National Wild and Scenic Rivers

Experience Your America

"The National Park Service cares for special places saved by the American people so that all may experience our heritage."

An Introductory Workshop on National Wild and Scenic Rivers

U.S. River Facts*

NUMBER OF RIVERS: 250,000 RIVERS AND STREAMS

RIVER MILES: 3.5 MILLION MILES OF RIVERS AND STREAMS

IMPOUNDED: MORE THAN 600,000 RIVER MILES IMPOUNDED BEHIND DAMS

POLLUTION: NEARLY 40% OF ALL RIVERS NOT FISHABLE OR SWIMABLE

AQUATIC ANIMALS: FRESHWATER SPECIES DISAPPEARING 5 X FASTER THAN LAND ANIMALS

*SOURCE: AMERICAN RIVERS AND NATIONAL PARK SERVICE

U.S. River Facts*

ENDANGERED SPECIES: 50% OF 1200 SPECIES LISTED AS THREATENED OR ENDANGERED DEPEND ON RIVERS OR STREAMS

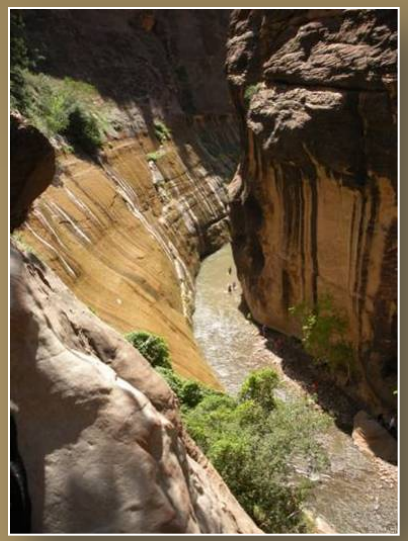
SONGBIRDS: 80% OF NEOTROPICAL MIGRANT SPECIES (MOSTLY SONGBIRDS) DEPEND ON RIPARIAN AREAS FOR NESTING OR MIGRATION

RIPARIAN AREAS: U.S. FISH & WILDLIFE ESTIMATES: 70% OF THE RIPARIAN HABITAT NATIONWIDE IS LOST OR ALTERED

*SOURCE: AMERICAN RIVERS AND NATIONAL PARK SERVICE

WSRA Intent

- Complement national policy of dam and other construction
- Protect and Enhance:
  - Free-flowing Condition
  - Water Quality
  - ORVs
- Establish process to add rivers to National System



Congressional Declaration

- "It is hereby declared to be the 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 similar values, shall be preserved in free-flowing condition*…"

- ***The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287)**

Declaration of Policy Section 1(b)

- Protect Values
  - Free-flowing Condition
  - Water Quality
  - ORVs

- Define ORVs and Describe Free Flow and WQ
  - Guide future management actions
  - Basis for corridor boundary
  - Baseline for monitoring
  - Basis for in-corridor Section 7 determinations

National Wild & Scenic Rivers System:

RIVERS: 203 RIVERS IN 38 STATES AND PUERTO RICO

RIVER MILES: 12,598 MILES IN FEDERAL AND PRIVATE LANDS

FEDERAL AGENCIES: NATIONAL PARK SERVICE, U.S. FOREST SERVICE, BUREAU OF LAND MANAGEMENT, U.S. FISH AND WILDLIFE SERVICE, AND ARMY CORPS OF ENGINEERS

(NPS National Steering Committee & Interagency Council)

STATE ADMINISTERED: 18 RIVERS IN 6 STATES

PARTNERSHIP MODEL: 16 RIVERS IN 10 STATES

WATERSHED MODEL: 2 RIVERS IN TWO STATES

58 National Wild & Scenic Rivers Administered by National Park Service

17 in NPS Northeast Region (Highlighted)

National Park System Rivers

Alagnak (AK)
Alatna (AK)
Aniakchak (AK)
Bluestone (WV)
Cache La Poudre (CO)
Charley (AK)
Chilikadrotna (AK)
Delaware (middle) (NJ & PA)
Delaware (upper) (NY & PA)
Flathead (MT)
John (AK)
Kern (CA)
Kings (CA)
Klamath (CA)
Kobuk (AK)
Koyukuk (North Fork) (AK)
Merced (CA)
Missouri (NE & SD)
Mulchatna (AK)
Niobrara (NE)
Noatak (AK)
Obed (TN)
Rio Grande (TX)
Salmon (AK)
St. Croix

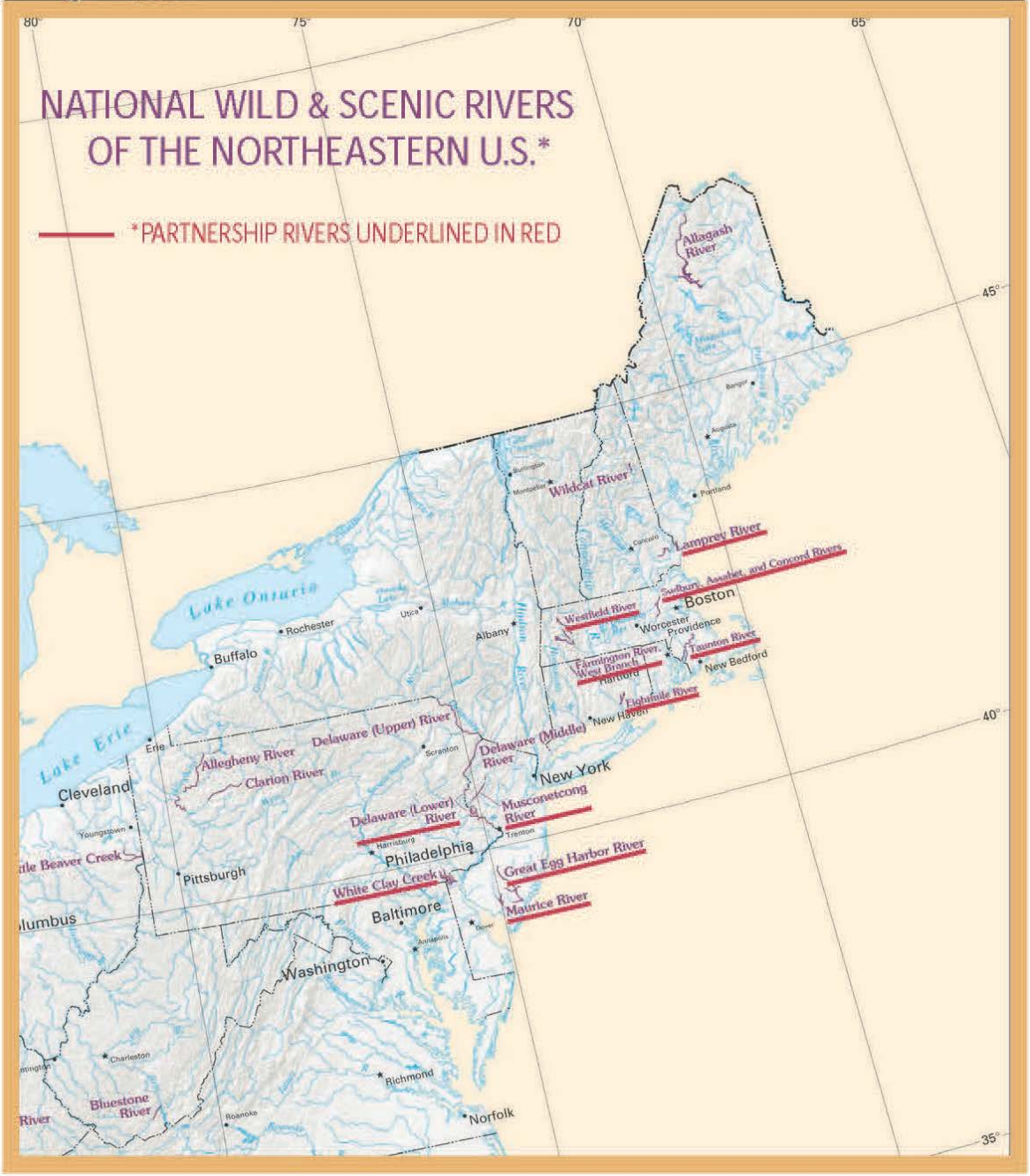
Rivers managed by States or Tribes

American (Lower) (CA)
Allagash Wilderness Waterway (ME)
Big and Little Darby Creeks (OH)
Cossatot (AR)
Eel (CA)
Klamath (CA, OR)
Little Beaver (OH)
Little Miami (OH)
Loxahatchee (FL)
Lumber (NC)
Middle Fork Vermillion (IL)
New (South Fork) (NC)
St. Croix (Lower) (MN, WI)
Smith (CA)
Trinity (CA)
Westfield (MA)
Wolf (WI)

Partnership Wild & Scenic Rivers

Delaware (lower) (NJ & PA)
Eightmile (CT)
Farmington (West Branch) (CT)
Great Egg Harbor (NJ)
Lamprey (NH)
Maurice (NJ)
Musconetcong (NJ)
Sudbury, Assabet, Concord (MA)
Taunton (MA)
Wekiva (FL)
Westfield (MA)
White Clay Creek (DE & PA)

Northeast Region
National Park Service
U.S. Department of the Interior



Partnership River Principles

- No federal land ownership or management
- Administration through NPS & local committee
- Preserves existing local and state laws and regulations
- Locally developed river plans—approved prior to designation—guide future management
- Shared management responsibilities
- Voluntary participation

Wild & Scenic Rivers Classifications

Section 2(b)

- Three classes
  - Wild, Scenic, Recreational
  - Classification ≠ ORV
- Describes type/intensity of existing development, access
- Framework for future land management activities
- Protections in Sec. 7(a) and 10(a) independent of classification

Boundaries Sections 3(b) and (c)

- ORVs - basis for establishment
- Bank-to-bank unacceptable
- Does not need to be marked on the ground
- Publish Notice of Availability in Federal Register
- Effective 90 days after transmittal to Congress

Land Acquisition Authority Sec. 6

- Acquisition of Lands/Interests
  - No condemnation if zoning conforms to Act (Sec 6(c))
  - No condemnation if 50% public ownership
  - Acquisition used sparingly on a handful of rivers
  - Limits on in-fee acquisition
    - No more than 100 acres/mile (Sec 6(a)(1))

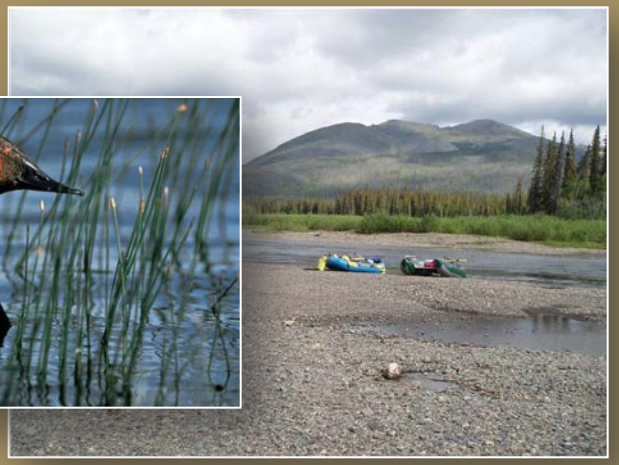
Water Quality

Section 12(c)

- Cooperate with EPA/State
- Enforcement through EPA/State

States' Rights
Sections 13(a) and 13(f)

- 13(a) preserves State role in managing fish & wildlife
- 13(f) preserves State rights in waterway access & managing navigable waterways
- Partner with State



Federal Reservation of Water
Section 13(c)

- Cannot interfere with interstate compact
- Establishes Federal Reserved Water Right
- Quantity necessary to achieve purposes
- Describe ORV and WQ dependency on flow in CRMP

River Study Guidance
Sections 4 & 5

- Criteria
- Process
- Interim ¼-mile boundaries
- Different types of study rivers

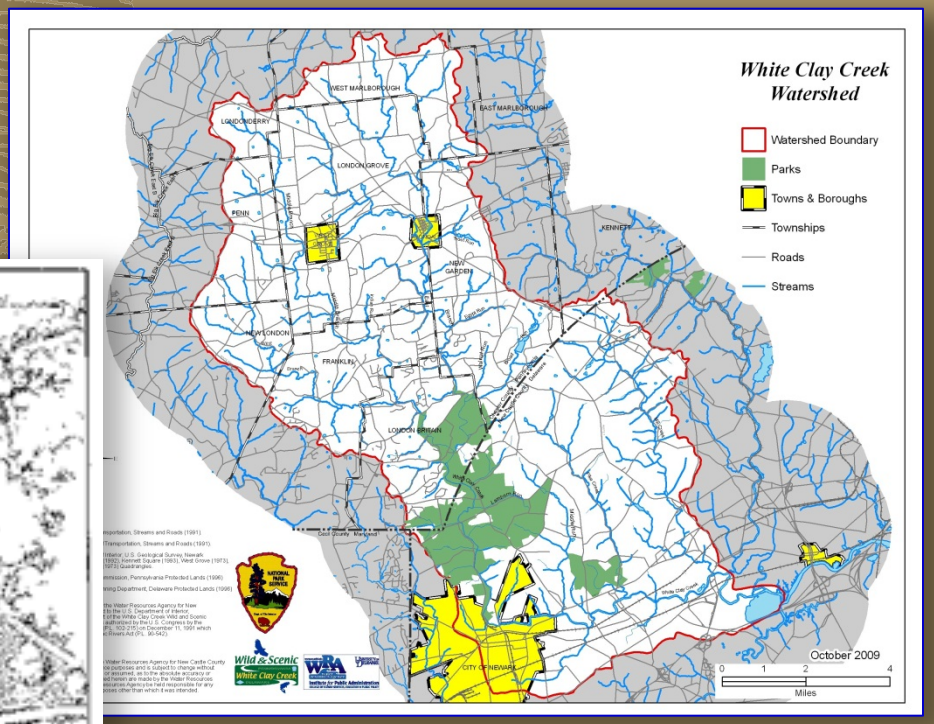
Northeast Region Partnership Rivers

- Catalysts for studies
- Congressional sponsors
- Study Process & ORVs
- Dates of designations

White Clay Creek

Catalyst for study: Proposal to dam mainstem to create drinking water reservoir

Designation: October, 2000



Maurice River

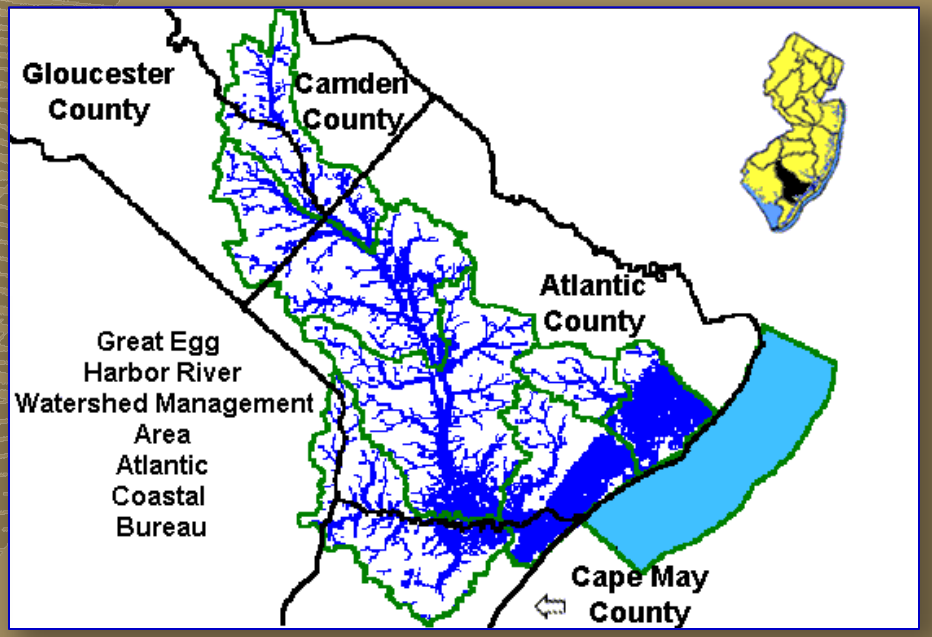
Catalyst for study: Large-scale industrial development projects

Designation: December, 1993

Great Egg Harbor River

Catalyst for study: Development pressure, threats to culture and history, significant water withdrawals

Designation:
October, 1992



Musconetcong River

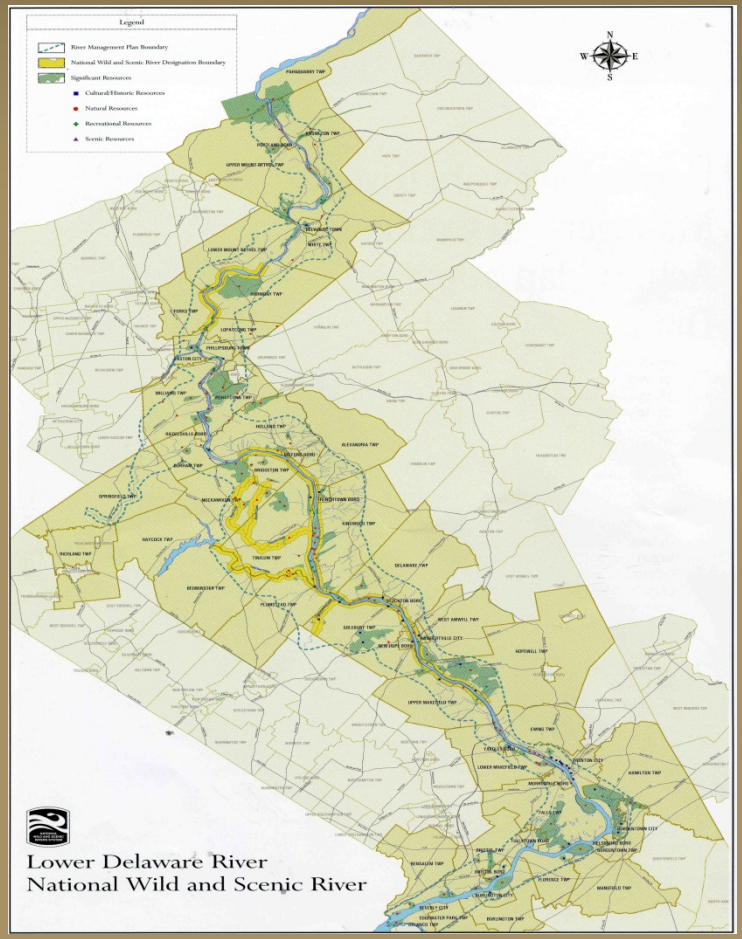
Catalyst for study:
Development pressure –
Outgrowth of study for
Lower Delaware as potential
Wild & Scenic River

Designation: October, 2003

Lower Delaware River

Catalyst for study:
Development pressure – Upper Delaware & Middle Delaware already designated

Designation:
November, 2000



Typical Study Process

- Task Force provides input to NPS on WSR study
- Subcommittees address study topics: (eligibility & suitability phases, River Management Planning)
- Eligibility = free flow, WQ, ORVs
- Suitability = protection measures, support for designation
- RMP = river boundaries, roles for NPS & local interests, goals & objectives for resource management
- Findings transmitted to President & Congress for action

White Clay Creek

ORVs

- Hydrogeology – Cockeysville Marble
- Water quality
- Botany – 6 rare plant species
- Fish & Wildlife – Cerulean warbler & Bog turtle
- Cultural – 3 National Register historic sites

Maurice River

ORVs

- Water quality
- Botany – 4 rare plant species
- Wildlife – Bald eagle, peregrine falcon, black duck; habitat for migrating shorebirds; habitat for state-listed reptiles & amphibians
- Fish – shortnose sturgeon, striped bass
- Cultural – Fralinger Farm, fishing and boat building
- Pinelands National Reserve

Great Egg Harbor River

ORVs

- Water quality
- Botany – Numerous rare plant species
- Wildlife – Bald eagle, black duck; habitat for federal and state listed species
- Fish – Anadromous fish habitat
- Cultural – Iron and glass industries, ship building
- Recreation – Hunting, fishing, boating, swimming, wildlife watching (John James Audubon)
- Pinelands National Reserve

Musconetcong River

ORVs

- Wildlife – Habitat for federal & state listed species; New Jersey Highlands; Alpha Grasslands; native trout
- Scenic Views
- Historic/Prehistoric – Morris Canal, Plenge Archeological Site
- Recreation – Hiking, fishing, canoeing, camping nature study
- Geological – Limestone Karst topography

Lower Delaware River

ORVs

- Ecological – Migratory fish; federal & state listed species including freshwater mussels; Atlantic flyway; river islands
- Scenic Views – Forested cliffs, waterfalls, canals
- Cultural/Historic – Washington's Crossing, canal towns
- Recreation – 2 canal parks, 3 Scenic Byways, whitewater rafting, Delaware River Water Trail
- Geological – Devil's Tea Table, Monroe Border Fault, Ringing Rocks, Milford Bluffs, Nockamixon Cliffs

Benefits of W&S Designation

- National recognition / prestige / hall of fame of rivers
- Boost to local economy
  - Ecotourism destination
- NPS technical assistance/funding
- Protection from federally assisted projects that would affect the river
- Locally-appointed River Committee

Benefits of W&S Designation

- Increases predictability of future land use & river management
- Forum to address river-related issues
- Protects current land uses that are compatible with W&S designation & RMP
- More compatible economic development that respects values

Management Plan Section 3(d)

- Comprehensive River Management Plan
  - WSR Values/ORVs, Goals, Desired Conditions
  - Land/Facility Development
  - User Capacities
  - Water Quality & Instream Flows
  - Cooperation with Local and State Governments
  - Regulatory Authorities
  - Monitoring

Partnership Rivers Plan Implementation

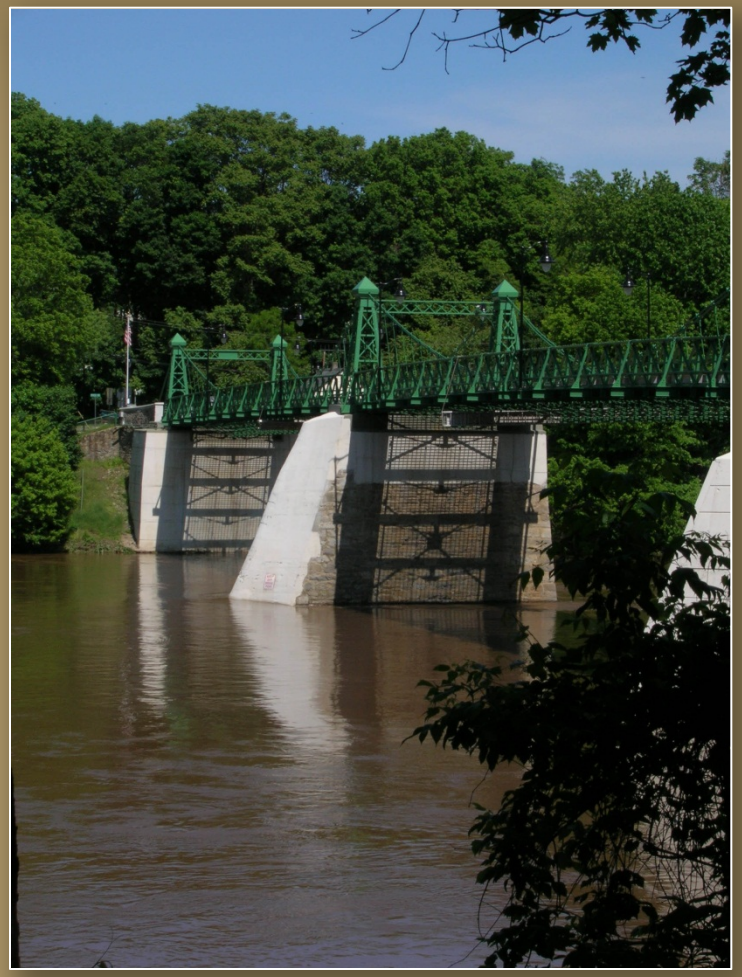
- Annual work plans/budgets
- Roles of various partners

Section 7 Intent & Trigger

- Trigger = Federal action, e.g. USACE Section 404 permit, etc.
- Keeps Rivers Free-flowing
- Focuses on Modification of Waterway (Bed and Banks)
- Protects from Harmful Effects of Water Resources Projects (WRPs)

Definitions

- Water Resources Projects
- Bed and Banks
- Construction
- Federal Assistance
- Free-Flowing
- Invade /unreasonably diminish (above, below & on tributaries)
- ORVs
- River Corridor (ORV extent)
- River-Administering Agency

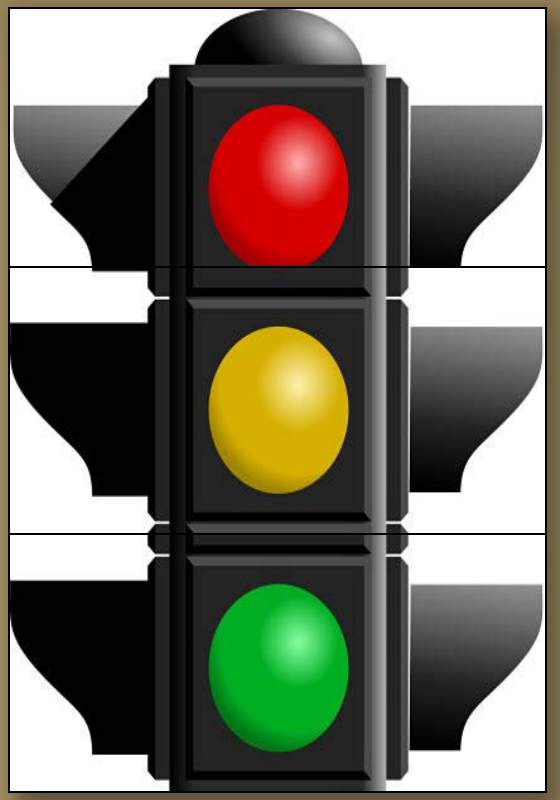


Key Steps

- Project Initiation – Applicant early coordination with NPS; NPS early coordination with other federal (& state) agencies
- Analysis Process – Review of alternatives, RMP objectives, & evaluation of impacts/measures to avoid impacts

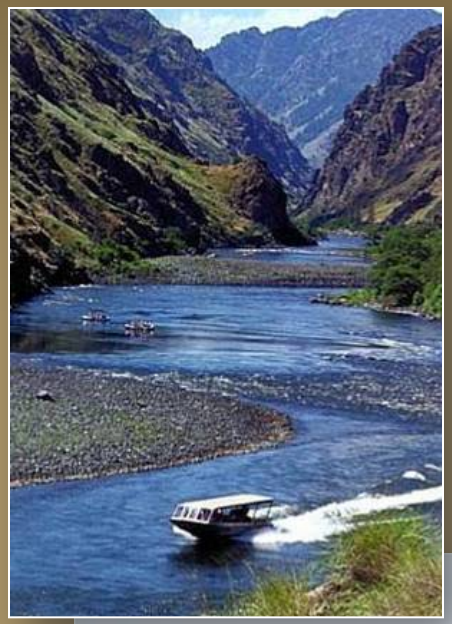
Outcomes

- Adverse effects
- Adverse effects – avoidance measures
- No adverse effects



Management Direction
Section 10(a)

- Protect and Enhance
  - Non-degradation and enhancement policy
  - Protect by monitoring, eliminating adverse effects
  - Enhance by improving conditions
- Public use must not adversely impact/degrade values

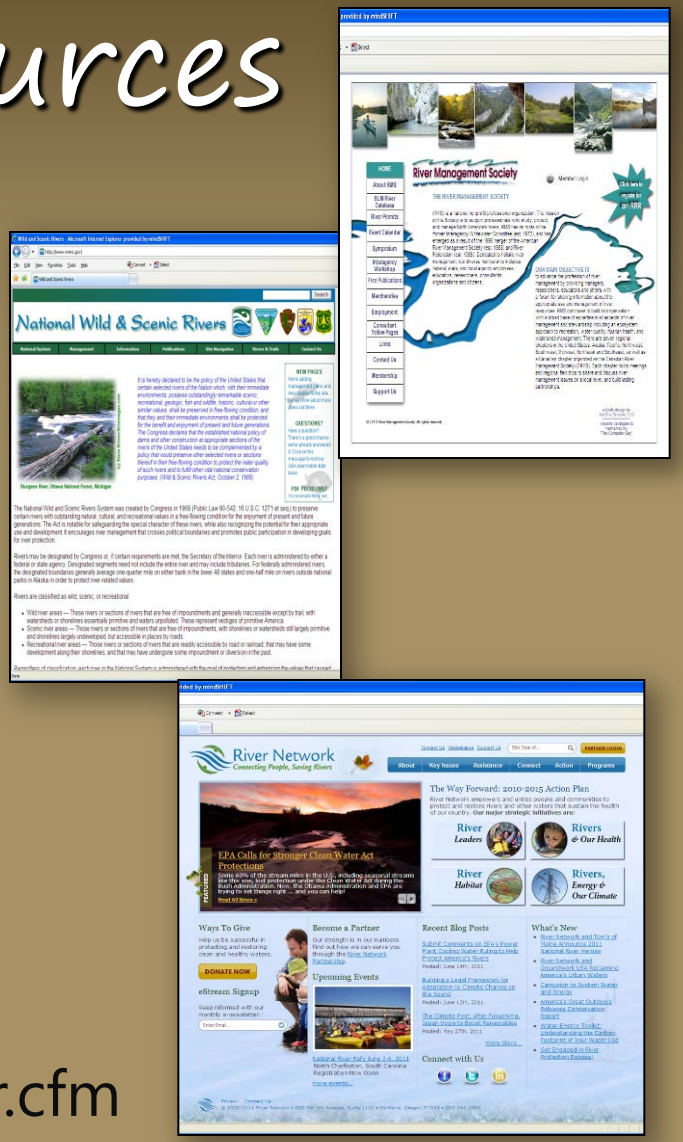


References

- DOI and USDA *Interagency Guidelines* – Fed. Reg., Vol. 47, No. 173; Sept. 7, 1982
- Agency Direction
  - Forest Service Manual 2354
  - BLM Manual soon
  - NPS working on guidance
- IWSRCC Guidance

Additional Resources

- IWSRCC
  www.rivers.gov
- River Management Society
  www.river-management.org
- River Network
  www.rivernetwork.org
- National Park Service
  www.nature.nps.gov/water/wsr.cfm



Your River Resources

White Clay Creek
www.whiteclay.org
www.rivers.gov/rivers/rivers/white-clay.php

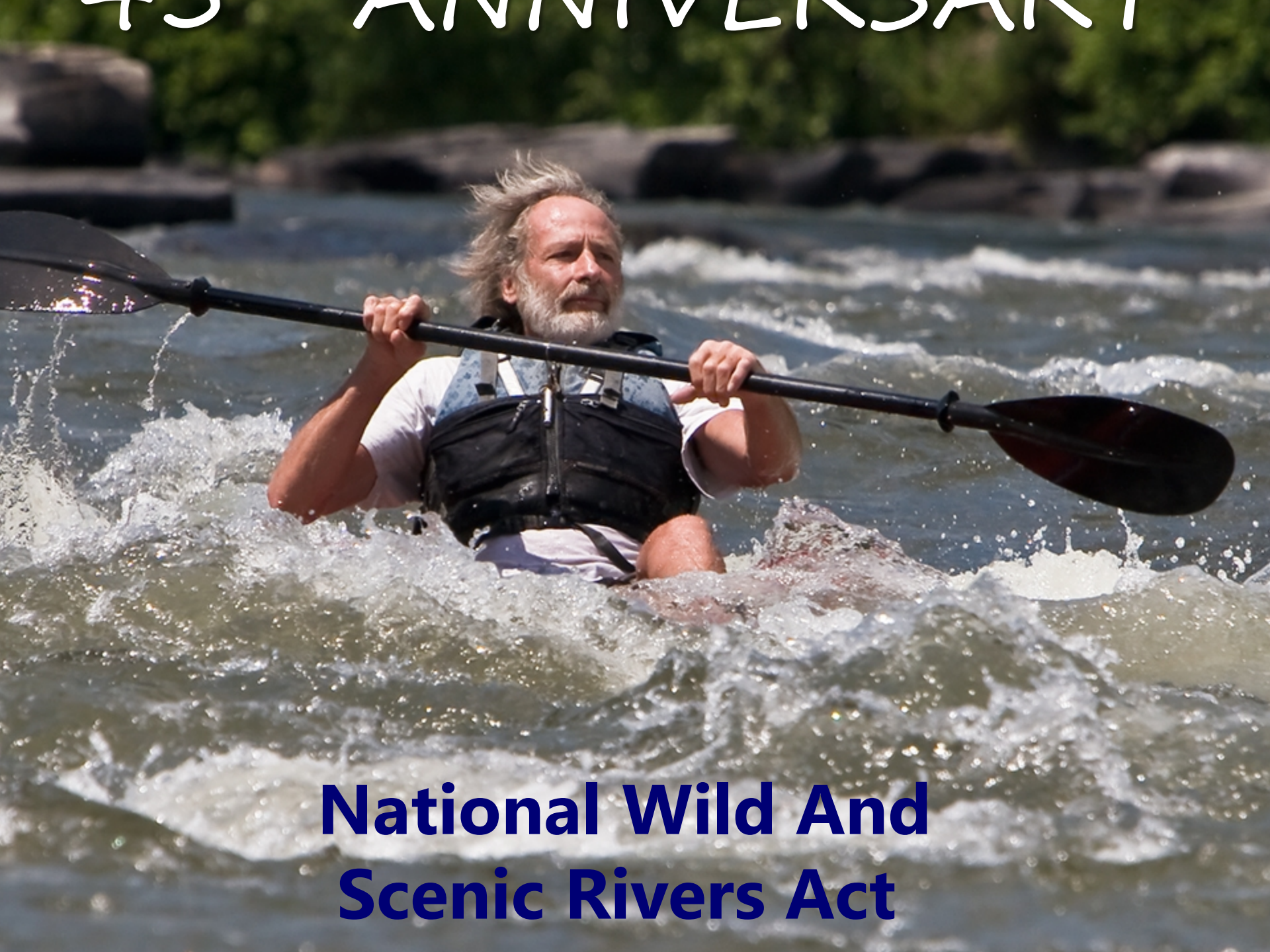
Lower Delaware River
www.lowerdelawarewildandscenic.org/
www.nps.gov/lode
www.nps.gov/nero/rivers/lowerdel.htm
www.state.nj.us/drbc/basin/wild.html
www.rivers.gov/rivers/rivers/delaware-lower.php

Great Egg Harbor River
www.gehwa.org
www.nps.gov/greg
www.rivers.gov/rivers/rivers/great-egg-harbor.php

Maurice River
www.cumauriceriver.org
www.rivers.gov/rivers/rivers/maurice.php

Musconetcong River
www.musconetcong.org
www.nps.gov/nero/rivers/muskie.htm
www.rivers.gov/rivers/rivers/musconetcong.php

45th ANNIVERSARY



National Wild And Scenic Rivers Act