

Potential impacts of Wild & Scenic River Suitability Determination or Designation by Congress on Existing and Potential Uses Within River Corridors

Key Concepts:

Concept 1 : A suitability determination by the BLM does not trigger all of the protective provisions associated with the Wild & Scenic Rivers Act. It primarily does three things:

- It prevents BLM from taking any actions that would significantly impair the outstandingly remarkable values, free-flowing nature, or water quality of the stream segment. This is known as interim management.
- In land management decisions, it allows BLM to emphasize actions that would maintain or enhance the outstandingly remarkable values. These actions have to be based upon other authorities already used by the BLM, such as the Federal Land Policy and Management Act, Antiquities Act, etc.
- It obligates BLM to inform other agencies of potential impacts to the suitable stream segment when other agencies are making decisions that could affect the stream segment. The other agencies are not required to follow BLM's recommendations.

Concept 2: Wild & Scenic River designation by Congress does not create exclusive federal control over private lands in the stream corridor:

- Designation does not give BLM authority to impose new regulations on private lands.
- Designation does not create federal pre-emption of local zoning and land use controls, and does not pre-empt state authority over water rights and water allocation.
- The primary impact from designation is strict limitations on actions federal agencies can take with regard to permitting, funding, and technical assistance on projects that could impact the Wild & Scenic River. These projects could be upstream, downstream, or within the designated Wild & Scenic River segment.

Concept 3: Permitting, funding, and technical assistance decisions by federal agencies for projects in designated Wild & Scenic River segments will primarily be driven by:

- Is the project consistent with maintaining the outstandingly remarkable values and free-flowing values?
- Is the project consistent with the classification (current level of development) – wild, scenic, or recreational?
- Decisions will always be made on a case-by-case basis – designation doesn't result in automatic no to all proposals.

Existing or Potential Uses and Values	Impact of Suitability Determination	Additional Impacts of Designation by Congress
<p>Recreation Uses – motorized and unmotorized, river-based and land-based</p>	<p>Historic recreational uses on federal lands and waters can continue to the extent that they are consistent with classification and ORVs.</p> <p>New uses must be consistent with classification and ORVs. Allowed recreation use can be changed with a BLM plan amendment.</p> <p>Recreation uses may be restricted to address social issues such as crowding and conflicts between different types of recreational uses.</p> <p>Camping uses may be restricted to specific areas to minimize impacts to ORVs.</p> <p>Motorized boat use is allowed if it is consistent with ORVs and management objectives for the river.</p>	<p>Recreation uses must be addressed by a coordinated resource management plan (CRMP). Additional federal funds typically become available for recreation management.</p> <p>Boating access points are not changed by designation. However, CRMP may address boating access.</p> <p>Public's right to float a river (which is based on state law) is not changed by designation.</p> <p>Designation does not allow public access to private lands for recreational use. Trespass is discouraged by BLM.</p> <p>No restrictions on overflights. Other authorities and laws may be used to manage overflights.</p>
<p>Fish & Wildlife</p>	<p>State continues to manage fish & wildlife populations.</p> <p>Cooperative habitat improvement projects allowed to extent compatible with classification and ORVs.</p> <p>Hunting and fishing activities continue, but access routes may be managed to protect ORVs.</p>	<p>Wildlife issues must be addressed by a coordinated resource management plan (CRMP). If wildlife is an ORV, the CRMP may contain restrictions on fishing and hunting use, and may contain access restrictions for these purposes.</p> <p>Additional federal funds may become available for wildlife habitat projects.</p>
<p>Paleontologic/ Geologic/ Historical/ Pre-Historical</p>	<p>BLM management prescriptions, ROW avoidance areas, and stipulations on mineral development implemented to preserve and protect these values. No new restrictions on management of these values on private lands, but landowners must continue to comply with federal laws designed to protect these resources.</p>	<p>Federal funds may become more readily available for preservation, restoration, and interpretative projects.</p>

Existing or Potential Uses and Values	Impact of Suitability Determination	Additional Impacts of Designation by Congress
Vegetation – wildlife habitat, scenic, weed control	<p>No restrictions on vegetation management on private lands.</p> <p>Noxious weed control allowed on both federal and private lands. Application methods may be restricted on federal lands may be restricted methods consistent with classification and ORVs.</p>	<p>If vegetation management involves federal assistance, projects may be limited to those consistent with ORVs.</p> <p>Restrictions on timber harvest and vegetation manipulation on federal lands in corridor.</p>
Water Rights and Water Use	<p>Historical operation, maintenance, and access may continue.</p> <p>New water facilities on federal lands allowed to extent consistent with ORVs and classification.</p> <p>No new federal water rights created – no basis for entering water courts cases.</p>	<p>Permits needed from Army Corps for diversions dams, infiltration galleries, pumping stations, etc.</p> <p>New facilities may be restricted or denied to protect ORVs and classification.</p> <p>Federal water right created. BLM may object to new water rights and changes that could impact ORVs.</p>
Agricultural and Livestock Operations	<p>Existing grazing permits may continue. Grazing is allowed under all W&SR classifications.</p> <p>Allotment management plans and usage rates may be modified if necessary to protect ORVs and water quality.</p> <p>No federal control over types of crops that can be grown on private land. Existing roads on private lands can continue to be used and maintained.</p>	<p>Department of Agriculture agencies may not fund or assist with projects that would degrade ORVs or change classification.</p> <p>BLM and USDA agencies may provide technical assistance and funding to develop practices that are consistent with ORVs, water quality, and classification.</p>
Private Property Uses: Residential Commercial Resorts	<p>Existing, authorized access routes over BLM land to private properties may continue to be used. New access and recreational routes may be routed to avoid impacts to ORVs and classification. Existing roads on private lands can continue to be used and maintained.</p> <p>No restrictions on buying or selling of private property.</p> <p>No loss of rights to develop private land.</p>	<p>Permits needed from Army Corps for private property projects (bank stabilization, bridges, etc.) may be conditioned to protect ORVs and classification.</p> <p>Rights-of-way for power lines may be restricted to locations where there is no impact to ORVs or classification.</p>

Existing or Potential Uses and Values	Impact of Suitability Determination	Additional Impacts of Designation by Congress
<p>Private Property Uses: Residential Commercial Resorts (continued)</p>	<p>BLM may conduct land exchanges and disposals, but transaction must be consistent with protection of ORVs.</p>	<p>BLM prohibited from disposing of federal lands within river corridor to private parties.</p> <p>BLM would work with local governments to monitor, evaluate, and mitigate impacts from private lands on river lands.</p>
<p>Extractive Operations – liquid minerals, solid minerals, logging, and associated infrastructure</p>	<p>Rights existing prior to suitability determination may continue to be exercised. New extractive leases and operations allowed to extent consistent with ORVs and classification.</p> <p>BLM has option to remove river corridor from fluid minerals leasing. New fluid mineral leases must be conditioned to protect classification and ORVs.</p>	<p>New mining claims are prohibited in W&SR areas classified as wild.</p> <p>Access to existing mining claims allowed.</p>
<p>Industrial Uses: Hydropower Use of State and County Roads</p>	<p>New hydropower uses within segment prohibited unless: river is within recreational classification, and facility is run-of-the-river (no water storage).</p> <p>Existing hydro facilities located upstream and downstream may continue to operate. BLM will comment on potential impacts of new facilities or reauthorization of existing facilities located upstream and downstream.</p> <p>BLM has no authority over management of county roads and state highways. Existing uses may continue.</p>	<p>FERC must consult with BLM before issuing any new licenses for facilities that could potentially impact the segment. Any new licenses or reauthorization of existing licenses must be consistent with ORVs, free-flowing condition, and water quality.</p> <p>BLM may cooperate with county and state authorities to minimize impacts of existing roads on ORVs and classification.</p>