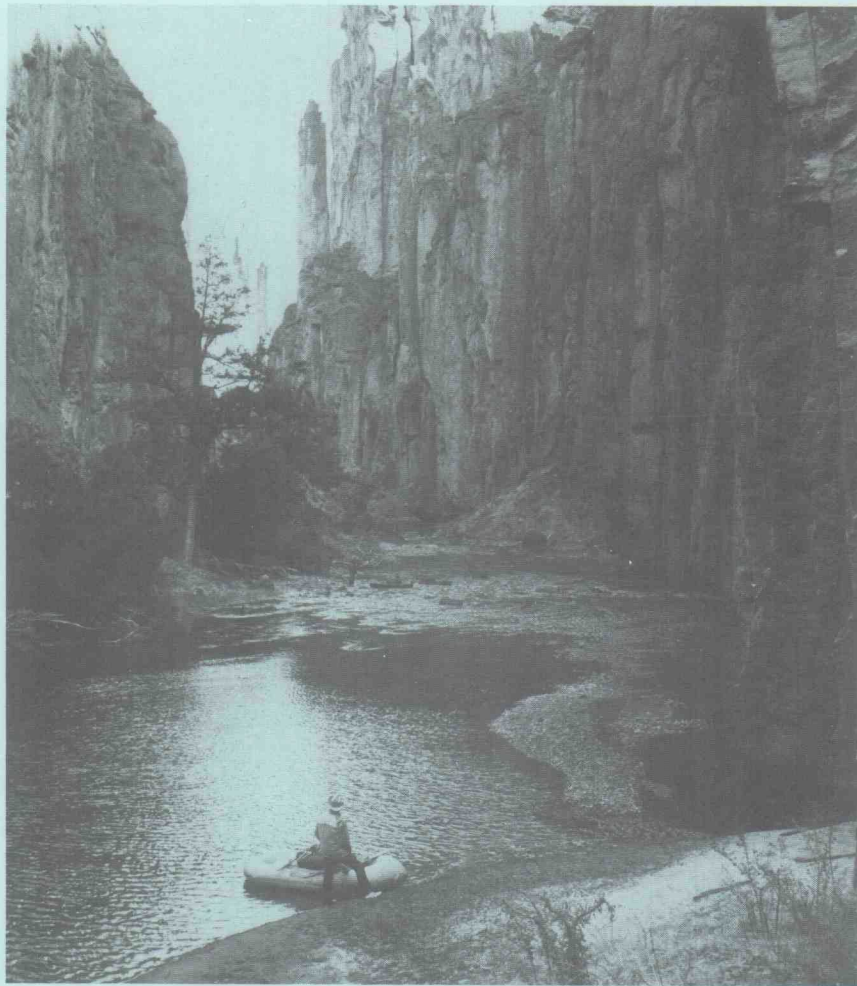


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BRUNEAU FOR **WILD & SCENIC RIVER STUDY**

A Summary of the Federal/State
Study Team Findings & Management Alternatives



Prepared by the
Northwest Regional Office
Bureau of Outdoor Recreation
Department of the Interior

February 1974

CONTENTS

	<u>Page</u>
PURPOSE.	2
NATIONAL WILD AND SCENIC RIVERS SYSTEM	4
THE BRUNEAU WILD AND SCENIC RIVER STUDY.	6
FINDINGS	7
ALTERNATIVES	14
COMPARISON OF ALTERNATIVES	16
WRITTEN COMMENTS	18

THIS REPORT WAS PREPARED PURSUANT TO PUBLIC LAW 90-542, THE WILD AND SCENIC RIVERS ACT. PUBLICATION OF THE FINDINGS HEREIN SHOULD NOT BE CONSTRUED AS REPRESENTING EITHER THE APPROVAL OR DISAPPROVAL OF THE SECRETARY OF THE INTERIOR. THIS BROCHURE PROVIDES INFORMATION AND ALTERNATIVES FOR FURTHER CONSIDERATION BY THE BUREAU OF OUTDOOR RECREATION, THE SECRETARY OF THE INTERIOR, OTHER FEDERAL AND STATE AGENCIES, AND THE PUBLIC.

PURPOSE

This publication describes the joint Federal/State study now in progress on the Bruneau River under the Wild and Scenic Rivers Act and offers an opportunity for you to give us your comments and suggestions about this significant river area. In addition, it briefly explains why the National Wild and Scenic Rivers System was established by Congress, presents the findings of the study team, lists the various alternatives available for managing the river area, and describes some effects that inclusion of the river in the National System would have on the river area and on present and future uses of the area.

Public information and opinion gathering meetings will be held to provide all who are interested in the Bruneau River an opportunity to present their views orally or in writing.

Recommendations resulting from the study will not be formulated until after all public information meetings have been concluded. A detailed study report including recommendations will then be forwarded for consideration within the Department of the Interior prior to being submitted to the Governors of Idaho and Nevada and other State and Federal interests for review and comment. Finally, the report, revised as appropriate, will be forwarded to the President and the Congress. If Federal action is recommended by the Secretary of the Interior, it is likely that Congress would hold public hearings before taking legislative action.



NATIONAL WILD AND SCENIC RIVERS SYSTEM

In 1968, the Congress enacted and the President signed Public Law 90-542, the Wild and Scenic Rivers Act. The Act:

1. Declared it a policy of the United States:

"...that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complimented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

2. Established a National Wild and Scenic Rivers System by designating eight rivers as the initial components of the system. The eight were the Middle Fork Clearwater, Idaho; Eleven Point, Missouri; Feather, California; Rio Grande, New Mexico; Rogue, Oregon; Saint Croix, Minnesota and Wisconsin; Middle Fork Salmon, Idaho; and Wolf, Wisconsin.

3. Listed twenty-seven rivers or river segments for study and possible inclusion in the system, including the Bruneau River in Idaho, and prescribed methods and standards by which additional rivers or segments of rivers could be added to the system. Since enactment, three rivers have been added to the National System -- the Allagash, Maine; lower Saint Croix, Minnesota and Wisconsin; and Little Miami, Ohio. Studies have been completed or are underway on the balance of the twenty-seven rivers.

The Wild and Scenic Rivers Act was enacted after it became apparent that the scenic and recreational qualities of many of the Nation's most outstanding rivers were being jeopardized by an increasing number and variety of river uses and developments. It recognized that unless efforts were made to protect the free-flowing and unspoiled qualities of these rivers, the amount of enjoyment and benefit they could provide future generations would be reduced or lost entirely. Enactment came after numerous public hearings were held by the Congress to determine the appropriate course of action.

The National Wild and Scenic Rivers System may include rivers that have been (1) authorized by Act of the Congress, or (2) designated by a State legislature and concurred in by the Secretary of the Interior upon application from the Governor.

Components of the National System may be administered by an agency of the Federal Government, by a State or local agency, or by some combination of the foregoing. Administration of the eleven rivers currently in the National System is as follows:

Middle Fork Clearwater, Idaho	U. S. Forest Service
Eleven Point, Missouri	U. S. Forest Service
Feather, California	U. S. Forest Service
Rio Grande, New Mexico	Bureau of Land Management
Rogue, Oregon	U. S. Forest Service and Bureau of Land Management
Saint Croix, Minnesota and Wisconsin	National Park Service
Middle Fork Salmon, Idaho	U. S. Forest Service
Wolf, Wisconsin	National Park Service
Allagash, Maine	State of Maine
Lower St. Croix, Minnesota and Wisconsin	National Park Service and States of Minnesota and Wisconsin
Little Miami, Ohio	State of Ohio

THE BRUNEAU WILD AND SCENIC RIVER STUDY

The Bruneau study is a joint effort of Federal agencies and the State of Idaho. The study was initiated in July 1973 and is scheduled to be completed in 1974.

In carrying out the study, the following actions are being followed:

- Joint Federal/State study team appointed

- Field reconnaissance made and data collected and analyzed

- Findings and Alternatives Brochure issued (this publication)

- Public information and opinion gathering meetings held

- Study report submitted by the Secretary of the Interior to the Governors of Idaho and Nevada and Federal agencies for review and comment

- Final report submitted to the President and the Congress

The final report will take into account both the environmental and economic effects of including or not including the Bruneau River in the National Wild and Scenic Rivers System. As required by the Act, the report also will consider land and water uses which would be enhanced, foreclosed, or curtailed if the area were included in the National System.

Although the study area encompasses the entire Bruneau River Basin in Idaho and Nevada, only those segments of the Bruneau River system in Idaho are being considered for possible inclusion in the National System. These include the main Bruneau River and its East Fork, Jarbidge, and Sheep Creek tributaries.

A seven-member study team has been established consisting of representatives of the Bureau of Outdoor Recreation (lead agency), Bureau of Land Management, U. S. Forest Service, Idaho Governor's Office, Idaho Department of Fish and Game, Idaho Water Resources Board, and Idaho Department of Parks and Recreation.

Some twenty additional Federal and State agencies and offices are also participating by providing specialized information. In addition, the counsel and advice of interested private groups and individuals are being sought.

FINDINGS

Eligibility Criteria

The initial task of the field study team was to gain a familiarity with the river system, compile and analyze available resource data, and determine whether segments meet the eligibility criteria contained in the Act and in "guidelines" adopted by the Secretaries of the Interior and Agriculture. To qualify for inclusion, a river must meet each of the following eligibility criteria:

1. Possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.
2. Be in a substantially free-flowing condition.
3. Be long enough to provide a meaningful recreation experience.
4. Contain a sufficient volume of water during the recreation season to provide full enjoyment of water-related outdoor recreation.
5. Contain high quality water, or be restorable to that condition.

Segments that Qualify

Based on a first-hand knowledge of the study area gained from a preliminary reconnaissance in July 1973, a more intensive ten-day reconnaissance in October 1973, and an intimate familiarity with the area by some individual team members, the study team was unanimous in finding that the following segments of the Bruneau River system meet the eligibility criteria:

Bruneau (main-stem) - downstream from the Idaho-Nevada border 76 miles to Hot Creek immediately north of where the river emerges from the canyon.

Jarbridge - downstream from the junction of its East and West Fork tributaries 29 miles to its confluence with the Bruneau.

Sheep Creek - downstream from Mary's Creek 21 miles to its confluence with the Bruneau.

There is a total of 126 miles in the above-named segments.

All of these qualifying segments lie in narrow canyons up to 1,500 feet deep. The canyons contain statuesque rock formations and vertical cliffs that extend upwards hundreds of feet in places. The environment of the canyons supports interesting associations of plants and animals. Animal life includes deer, cougar, otter, coyote, bobcat, and racoon. Bighorn sheep are

to be reintroduced by the Idaho Department of Fish and Game. The golden eagle is commonly seen and chuckar partridge are abundant. Rainbow trout thrive in the main-stem and Jarbidge segments. Because only a few roads and trails exist, all of the canyons are in a virtually unspoiled wilderness condition.

The canyons afford a variety of outstanding recreational opportunities. Recreational use, however, is minimal because of the difficult access and rugged terrain. A number of parties annually boat the river, especially during spring runoff when it provides one of the Nation's most challenging floats. The canyons provide excellent deer and upland bird hunting as well as trout fishing opportunities.

The area possesses major archaeological resources. The spectacular scenery offers unlimited photographic opportunities, and there are significant geological and ecological values.

Most of the lands bordering the segments which meet the criteria are under administration of the Bureau of Land Management, with relatively small State and private holdings. Of 126 miles of river in these segments, 111.0 miles (88 percent) are bordered by lands administered by the Bureau of Land Management, 6.5 miles (5 percent) by State lands, and some 8.5 miles (7 percent) by privately-owned lands. In most instances, the ownerships straddle the river. The predominant commercial use along the segments is for grazing, but this is limited in most places by inaccessibility. No buildings presently are occupied full time along the segments that meet the criteria. There are a number of unpatented mining claims, mainly along the Jarbidge and in the vicinity of Indian Hot Springs on the main-stem.

Segments that do not Qualify

The study team has determined that the portion of Sheep Creek upstream from Mary's Creek, the East Fork, and the East and West Forks of the Jarbidge fail to meet the eligibility criteria. They lack sufficient scenic and recreational interest and there is an insufficient volume of water to permit the full enjoyment of water-related recreational activities during most of the recreation season.

The lower 16 miles of the main-stem Bruneau from where it emerges from the deep canyon near Hot Creek to where it empties into the C. J. Strike Reservoir below the town of Bruneau fails to qualify because of shoreline developments which impair the stream's scenic and recreational values. It is bordered by buildings and cultivated fields, diverted for irrigation, and crossed by bridges and livestock fences.

Classification

In addition to the eligibility requirements, the Wild and Scenic Rivers Act provides that each river or portion thereof which is added to the National System be classified and administered as one of the following:



THE STUDY TEAM

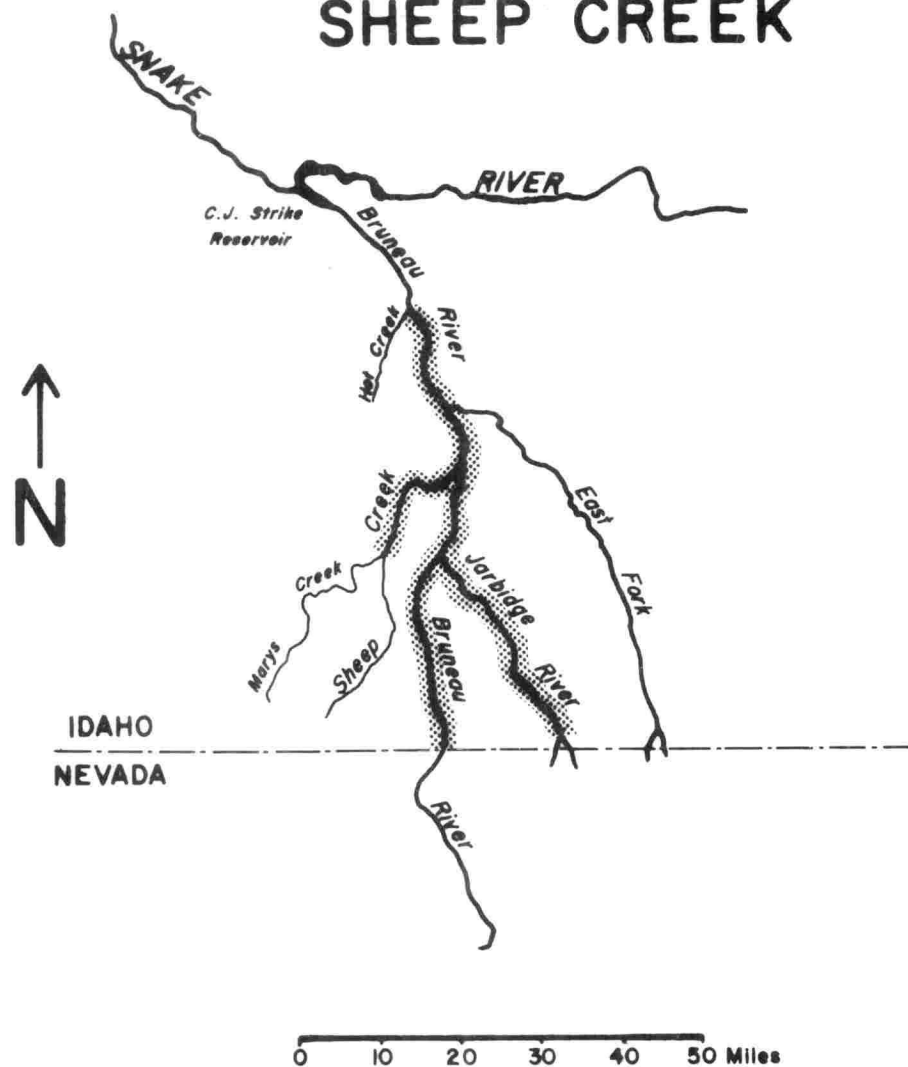


UPPER BRUNEAU RIVER



1,500 FEET BELOW A SAGEBRUSH PLAIN

BRUNEAU
JARBIDGE
SHEEP CREEK



Recreational River Areas - Those rivers or sections of rivers that are 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.

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

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

Of those segments of the Bruneau River system that meet the eligibility criteria, the study team found that all qualify for "wild" status and should be classified for administration and continued protection as "wild river areas" as defined above and as discussed in "guidelines" adopted by the Secretaries of the Interior and Agriculture. The following management objectives would apply to a river classified as wild:

1. Access would generally be by trail with only limited motorized travel being permitted in the area.
2. New structures and improvement of old ones permitted only if clearly in keeping with overall management objectives.
3. Only facilities for primitive-type recreation use provided.
4. Unobtrusive fences and other management facilities permitted if no significant adverse effect on natural character of area results.
5. Limited range of agriculture and other resource uses, such as grazing, permitted.
6. High water quality maintained.

Boundary

The boundary should extend to the rim of the canyon on each side of the river. Approximately 40,000 acres would likely be encompassed within the boundary, of which an estimated 2,000 acres are in private ownership and 1,500 are in State ownership. The balance is administered by the Bureau of Land Management. Where lands or interests in lands were acquired, the price would be the fair market value prevailing at the time of purchase.

ALTERNATIVES

The future management and protection of the Bruneau River could be handled in a number of different ways.

Alternative 1. Bureau of Land Management administration as a component of the National Wild and Scenic Rivers System.

Addition of the Bruneau to the National System under this alternative would direct the Bureau of Land Management to protect the scenic and recreational qualities of the river. The Bureau of Land Management would be given necessary authority to acquire any easements on private lands within the river area required to protect the area or to provide public access.

A scenic easement is defined in the Wild and Scenic Rivers Act as the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. It is a partial interest in land acquired in perpetuity from the owner. Title to the land remains with the private owner, who is compensated for any decrease in land value which may occur as a result of the easement.

Whenever a total of 50 percent or more of the entire acreage within a Federally-managed component is already owned by the Federal Government, a State, or its political subdivisions, the Secretaries of the Interior and Agriculture are prohibited from acquiring fee title to any private land unless the owner is willing to sell his property. However, the Secretaries of the Interior and Agriculture may use condemnation when necessary to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river area. Accordingly, no land could be acquired in fee title along the Bruneau by condemnation. Lands owned by the State could be acquired only by donation or exchange.

Federal Power Commission licensing would be suspended, and no Federal project that would have a direct and adverse effect on the area's scenic and recreational qualities could be constructed without consent of the Congress. No projects affecting the Bruneau presently are authorized or under study.

Most existing uses in the area are compatible with wild and scenic river designation and thus would not be affected. Likewise, existing uses upstream or downstream should not be affected.

The State would continue to manage and regulate hunting and fishing as at present.

Use of the area by livestock and for other ranch and farm operations as at present is consistent with wild and scenic river designation. Thus, the impact of designation should be minimal.

The effect on the county's tax base would be negligible since there is so little privately-owned land along the Bruneau and since it is expected that most or all of it would remain in private hands.

Subject to valid existing rights, no mining or mineral activity would be permitted within one-quarter mile of any portion of the river area classified as "wild."

Alternative 2. State administration as a component of the National Wild and Scenic Rivers System.

Idaho has yet to establish a State-administered wild and scenic rivers system, although proposals for such establishment have been made and are receiving increasing support. With establishment of a State system and designation of the Bruneau for inclusion by the State legislature, the river could then be included in the National System upon application by the Governor of Idaho to the Secretary of the Interior. Such inclusion would provide the same protection against adverse Federal agency action that would exist if Congress were to add the river to the system under administration of the Bureau of Land Management. However, before this could be accomplished, it would be necessary for the Bureau of Land Management to transfer administrative responsibility of the river area to the State since the Act requires that such administration must be without expense to the United States.

Alternative 3. Non-designation as a component of the National Wild and Scenic Rivers System.

The scenic and recreational qualities of the area have survived through many years under the present administrative arrangements. However, pressures on the area are expected to build as more and more people learn of the unique opportunities it affords the boater, hiker, fisherman, hunter, and wilderness seeker.

Owyhee County has no zoning ordinance at present and, therefore, there is no control over the privately-owned lands bordering the river. At this time, the uses made of these lands are compatible with the scenic and recreational qualities of the area. There is no guarantee, however, that these uses will not be replaced by other uses that would adversely affect the area, such as subdivision of the lands for vacation home sites.

Under this alternative, it would be possible for the Bureau of Land Management with existing authority to classify and manage the Federal lands so as to protect their primitive values and to withdraw the area from additional mineral entry. However, the Bureau would not be able to prevent future dam construction.

COMPARISON OF ALTERNATIVES

<u>Activities Possible</u>	<u>Bureau of Land Management Administration as a Wild River</u>	<u>State Administration as a Wild River</u>	<u>Non-Designation</u>
Agricultural Use	Yes	Yes ^{3/}	Yes
Protection against Subdivision Development	Yes	Yes ^{3/}	No ^{4/}
Protection against Dam Construction	Yes ^{1/}	Yes ^{1/}	No
Hunting and Fishing	Yes	Yes	Yes
Protection against Mineral Leasing	Yes ^{2/}	Yes ^{3/}	No ^{5/}

^{1/} The Federal Power Commission may not license the construction of any dam or other project work on or directly affecting a river and no Federal agency may assist in the construction of a water resources project that would have a direct and adverse effect on the values for which the river was established.

^{2/} Subject to valid existing rights, the minerals in Federal lands which are situated within one-quarter mile of any river classified as "wild" are withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws.

^{3/} Yes, if provided for in a State Wild and Scenic Rivers Act.

^{4/} Federal lands are protected but not private lands. *and to the river*

^{5/} No, unless Federal lands are withdrawn from mineral entry by the administering agency.

You are encouraged to attend the public information and opinion gathering meetings that are soon to be held and to present your views in person. Or, you may wish to use the last page of this brochure to provide your views in writing.

WRITTEN COMMENTS

Please record your comments below. Either submit this sheet at the public meeting, or mail it to: Regional Director, Northwest Region, Bureau of Outdoor Recreation, 1000 Second Avenue, Seattle, Washington 98104.

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