

Frequently Asked Questions about Wild and Scenic Rivers

Q: What makes a river eligible for the National Wild and Scenic Rivers System?

A: To be eligible for designation, a river must be free-flowing and contain at least one "outstandingly remarkable value" (ORV), i.e., scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar value.

Q: What is the definition of "outstandingly remarkable value?"

A: In the Wild and Scenic Rivers Act, river values identified include scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Act does not further define "outstandingly remarkable values." However, agency resource professionals have developed interpretive criteria for evaluating river values (unique, rare, or exemplary) based on professional judgment on a regional, physiographic, or geographic comparative basis. (Refer to "The Wild & Scenic River Study Process" (1999).)

Q: Must a river segment be of any particular length or have certain flows in order to be eligible?

A: No. The Interagency Guidelines state, "There are no specific requirements concerning the length or the flow of an eligible river segment. A river segment is of sufficient length if, when managed as a wild, scenic or recreational river area, the outstandingly remarkable values are protected. Flows are sufficient if they sustain or complement the outstandingly remarkable values for which the river was designated.

Q: Why should one support wild and scenic river designation?

A: Many individuals and communities support designation to help focus management efforts on protecting and enhancing river values. The intent of the Wild and Scenic Rivers Act is to build partnerships among landowners, river users, tribal nations and all levels of governments in developing goals for river protection. Designation provides strong protection against construction of new dams and projects that alter the free-flowing condition, water quality and outstandingly remarkable values for which the river was designated.

Q: What are some of the social and economic benefits and impacts associated with wild and scenic river designation?

A: Benefits may include, but are not limited to, providing managers tools or mechanisms to protect free-flowing condition, i.e., protection of river values through the assessment of hydroelectric facilities or water resource development projects within the designated reach; protection and enhancement of water quality and outstandingly remarkable values; and, if a river's management plan objective, promotion of economic development, tourism, or recreational use. Based on current limited studies, indications

are that property values remain stable or increase on designated rivers. This is often tied to the protection and enhancement of scenery, other aesthetic values and water quality. Impacts may include, but are not limited to initial or sustained attraction to the river because of designation, authority for federal agencies to purchase property, and changes in permissible land use through zoning adopted by local governments to protect river values.

Q: What consideration is given to the potential impacts of ecotourism on rural economies?

A: The economic impacts of implementing various alternatives should be addressed through the evaluation process to determine whether a river is a suitable addition to the National Wild and Scenic Rivers System or through the river management planning process, or a designated wild and scenic river. Economic issues, such as development and ecotourism, both inside and outside of potentially designated river corridors may be considered.

Q: What restrictions apply to private residences, farm buildings and other buildings? Will landowners lose any use or development rights?

A: No restrictions to private lands may be applied under the Wild and Scenic Rivers Act. Comprehensive River Management Plans may establish goals for new construction consistent with classification. There is a wide range of uses compatible with these classifications so long as the overall values and character of the river corridor is maintained. Any effect on private lands would be through state or local zoning. Federal acquisition of lands or development rights would require landowner compensation.

Q: What if a proposed development on private land is clearly incompatible with wild and scenic river designation, classification, or management objectives?

A: The government typically provides technical assistance to find ways to alleviate or mitigate the actual or potential threat(s). Purchasing a partial right (easement) or the property in fee title is usually the last resort. If an easement is purchased, the owner would sell certain development rights and receive a payment, yet retain title to the land.

Q: Can the private landowner sell land within the wild and scenic river corridor after designation?

A: Yes. The ability of the owner to buy, sell, donate or leave property to heirs is unaffected by the Wild and Scenic Rivers Act. Landowners who sell should inform the new owner of any easement transferred with the title.

Q: What direction does the Wild and Scenic Rivers Act provide regarding water quantity?

A: Section 13(c) of the Wild and Scenic Rivers Act expressly reserves the quantity of water necessary to protect river values, including water quality and flow-dependent outstandingly remarkable values. This reservation of water is called a federal reserved water right and is generally adjudicated in a state court (e.g., basin-wide adjudication). River designation does not supersede existing, valid water rights. Refer also to "Congressional Research Service Report for Congress, The Wild and Scenic Rivers Act and Federal Water Rights," by Cynthia Brougher (January 9, 2009).

Q: May aquatic and upland fish and wildlife habitat restoration and enhancement projects be constructed in wild and scenic rivers, including the placement of in-channel structures?

A: Yes. Such projects may be constructed to protect and enhance fish and wildlife. In-channel structures (e.g., placement of large wood to replicate natural stream conditions) and in-channel activities (e.g., dredging to protect listed species) are acceptable, provided they do not have a direct and adverse effect on the values of the river (its free-flowing condition, water quality and outstandingly remarkable values). Similarly, in-channel habitat projects may also be constructed below/above a designated river so long as they do not unreasonably diminish the scenic, recreational, and fish and wildlife values of the wild and scenic river. When fish and wildlife species and/or habitat are an outstandingly remarkable value, restoration and enhancement projects may be an important component in a protection strategy. The potential effect of such project proposals on other outstandingly remarkable values, such as recreation and boating, should be carefully considered in project design. Upland (above the river's ordinary high water mark) habitat restoration and enhancement projects may be constructed on federal or private lands. On federal lands such activities (e.g., a wildlife guzzler) must be judged to protect or enhance river values. Such proposals on private land may be subject to local zoning.

Q: Is a Comprehensive River Management Plan developed in compliance with the National Environmental Policy Act for a river designated by Congress?

A: Yes, a Comprehensive River Management Plan (CRMP) is developed in compliance with the National Environmental Policy Act (NEPA). The purpose and need for the proposed action is to protect and enhance the values for which the river was designated (free-flowing condition, water quality, and outstandingly remarkable values), within its classification(s). The proposed action establishes appropriate goals, objectives, and/or desired conditions to meet those purposes. Alternative courses of actions are developed and analyzed relative to achieving overall goals and desired conditions within the wild and scenic river corridor. A "no action" alternative, representing the existing situation, is described as the basis for comparison of the action alternatives. Management direction and actions typically vary by alternative. The resultant CRMP describes the management direction (goals, objectives, desired conditions, allowable uses, and standards under which the activities can be conducted), and probable actions of the selected alternative at a programmatic level. Identified management actions generally require a site-specific NEPA analysis prior to implementation.

