.
- **Determination:** Eligible for scenic and geologic outstandingly remarkable values.

Horseshoe Canyon

- **Preliminary Report Recommendation:** Eligible for scenic and geologic ORVs.
- **New Information:** Wayne County “disagrees that this area is any more outstandingly remarkable than numerous similar landscapes found throughout the [Colorado] Plateau.” In regard to geologic ORV, Wayne County is “unconvinced that the length of the canyon...elevates the canyon to ORV status.” Regarding BLM’s claim in the *Preliminary Report* that Horseshoe Canyon is the “...longest and most extensive side canyon of the Green River,” Dr. Dohrenwend wrote, “Actually this is not a correct statement. Many tributaries of the Green River are much longer and much more extensive. This statement only applies to those tributaries within the Richfield District.” BLM Natural Resource Specialist Doug Thurman wrote, “I know there is some intermittent flow in Horseshoe Canyon, but that is within the National Park... I know of no intermittent or perennial flow in this canyon outside the Park unless there is some in the very lower end in Emery County... I have personally walked several miles of the dry canyon bottom and saw no riparian vegetation along the canyon bottom. I also talked with a staff member who has been in other part of the canyon and he says it has only ephemeral flow. I have studied the recent color and color infrared aerial photographs and they do not show evidence of riparian vegetation except at the heads of some canyons where there are springs and seeps. These springs and seeps do not flow down the canyon.” (The aerial photos were included as part of the comments.)
- **Discussion:** The stream is ephemeral.
- **Determination:** Not eligible because it is ephemeral, per IM-2004-196.

Maidenwater Creek

- **Preliminary Report Recommendation:** Eligible for scenic, recreation, geologic, fish and wildlife and cultural ORVs.
- **New Information:** Garfield County disagreed with the preliminary eligibility finding, noting that the vegetation (hanging gardens) is not dependent on a “river” but on a water source that is

several feet above the canyon floor. Garfield County concluded, “Maidenwater Canyon was completely dry and appeared to be totally dependent on irregular precipitation events, failed to demonstrate outstandingly remarkable values, and failed to demonstrate any more than locally significant value....”

- **Discussion:** Of the side canyons along State Hwy 276, Maidenwater is the most visited by recreationists and used by several commercial permittees. It is not unusual to frequently see vehicles parked at the trailhead for this canyon in both spring and fall. Although the upper drainage was dry during the drought, most years there is water in both the upper and lower sections and the stream is considered intermittent. The water flow is dependable enough that ID team members have observed fish in the lower part of the canyon for over a decade. It is within an area inventoried as Class A Scenery. Maidenwater was one of few creeks that the ID team unanimously supported as “outstandingly remarkable.”
- **Determination:** Eligible for scenic, recreation, geologic, fish and wildlife and cultural outstandingly remarkable values.

Muddy Creek

- **Preliminary Report Recommendation:** Not eligible.
- **New Information:** Several commenters, including the Utah Rivers Council, provided information purportedly supporting outstandingly remarkable values of Muddy Creek. However, in conversations and e-mail exchanges, it became clear that all were referencing portions of Muddy Creek in the San Rafael Swell upstream from the portion being considered by the field office.
- **Discussion:** Try as we might, we uncovered no new information supporting any outstandingly remarkable value along the Muddy Creek segment within the field office
- **Determination:** Not eligible.

North Wash

- **Preliminary Report Recommendation:** Listed but not nominated as eligible.
- **New information:** Steve Allen: “This is an incredible opportunity for the BLM to bring more attention to a great canyon to the many thousands of visitors who drive through the canyon every year... this canyon really does have it all. It could be a BLM poster child for a new type of Recreational River that is not just available to river runners.” Nominated for recreation, cultural, historic, and geologic values.
- **Discussion:** Although North Wash has not been dammed or impounded, the section along Hwy 24 has been straightened and riprapped and heavily manipulated to accommodate a major highway. Blasting of sidewalls occurred in many places, and the canyon does not exist in its natural conditions. Given this, it does not meet the definition of “free-flowing” and cannot be considered eligible as a wild and scenic river.
- **Determination:** Not eligible.

Pine Creek

- **Preliminary Report Recommendation:** Eligible for fish and wildlife (Colorado cutthroat trout) and ecological (relict vegetation) ORVs.
- **New Information:** BLM and Forest Service specialists and state and county cooperators field hiked portions of Pine Creek in June 2004. Observations did not support the earlier determination of either ecological (relict vegetation) or fish (Colorado cutthroat) outstandingly remarkable values. The stream banks have been logged in the past and grazed recently, belying the claim of relict vegetation, and there were no indications of fish of any kind.
- **Discussion:** Although certainly a scenic and pleasant creek, none of Pine Creek's values rose to the level of outstandingly remarkable.
- **Determination:** Not eligible.

Pleasant Creek

- **Preliminary Report Recommendation:** Deferred (cultural ORV).
- **New Information:** The portion of Pleasant Creek considered in the *Preliminary Report* constitutes 1.4 miles immediately downstream from Capitol Reef National Park. The National Park Service had determined the segment of Pleasant Creek within the Park was eligible as a wild and scenic river, and in the *Preliminary Report* the BLM presumed its section was similar in character to the Park's section. However, recent discussions with the Park Service revealed that the entire flow of the creek is seasonally diverted into an irrigation ditch that predates the Park and serves private land, leaving the BLM portion bone dry throughout the summer.
- **Discussion:** Since the BLM section of Pleasant Creek is dewatered by a man-made diversion, it does not meet the definition of free-flowing and cannot be considered eligible.
- **Determination:** Not eligible.

Poison Springs Canyon

- **Preliminary Report Recommendation:** Listed but not nominated as eligible.
- **New Information:** Nominated for cultural, historic, geologic, ecological and recreation values by Steve Allen: "Cultural: This canyon has a host of rock art panels, with at least one dating from the Desert Culture era. Fremont Indians left behind extensive rock panels, cave sites, lithic scatters, and other evidence of their passage. I do not know if an archaeological survey of this canyon has been done. Historic: Poison Spring Canyon, along with nearby Hatch Canyon, was part of the famous and historic "Outlaw Trail" that cut across the Dirty Devil River and was in use from the 1870s to early 1900s. Cowboys use the canyon for grazing and for water and several constructed stock trails across the canyon...Cowboys over the years have left their inscriptions in many places along the canyon walls... Geologic: At Hwy 95 Poison Spring Canyon starts its slow descent to the Dirty Devil River [and] at one point is in the Carmel Formation with occasional Entrada Sandstone exposures. As the creek descends, it goes through the Carmel, Navajo, Kayenta, Wingate, Moenkopi, and enters the Chinle formation as the river. These formations and sandstones provide a colorful backdrop to the small stream and attendant riparian area that is found throughout the canyon. Ecological: Green. Green. Green. This well watered canyon hosts a large variety of trees, shrubs. A healthy riparian area runs through most of the canyon,

attracting everything from mammals such as deer coyotes and ringtail cats (in Adobe Swale) to a large variety of bird life. Recreation: The BLM is aware of the high (for this area) numbers of people going down Poison Spring Canyon. Most are there for day trips and, from my experience, they tend to just poke around looking for rock art, picnicking by the stream, or otherwise simply driving down the canyon and viewing scenery from their vehicles. The more adventurous go as close to the Dirty Devil as their vehicles allow and then hike up Happy Canyon and its superlative narrows... Hikers visit the several large side canyons...it seems there are always footprints in these canyons.

- **Discussion:** The ID team discussed this canyon at length and although it is interesting, it is not eligible for two reasons: (1) Only a small portion of the canyon has reliable water flow and the upper and lower portions of the canyon ephemeral and (2) the road down the canyon is in the streambed for large sections and crosses the wash numerous times in areas where it is out of the streambed. The road does not parallel the streambed or only cross it occasionally. The road *is* the streambed. This seems inconsistent with wild and scenic river values. Also, the geological values are not outstandingly remarkable because there are many canyons within the region where down cutting has exposed several formations. The exposures in Poison Springs Canyon are not rare for the region nor are they particularly outstanding from a geological standpoint.
- **Decision:** Not eligible, due to road in the drainage and much of the drainage being ephemeral.

Quitcupah Creek

- **Preliminary Report Recommendation:** Deferred (cultural)
- **New Information:** Sevier County: “We strongly believe this small creek should not receive any further consideration as a Wild and Scenic River for several reasons. This small waterway also has several developments near it including a county road, electricity power line, fencing and a ranching operation. Other than a very small amount of winter snow runoff, the water in this creek is pumped from an underground coalmine operation, thus making it a man-made waterway... There is existing water diversions for irrigation and other man-made structures... ..there is virtually no way this creek will ever meet the eligibility and suitability standards. We feel this proposal was nominated solely to delay a proposed road project and try to discourage the applicants of that road project. If we are right, this is a gross misuse of the process.” Emery County: “Cultural values as described are not directly attributable nor exclusively dependent upon existence of the creek and therefore do not make the segment eligible for wild and scenic river designation. Emery County does not think this segment qualifies as eligible.”
- **Discussion:** Most of the counties’ concerns are “suitability” rather than “eligibility” issues. Regarding Emery County’s comments on cultural resources, BLM’s archaeologist responded: “That people are dependent on water for their existence is an obvious and oft demonstrated keystone of the human experience. To imply that such is not true for Quitcupah is an unfounded and groundless position. Were there no water in Quitcupah, the cultural values would undoubtedly not be present.” There is probably no other stream within the field office boundary where the evidence for cultural and American Indian values is stronger than Quitcupah Creek.
- **Determination:** Eligible for cultural ORV.

Salt Wash

- **Preliminary Report Recommendation:** Nominated for scenic, recreation, fish and wildlife and geologic ORVs; found not eligible.

- **New Information:** Nominated it for geologic values by John Dohrenwend: "The valley of Salt Wash is a classic example of a curvilinear strike valley; and this particular example wraps around the southern margin of an even more classic and unusual doubly plunging anticline (locally and internationally known as the San Rafael Swell - unquestionably the most scenic and spectacular structural dome in the United States). The upstream two-thirds of this valley is floored in Entrada Formation, flanked on the north by the a classic dip slope formed on strata of the Carmel Formation, and flanked on the south by cliffs and scarp slopes of the Entrada, Curtis and Summerville formations. This part of the valley is transversely cut by several NW-SE trending igneous dikes of probable late Tertiary age. These dikes are closely related to similar features (located just east of Cathedral Valley) that have been dated at about 4 [million years] and in addition to being highly photogenic, they are geologically important because they establish the extremely young erosional age of the entire region. The downstream third of the Salt Wash valley is closely confined between (dare I say, classic examples of?) the continuous hogbacks that mark the transition between the San Rafael Swell and Caineville Reef. And by the way, the Salt Wash valley is one of the few locations where large subsequent drainage ways have developed along either structure.
- **Discussion:** None of the features alluded to are river related or within one quarter mile of the ordinary high water mark on either side of the drainage on the upstream two-thirds of the valley and this segment may be ephemeral as well. The hogbacks on the downstream portion are not river related and subsequent drainage ways along the Caineville Reef and San Rafael Swell are not rare. The majority of the landscape that is mentioned in the new information is well outside the wild and scenic corridor and once in the wash bottom, visitors cannot see these landmarks.
- **Final Decision:** Not eligible, based on evaluation in *Preliminary Report* and consideration of new information regarding geology.

Trachyte Creek

- **Preliminary Report Recommendation:** Listed but not nominated for eligibility.
- **New Information:** Nominated for ecological, recreation, cultural, historic and geologic outstandingly remarkable values by Steve Allen: "Trachyte Creek is both beauty and history. Starting high on the flanks of Mount Pennell in the Henry Mountains several small creeks...join near Farmers Knob to become Trachyte Creek. Over its ten mile run Trachyte Creek wanders through a beautiful Navajo-walled canyon on its way to Lake Powell. Trachyte is one of the few creeks that actually have a flow all year around on all but the driest years. Because of this, a healthy riparian area has started to develop... Trachyte is slowly becoming a destination for recreationists... Trachyte was an old Fremont Indian route that took them from the Henry Mountains into Glen Canyon... The Indian route was slowly turned into a wagon route by the first non-Indian settlers in the 1870s... This canyon is primarily in Navajo Sandstone... Trachyte is one of the most historically significant creeks in this part of southern Utah."
- **Discussion:** There is no record of any cultural resource inventories or recorded archaeological sites anywhere along Trachyte Creek. Neither the BLM nor the State of Utah has any record of a historic wagon route in Trachyte. Both prehistoric and historic transportation routes leave some kind of evidence. We know of none. From the standpoint of geology, Navajo-walled canyons are neither rare nor distinctive in this region. Trachyte Creek is not free flowing in the upper section and can be totally dewatered by diversion for private property. Flow would be intermittent at best. The new information states that Trachyte is slowly becoming a destination for recreationists. This statement could be made for almost any canyon on the Colorado Plateau. BLM gets very few inquiries regarding Trachyte Creek. The majority of the use in Trachyte is as a connecting

route for loop hikes taking place in the side canyons, primarily Maidenwater Canyon and Swett Creek.

- **Decision:** Not eligible. Values identified are not outstandingly remarkable.

Woodruff Canyon (Little Rockies, tributary of Trachyte Creek)

- **Preliminary Report Recommendation:** Not identified in *Preliminary Report*.
- **New Information:** Nominated for ecological, recreation, and cultural values by Steve Allen: "Woodruff Canyon is a forgotten masterpiece. Tucked into a non-descript corner of the Little Rockies area, the canyon deserves attention for its future potential as a prolifically watered canyon that supports a vibrant riparian habitat throughout its length... Ecological: ...access to cattle has now been limited [and] because of this, an abundant riparian habitat has developed throughout much of the canyon... Recreation: This is a canyon that is waiting to be discovered. A gorgeous canyon with good water is not a common find in canyon country. One that is truly lush is also rare... This area, with its big view and great camping will become popular... Cultural: ...With many Fremont and Desert Culture sites in nearby Trachyte Creek and Swett Canyon, it is most likely that this well-watered canyon was also inhabited by the ancients...[The canyon] was used by ranchers, most likely starting in the 1880s when Woodruff started mining in the Henry Mountains at the head of Woodruff Canyon..."
- **Discussion:** There is no record of any cultural resource inventories or archaeological sites in Woodruff Canyon. While habitation here may be likely, but there is no record of any at this time. The ranchers have used almost every side canyon in this area and had early ranching headquartered at many of the springs on the south side of Mt Hillers (Starr Spring, along Copper Creek, etc). Woodruff is no different than many other areas in this respect. Access for cattle has not been limited except possibly below Hwy 276 by natural obstacles, i.e. choke stones, flash flood activity. These natural obstacles can change again through time, opening the area back up. Depending on the water year, Woodruff can be completely dry below Hwy 276 except in pools where some water may remain year around. The statement "This is a canyon that is waiting to be discovered" may or may not prove to be true. Currently it is not receiving much use due to obstacles and technical aspects in the lower section. BLM gets few inquiries about hiking this canyon.
- **Decision:** Not eligible. Values identified are not outstandingly remarkable.

Classification

The Wild and Scenic River Act identifies three classes of rivers:

- **Wild Rivers:** Rivers or river sections free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.
- **Scenic Rivers:** Rivers or river sections free of impoundments with watersheds still largely primitive and shorelines largely undeveloped but accessible in place by roads.
- **Recreational Rivers:** Rivers or river sections readily accessible by road or railroad that may have some development along their shorelines and that may have undergone some impoundment or diversion in the past.

Each of the 12 eligible river segments was assigned a tentative classification based on the amount of development in the river corridor (see Table 1). Congress can change the classifications if and when it adds these rivers to the national system.

COORDINATION WITH OTHER GOVERNMENTS AND AGENCIES

The State of Utah and Garfield, Piute, Sanpete, Sevier, and Wayne counties are all formal cooperating agencies with the BLM in developing the Richfield Resource Management Plan. Emery County, which is a cooperating agency with the Price Field Office, shares a long, common boundary with the Richfield Office and occasionally shares its views regarding cross-boundary issues. In addition, the Richfield Field Office is coordinating its wild and scenic river review with the BLM Price Field Office, the Dixie, Fishlake and Manti-LaSal national forests, and the National Park Service. During scoping, the planning team traveled to the headquarters of the Hopi, Paiute, and Ute tribes and briefed their representatives on the RMP process. This legislation addresses both eligibility and suitability concerns.

State Position

The State of Utah position on wild and scenic rivers is reflected in the Utah Code Section 63-38d-401, adopted in 2004:

- ...The state's support for the addition of a river segment to the National Wild and Scenic Rivers System...will be withheld until—
- It is clearly demonstrated that water is present and flowing at all times.
- It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state and that the rationale and justification for the conclusions are disclosed.
- The effects of the addition upon local and state economies, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to an across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agencies.
- The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed.
- The conclusions of all studies related to potential additions to the National Wild and Scenic River System...are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress.

County Coordination

The BLM has identified preliminary eligible wild and scenic rivers in Garfield, Sevier, and Wayne counties but none in Piute or Sanpete counties (see Table 3 Evaluation of Outstandingly Remarkable Values in the Draft Wild and Scenic Rivers Report). BLM representatives have discussed the wild and scenic river process with all five county commissions. Garfield and Wayne counties include the following language regarding wild and scenic rivers in their county general plans:

- **Garfield County:** “Garfield County will, if it deems appropriate, comment on and may develop and submit proposals for Wild and Scenic River designations to the appropriate Federal land management agencies.” Garfield County also submitted comments on the preliminary evaluation report, which are addressed in the new information section, above.
- **Wayne County:** “We feel that Wayne County does not have any rivers or streams that qualify for Wild and Scenic River designation. We feel this designation is too restrictive and would interfere with water rights upstream. We do not feel the Fremont River meets the criteria as a Wild and Scenic River because the eastern portion of the river, where it joins the Dirty Devil, has been dry in some summer months.” Wayne County also submitted comments on the preliminary evaluation report, which are addressed in the new information section, above. Other county plans are silent on wild and scenic rivers. Cooperation with the counties will continue. Emery County submitted comments on specific river segments, which are addressed above under new information.

Price Field Office Coordination

The Price and Richfield field offices share management of three river corridors nominated as wild and scenic rivers:

- **Horseshoe Canyon:** The Price Field Office determined its section of Horseshoe Canyon was tentatively eligible as a wild and scenic river; the Richfield Field Office determined its segment was not. (The Park Service also shares management of this drainage. See below.)
- **Quitcupah Creek:** The Richfield Field Office determined its segment of Quitcupah Creek tentatively eligible; the Price Field Office determined its segment not eligible. The two segments are separated by several miles of private land.
- **Muddy River:** The Price Field Office determined its segment eligible; the Richfield Field Office found no ORVs in its segment. The character of the river changes dramatically between the two field offices.

Forest Service Coordination

- **Dixie and Fishlake National Forests:** Richfield BLM shares many miles of common boundary with the Dixie and Fishlake national forests. The Dixie and Fishlake are currently revising their forest plans. As part of that effort, they are conducting a wild and scenic river evaluation.
- **Manti-LaSal National Forest:** Richfield BLM and the Manti-LaSal National Forest share common boundaries in parts of Sanpete County. However, neither agency identified segments of eligible (or potentially eligible) rivers crossing that boundary.

Park Service Coordination

As part of its Nationwide Rivers Inventory (NRI), the National Park Service identified free-flowing rivers in Utah with one or more outstandingly remarkable values. NRI rivers in the vicinity of the Richfield Field Office are as follows:

- **Dirty Devil River**—Hwy 24 bridge to Lake Powell
- **Fremont River**—Capitol Reef NP segment
- **Horseshoe Canyon**—Canyonlands NP segment
- **Pleasant Creek**—Capitol Reef NP segment
- **Trachyte Creek**—Glen Canyon NRA segment.

The Dirty Devil was the only NRI-identified river segment managed by Richfield BLM. Other segments identified on national park lands are adjacent to public lands administered by the Richfield Field Office.

The Park Service provided input on stream segments within and adjacent to national park units. Their input is reflected in the discussions, above.

Tribal Coordination

Discussions with the Hopi, Paiute, and Ute tribes about the RMP disclosed no specific wild and scenic river issues. However, the Hopi and Paiute identified cultural resource and other concerns about a proposed coal haul road in Quitchupah Canyon now being analyzed by the Forest Service and BLM.

Wild and Scenic River Eligibility and Tentative Classification Report recommended by:

/s/ Frank S. Erickson 03/07/05
Frank Erickson Date
Land Use Planner

Field Manager Concurrence:

I concur with the Wild and Scenic River Eligibility and Tentative Classification Report

/s/ Cornell Christensen 03/07/05
Cornell Christensen Date
Field Manager

(signed copy is in the planning records)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
June 21, 2004

In Reply Refer To:
1610, 8351 (172) P
Ref. MS 8351

EMS TRANSMISSION 06/22/2004
Instruction Memorandum No. 2004-196
Expires: 09/30/2005

To: AFOs
From: Director, National Landscape Conservation System
Subject: Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with Respect to Eligibility Criteria and Protective Management

Program Area: National Landscape Conservation System and Land Use Planning.

Purpose: This Instruction Memorandum (IM) clarifies policy contained in the BLM Manual Section 8351 with respect to the eligibility criteria for potential wild and scenic rivers (WSRs) and protective management of identified river segments.

Background: The Utah State Director requested and received guidance on five issues raised in developing a resource management plan. A summary of those issues is:

1. Interpretation of the Wild and Scenic Rivers Act with respect to whether intermittent or seasonal water courses qualify for designation as WSRs.
2. Incorporation of Washington Office Solicitor's memorandum (11/12/97) and IM 98-129 (6/28/98) into the BLM Manual Section 8351.
3. The dependency of outstanding remarkable values (ORVs) on water flows.
4. Evaluation of ORVs within a region of comparison substantiating why ORVs may be worthy of designation in the National WSR System.
5. Evaluation of the size or length of a segment on the determination of eligibility.

Policy Clarification/Action: This guidance clarifies policy contained in the BLM Manual 8351 and until incorporated into the Manual is applicable to all river segments determined eligible and/or suitable.

As to the first issue, judgment is required in determining eligibility of water courses that are free-flowing and have associated ORVs. 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 recharge, seasonal melting from snow or ice, normal precipitation, 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 few days out of a year). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory.

As to the second issue, the BLM's policy is to protect any ORVs identified in the eligibility determination process to assure a decision on suitability can be made. The Bureau has broad discretionary 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 Resource Management Plan. 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 the National Environmental Policy Act (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 regulations requires NEPA compliance before the BLM can act on the proposal (40 CFR 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 land use plan.

As to the third issue, qualifying ORV's should be limited to those that are directly river-related. That is, they should be located in the river or on its immediate shorelands, contribute substantially to the functioning of the river ecosystem, and/or owe their location or existence to the presence of the river. Again, judgment is required in applying this criterion. Additional guidance on this issue is contained in a technical report of the Interagency WSR

Council, at www.nps.gov/rivers/publications entitled, *The Wild and Scenic River Study Process*, December 1999. As to the fourth issue, qualifying ORV's should be located in the river or on its immediate shorelands, contribute substantially to the functioning of the river ecosystem, and/or owe their location or existence to the presence of the river. The publication referenced above also provides additional information on page 12.

The fifth issue was addressed by the Director on December 3, 1993. Jurisdictional and management constraints are not a consideration in determination of a river's eligibility for designation as WSRs. These types of issues are addressed in the suitability phase of WSR studies (Manual Section 8351.24A and 8351.33A.1-8).

State Directors should review and update any existing State and Field Office policies and make necessary modifications to comply with the terms of this IM. In addition, due to experience with resolving protest, appeals, and litigation, any interagency agreements and memorandums of understanding which amend or supplement the BLM Manual Section 8351 need concurrence of the Director to assure consistent application of the criteria and process as outlined in this IM.

Time Frame: This policy is effective immediately.

Budget Impact: It is not anticipated that implementation of this policy would result in any significant increase in cost to Field Offices. Any costs will be covered within existing State Office base allocations.

Manual Section Affected: Bureau Manual 8351—Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management—Releases 8-61 and 8-62, dtd 5/19/92 and 12/22/93; Sections 8351.06D; 8351.31B; 8351.32C; 8351.33A.

Coordination: This policy has been coordinated with the Interagency WSR Coordinating Council, Departmental Solicitor, BLM's Directorate, WO-200 and WO-300.

Contact: Please address any questions and concerns regarding this policy to Gary G. Marsh, National Rivers Coordinator, National Landscape Conservation System Office, Wilderness, Rivers, and National Trails Group, WO-172, (202) 452-7795.

Signed by:

Elena C. Daly

Director, National Landscape Conservation System

Authenticated by:

Barbara J. Brown

Policy and Records Group, WO-560