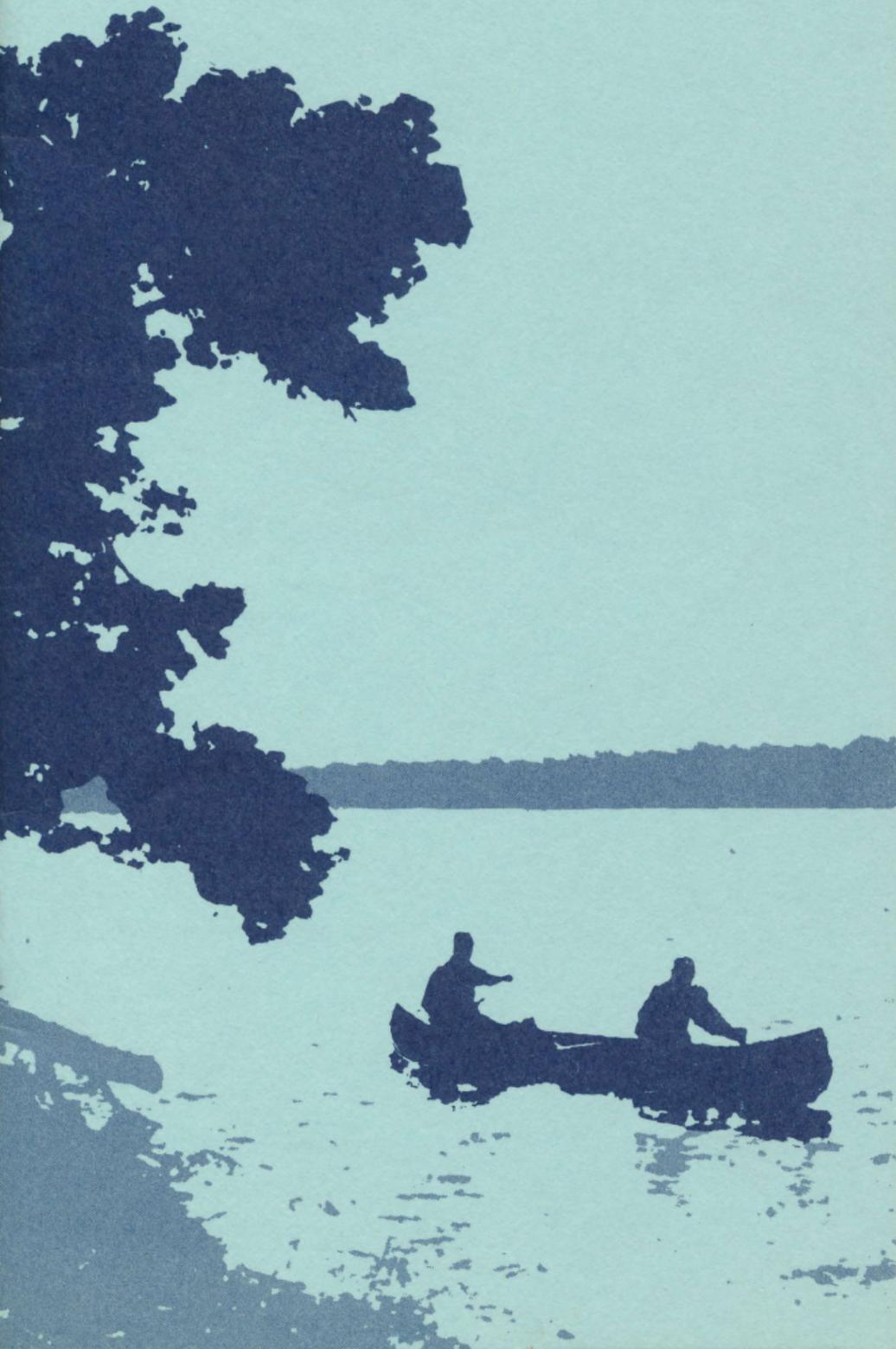


WILD AND SCENIC RIVERS

Authorized by the
Wild and Scenic Rivers Act
Public Law 90-542, October 2, 1968



"We need rivers for commerce and trade; but we also need clean rivers to fish in and sit by."

President Richard M. Nixon

Bureau of Outdoor Recreation
U.S. DEPARTMENT OF THE INTERIOR
Rogers C. B. Morton, *Secretary*
AND THE
Forest Service
U.S. DEPARTMENT OF AGRICULTURE,
Earl L. Butz, *Secretary*

Washington, D.C.

WILD AND SCENIC RIVERS

From the earliest colonial days, America's rivers have played a never-ending role in the Nation's history.

Rivers continue to nourish our growth, irrigate our farms, provide electric power, and serve as avenues of commerce. But in the course of time and development many of the streams Americans once used for recreation have become so polluted they no longer are fit for human contact.

Only recently have we begun to reverse that trend. A 1963 study by the Department of the Interior and Department of Agriculture led to passage on October 2, 1968 by Congress of a Wild and Scenic Rivers Act, Public Law 90-542.

In recommending that law, the Secretary of the Interior and the Secretary of Agriculture declared:

"America's rivers flow deep through our national consciousness. Their courses beckoned us to explore a new continent and build a Nation, and we have come to know, depend upon and love the rivers that water our land.

"We have harnessed many of our rivers, dedicating some to navigation, others to power, water supply, and disposal of wastes. But we have not yet made adequate provision to keep at least a small stock of our rivers as we first knew them: wild and free-flowing. In a Nation as bountifully endowed with rivers as ours, it is time to do so."

In his February 10, 1970, Message on the Environment, President Nixon said, “. . . we came only lately to a recognition of how precious and how vulnerable our resources of land, water and air really are.

“The tasks that need doing require money, resolve and ingenuity—and they are too big to be done by government alone. They call for fundamentally new philosophies of land, air and water use, for stricter regulation, for expanded government action, for greater citizen involvement, and for new programs to ensure that government, industry and individuals all are called on to do their share of the job . . .”

Today a number of rivers have been preserved in the National Wild and Scenic Rivers System.

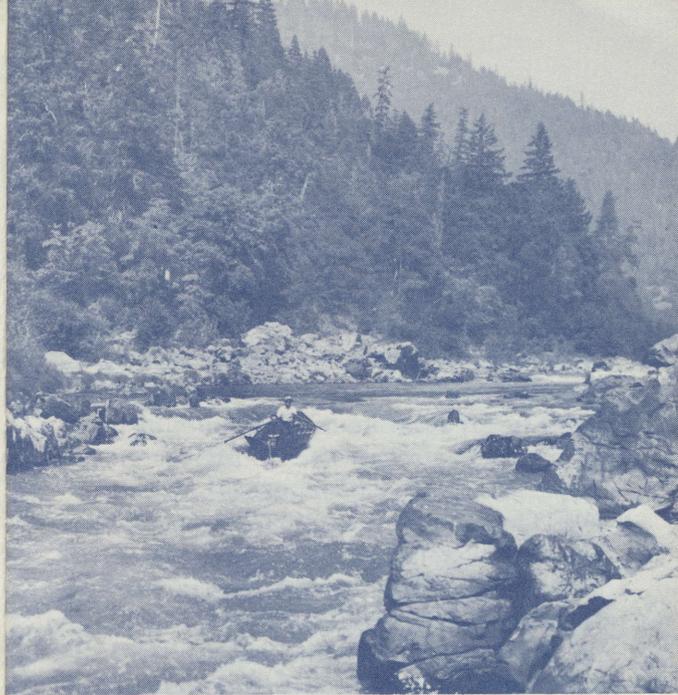
Others remain, flowing through remote wilderness areas or rural landscapes, and even close to crowded urban centers.

But they are endangered resources as our needs for power and living and industrial space expand, and their numbers continue to diminish as the recreational need for them grows.

We have enjoyed wild rivers as have our forebears for generations. Our descendants deserve the same opportunity.

If they are to know that heritage, our remaining wild and free-flowing rivers, or portions of them, should be preserved in every section of our land.

Only through conservation now can these natural treasures . . . “clean rivers to fish in and sit by” . . . be protected from uses that will destroy their beauty and important recreational values.



THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Public Law 90-542

The Wild and Scenic Rivers Act declares: “. . . 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 complemented 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.”

To implement this policy, Congress established the National Wild and Scenic Rivers System, and designated all or portions of eight rivers as original components of that system to be administered by the Department of the Interior or the Department of Agriculture.

They are: the Rio Grande, N.M.; Saint Croix, Minn.-Wis.; and the Wolf, Wis. to be administered by the Interior Department; the Eleven Point, Mo.; Middle Fork of the Feather, Calif.; Middle Fork of the Clearwater, and the Middle Fork of the Salmon in Idaho to be administered by the Department of Agriculture; and the Rogue in Ore. to be administered jointly by the two Departments.

The Act also designates 27 other rivers for detailed study as potential additions to the national system. These studies are conducted by study teams under the leadership of the Department of the Interior or the Department of Agriculture, who work in close cooperation with States, their political subdivisions, and concerned Federal agencies, are scheduled for completion by October 1978. They will form the basis of reports to the President and Congress. Each study report will contain information and make recommendations about the river's eligibility for inclusion in the national system, and indicate how uses of the land and water would be enhanced, foreclosed, or curtailed if the river and its adjacent lands were added to the national system.*

The task of preserving and adminis-

tering free-flowing streams is not one that can or should be undertaken solely by the Federal Government. Therefore, the Wild and Scenic Rivers Act encourages States and local governments to participate in this program.

To strengthen the objectives of State and local participation, the Act provides a means for including select State-administered river areas in the national system. The Allagash Wilderness Waterway in Maine and a portion of the Wolf River in Wisconsin were identified as two such State river areas. On July 19, 1970, the Secretary of the Interior added the Allagash Wilderness Waterway to the national system where it receives full Federal protection.

Criteria for Inclusion in the National Wild and Scenic Rivers System

All rivers in the national system must be substantially free-flowing and have water of high quality or water that could be restored to that condition. Therefore, the Environmental Protection Agency in cooperation with State water pollution control agencies are heavily involved in the study and selection of rivers for the system. The river and adjacent lands also must be in a natural or esthetically pleasing condition and possess outstanding scenic, recreation, geologic, fish and wildlife, historic, cultural or other similar values.

* One of the study rivers, the lower Saint Croix, Minn., Wis., was added to the system by Public Law 92-560 on October 25, 1972.

However, rivers are diverse, and man's use of them and their watersheds has altered them in varying degrees. The Wild and Scenic Rivers Act therefore established three classifications for inclusion in the system:

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.

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.

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.

Through these classifications the National Wild and Scenic Rivers System provides for protection of a range of waterways—from the few remaining primitive and remote rivers to those whose banks may have undergone settlement or de-

velopment and whose waters may have been slightly altered. Some include impoundments, and others are in established national parks and primitive areas.

To provide consistency, guidelines have been prepared for evaluating river areas. These guidelines describe significant differences among the three types of river areas and outline special features to look for when evaluating a river for inclusion in the national system.

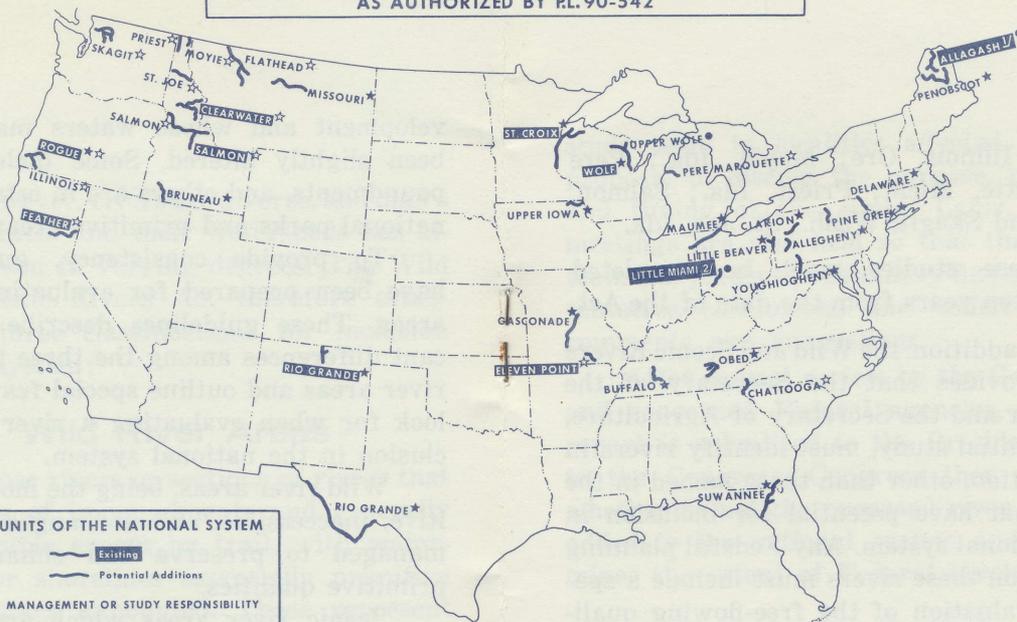
Wild river areas, being the most primitive, inaccessible, and unchanged will be managed to preserve and enhance the primitive qualities.

Scenic river areas which are accessible in places by road will be managed to preserve and enhance a natural, though sometimes modified, environment and provide a modest range of facilities for recreation.

Recreational river areas normally will provide the visitor with a wide range of readily accessible recreational opportunities, including more elaborate and more numerous facilities in an environment which may reflect substantial evidence of man's activity, yet remain esthetically pleasing.

For more detailed information on river classification see "*Guidelines for Evaluating Wild, Scenic, and Recreational River Areas . . .*" adopted by the Department of Agriculture and the Department of the Interior, February 1970. Copies are available from the Department of the Interior, Bureau of Outdoor Recreation, Washington, D.C. 20240 or Department of Agriculture, Forest Service, Washington, D.C. 20250.

NATIONAL WILD AND SCENIC RIVERS SYSTEM
AS AUTHORIZED BY P.L. 90-542



UNITS OF THE NATIONAL SYSTEM

— Existing
— Potential Additions

MANAGEMENT OR STUDY RESPONSIBILITY

★ Dept. of Interior
☆ Dept. of Agriculture
● Non-Federal

1/ State of Maine 2/ State of Ohio

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation
AUGUST 1973

More Rivers For The System

There are two methods for adding river areas to the national system: (a) Federal legislation, or (b) State legislation and approval by the Secretary of the Interior.

Components may be included as a result of studies on the 27 rivers listed in the Act as potential additions; from studies of rivers added to this list by the President and Congress; from studies conducted as a part of other Federal programs; or by selection from established State wild, scenic, and recreational river systems.

The Secretary of the Interior, the Secretary of Agriculture, the Governors, other officials, and interested persons also may recommend that Congress add new river areas to the 27 potential additions already listed.

By agreement between the Secretary of the Interior and the Secretary of Agriculture, Interior has lead responsibility for 18 and the Department of Agriculture for 9 of the rivers authorized for study by the Act.

Rivers assigned to Interior are: Allegheny, Pa.; Bruneau, Ida.; Buffalo, Tenn.; Clarion, Pa.; Delaware, Pa.-N.Y.; Gasconade, Mo.; Little Beaver, Ohio; Little Miami, Ohio; ** Maumee, Ohio-Ind.; Missouri, Mont.; Obied, Tenn.; Penobscot, Maine; Pine Creek, Pa.; Rio Grande, Tex.; Saint Croix, Minn.-Wis.; * Suwannee, Ga.-Fla.; Upper Iowa, Iowa; and Youghiogheny, Md.-Pa.

Rivers under study by Agriculture are: Chattooga, Ga.-N.C.-S.C.; Flathead,

* This river segment was added to the system by Public Law 92-560 on October 25, 1972.

** This river was added to the system on August 20, 1973, by The Secretary of the Interior under section 2 (A) (ii) of P. L. 90-542.

Mont; Illinois, Ore; Moyie, Ida.; Pere Marquette, Mich.; Priest, Ida.; Salmon, Ida.; and Skagit, Wash., St. Joe, Ida.

These studies must be completed within ten years from the date of the Act.

In addition, the Wild and Scenic Rivers Act provides that the Secretary of the Interior and the Secretary of Agriculture, after initial study, must identify rivers in the Nation, other than those named in the Act, that have potential for inclusion in the national system. Any Federal planning report on these rivers must include a specific evaluation of the free-flowing qualities of the river and related land resources. This provision assures that the designation of the stream in the National Wild and Scenic Rivers System will be considered among other potential uses.

Rivers on Federal Lands

Free-flowing rivers within existing or proposed national forests, parks, wildlife refuges or other Federal land management units cannot be added to the national system without enactment of specific Federal legislation.

Among factors considered by the President and the Congress is information concerning current status of land ownership and use, the extent to which State and local agencies would share administration and costs, and the estimated cost to the United States for acquiring lands and easements.

At the onset of a study, one or more public meetings usually are held by the

study team in localities affected by the proposal to discuss the purpose, method, and timing of the study. Later, public meetings are also held so that the study team can present preliminary findings and tentative conclusions and solicit public comments and suggestions.

After formal review by the Governor and concerned Federal agencies, a final report is submitted to the President and to the Congress. Congress then decides whether or not the proposed river will be added to the national system and determines the extent of Federal involvement.

Rivers Through State Action

The Wild and Scenic Rivers Act established procedures giving Federal protection to State or locally administered wild, scenic, and recreational river areas. Under certain conditions, the Secretary of the Interior can add a select State or locally administered river area to the National Wild and Scenic Rivers System upon application of the Governor.

To qualify for inclusion by the Secretary of the Interior, a State or locally administered free-flowing river area must be designated by the State Legislature as wild, scenic, or recreational, with lands wholly and permanently administered in a manner consistent with the Wild and Scenic Rivers Act and the "Guidelines" adopted by the Departments of the Interior and Agriculture in February 1970. It must be operated and maintained without expense to the Federal Government.

Administration

To preserve and enhance the outstanding qualities of a river in the national system, some degree of public control over the stream and river bank is required. Since Federal legislation is required for federally-administered components, Congress determines the degree of control and the size of such an area. The administration of the new area by the Department of the Interior or the Department of Agriculture, or jointly, is generally determined by the extent of land in the area controlled by these Departments, and is recommended in the study of the area submitted to Congress.

Land within a federally-administered component will be protected by one of the following methods: (a) complete public ownership, (b) public control through acquisition of scenic or other easements, or (c) local zoning ordinances.

Complete public ownership is desirable for areas where there are outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values; existing or proposed facility developments; and for major public access and visitor use areas. Privately owned lands on the river bank not otherwise needed for present or future public use normally would be subject to some type of scenic easement.

Easements and local zoning would permit existing or expected land uses that are compatible with the basic intent of the Wild and Scenic Rivers Act and prevent those which degrade the river's special environment.

The exact type of control and boundaries vary from area to area. These are largely determined by existing and proposed uses of the river, its immediate environment, and by topography.

A federally-managed component of the National Wild and Scenic Rivers System should not exceed an average of 320 acres of land per mile of river. No more than an average of 100 acres of land per mile of river can be purchased in fee title.

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 or Agriculture are prohibited from acquiring fee title to any private land unless the owner is willing to sell his property. Likewise, neither Secretary may acquire lands from an unwilling seller within an incorporated city, village, or borough when zoning ordinances protecting special values are in effect and approved by the appropriate Secretary. Where valid zoning ordinances adequately protect special values in unincorporated areas, the appropriate Secretary may elect to suspend his condemnation authorities.

Owners of private, noncommercial residences located on land acquired by a Federal agency for inclusion in the national system may, under certain circumstances, continue to live in their homes for fixed periods up to 25 years or for life terms. The price paid the owner under such an arrangement is the fair market value at the time the property is purchased less the fair market value of continued occupancy.

Lands owned by a State within a federally-managed component may be acquired by the Federal Government only by donation. Indian tribal lands or lands belonging to local governments may be added to such a component only with their consent when these lands are managed and protected in a manner consistent with the purposes of the Wild and Scenic Rivers Act.

The degree of public ownership and land area within the boundaries of a State-administered component proposed for addition to the National Wild and Scenic Rivers System are matters to be determined by the State. However, before such a river area is approved for addition to the national system, there must be adequate provisions to protect special values and assure public use consistent with the classification and management objectives of the Wild and Scenic Rivers Act and the "Guidelines" adopted by the Secretary of the Interior and the Secretary of Agriculture.

Public Use

The extent and type of recreational development on a particular river area within the national system would be determined by the special qualities of that area and its classification as wild, scenic, or recreational.

Hunting and fishing on lands and waters included in the national system would continue to be governed by appropriate State and Federal laws.

Protection For Rivers

The special values of a river in the National Wild and Scenic Rivers System are so important that the Congress established procedures that protect them from any harmful encroachment. However, the Wild and Scenic Rivers Act does not prohibit the construction of roads or bridges, timber harvesting and livestock grazing or other uses that *do not substantially* interfere with full public use and enjoyment.

The Wild and Scenic Rivers Act prohibits the Federal Power Commission from licensing certain projects on or directly affecting any component of the national system. Likewise, a Federal water resources project cannot be constructed without thorough review in the Departments of Agriculture and Interior and Congress. Also a Federal agency cannot make loans or grants for, or provide assistance to, the construction of a water resources project on these rivers without assurance from the head of the Department administering the component that the project will not have a direct and adverse effect on the river's special values.

Where a component includes lands in Federal ownership, these lands are withdrawn from entry, sale, or other disposition under the public land laws of the United States. Mining and related mineral activities must be conducted in accord with the provisions of the Wild and Scenic Rivers Act. The Secretary responsible for administration of a component may issue regulations to provide safeguards against pollution and unnecessary impairment of the scenery.

Protection for the 27 Potential Additions to the National Wild and Scenic Rivers System

The 27 river segments designated as potential additions to the national system are protected up to 5 years by moratorium.

Congress is considering a proposal to extend the moratorium another five years.

This protection, while temporary, is the same as that previously outlined for components of the national system.

If Congress is considering legislation to include a river area recommended for at least partial Federal administration, the initial moratorium can be extended for 3 years.

When a river area is recommended for inclusion in the national system under State administration, the initial moratorium may be extended for 1 year to permit appropriate State action.

The National Wild and Scenic Rivers System provides a means for protecting and enhancing certain rivers which are worthy of preservation in the interest of present and future generations of Americans, while not limiting other resource uses that do not substantially interfere with public use and enjoyment of the special values.

“Like winds and sunsets, wild things were taken for granted until progress began to do away with them. Now we face the question whether a still higher standard of living is worth its cost in things natural, wild and free. For us of the minority, the opportunity to see geese is more important than television, and the chance to find a pasque flower a right as inalienable as free speech.”

—Aldo Leopold

