



National Wild & Scenic Rivers

Questions & Answers

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What are Wild & Scenic Rivers?

The National Wild & Scenic Rivers Act is the nation's primary river conservation tool. Congress passed the Act in 1968 to specifically balance our existing policy of building dams to develop rivers for the water, power, and flood control resources, with a new policy of protecting some free-flowing rivers with outstanding natural and cultural values for the benefit and enjoyment of present and future generations.

How does Wild & Scenic designation protect rivers?

Wild & Scenic protection explicitly prohibits the federal government from licensing or permitting new hydroelectric dams or other dams and diversions on protected stream segments. The federal government may license or approve new water resource projects upstream or downstream of protected segments if the projects do not unreasonably diminish the stream. Federal public lands within a river corridor averaging 320 acres per mile (approximately 1/4 mile on each side of the river) are managed to protect their outstanding scenic, recreational, historical/cultural, fish, wildlife, geological, and "other" values (hydrological, ecological, etc). Federal agencies are required to develop a management plan within three years of designation to specifically protect the free-flowing character and outstanding values of protected rivers. River segments are also managed as Wild, Scenic, or Recreational, based on the level of existing development when designated.

What does Wild, Scenic, or Recreational classification mean?

In addition to protecting a river's free-flowing character and outstanding values, federal agencies are required to manage the public lands along protected segments according to their Wild, Scenic, or Recreational classification. Classification is based on the existing level of development when designated. Congress may classify rivers in the designating legislation or leave classification to the managing agency when a management plan is developed. The following guidelines are used to establish and manage for classification:

- **Wild** - These segments are wild, roadless, and undeveloped. Logging, road building, new mining claims, developed campgrounds, and motorized access are generally prohibited on Wild segments. All other activities associated with public lands such as grazing, mining of valid existing claims, hunting and other forms of non-motorized recreation are permitted subject to the protection of outstanding values.
- **Scenic** - These segments are generally undeveloped, but may have occasional road crossings and riverside structures that are visually screened from the river. Motorized use on trails may or may not be permitted based on existing use. All other activities normally associated with public lands are permitted, provided visual quality and outstanding values are protected.

- **Recreational** - These segments are generally developed, with parallel roads, bridges and structures. All activities normally associated with public lands may occur provided that the stream's outstanding values are protected.

Does Wild & Scenic protection affect private property?

The National Wild & Scenic Rivers Act confers no federal authority over private land use or local zoning of private lands, other than to prohibit federal approval of new dams on the protected segment. There is no practical impact on private property, except that federal protection typically increases private property values and contributes to the local economy by attracting tourists and recreational visitors.

Can private land be condemned on the Wild & Scenic Rivers?

The National Wild & Scenic Rivers Act prohibits fee title condemnation of any private lands along protected rivers if 50% or more of the river segment is already under public ownership. As a practical matter, no private land has ever been condemned on any of the more than 2,000 miles of National Wild & Scenic Rivers in California.

Does Wild & Scenic protection affect existing water rights?

The state's authority to regulate water rights remains unaffected by designation. There is a federal water right conferred by designation, but it begins at the date of designation and is junior to all other existing rights. To assert this right, the managing federal agency must apply to the appropriate state water rights agency and any decision would follow existing state water rights procedures and established rule of law. To acquire water rights, federal agencies would have to pay fair market value. As a practical matter, federal protection will not affect downstream water projects and are unlikely to affect any upstream water projects. None of the Wild & Scenic Rivers in California have affected the operation of upstream and downstream dams and other water facilities.

How does a stream become a Wild & Scenic candidate?

Congress protects rivers outright through designating legislation or it may direct federal agencies to conduct studies and make recommendations concerning designation. The Forest Service, BLM, and other federal agencies that manage public lands are also required to identify, study, and recommend candidate Wild & Scenic Rivers in the land and resource planning process. To be eligible, a candidate river must be free-flowing and possess one or more outstanding values. Once a river is determined eligible, the agency provides interim protection of the river's free flowing character and outstanding values until Congress acts in response to the agency study. State protected rivers that meet federal criteria may be added to the federal system upon the request of the State's Governor and approval of the Interior Secretary.

Which California rivers enjoy federal protection?

More than 2,200 miles of California rivers and streams are protected in the National Wild & Scenic Rivers System. Some of these rivers enjoy dual federal and state protection. The federally protected rivers and streams in California include the Middle Fork Feather River, American River (North Fork and main stem), Smith River (including multiple forks and tributaries), Klamath River, Scott River, Salmon River, Trinity River (including multiple forks and tributaries), New River, Van Duzen River, Eel River (including multiple forks and tributaries), Merced River (including South Fork), Kings River (including Middle and South Forks), Kern River (North and South Forks), Big Sur River, Sisquoc River, Sespe Creek, Black Butte River Owens River Headwaters, Cottonwood Creek, Amargosa River, Piru Creek, North Fork San Jacinto River (including Fuller Mill Creek), Palm Canyon Creek, and Bautista Creek.

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