

APPENDIX C

WILD AND SCENIC RIVER MANAGEMENT STATUTORY REQUIREMENTS

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Wild and Scenic River Management Statutory Requirements January 2005

Objective: Define the requirements necessary to manage a designated wild and scenic river as directed by statute and to serve as a basis for translating into program accountability and cost measures. This list is based on the specific direction in the Wild and Scenic Rivers Act (WSRA)¹.

Requirements by section of WSRA (in narrative format):

Section 1(b) – Congressional Declaration of Policy

- Defines a three-fold purpose for designated rivers: free-flowing condition, water quality and outstandingly remarkable values (ORVs).
- Describes generally the values (ORVs) for which rivers are added to the National Wild and Scenic Rivers System (National System).

Requirements:

- Describe the ORVs in adequate detail in the comprehensive river management plan (CRMP) to guide future management actions and serve as the baseline for monitoring. Note: If a river's ORVs are not identified and sufficiently detailed through a pre-designation study or in the Land and Resource Management Plan (LRMP), conduct a resource assessment in development of the CRMP.

Section 2(b) – Classification (see also Section 3(d)(1))

- Identifies and describes three classes of rivers: wild, scenic and recreational.
- Directs rivers be “administered” within a classification.

Requirements:

- Define the river's initial landscape character from which to establish standards for future in-corridor land-use changes.

Sections 3(b) and 3(c) – Establishment of Boundaries and Classification; Public Availability of Maps and Descriptions

- Directs establishment of a detailed boundary.
- Describes notice and other requirements for final boundary map.

Requirements:

- Submit final boundary package (map and legal description) to Congress and publish notice of its availability in the Federal Register.

¹ For a more detailed presentation of managing a wild and scenic river, refer to *Wild and Scenic River Management Responsibilities* (2002), a technical paper of the Interagency Wild and Scenic Rivers Coordinating Council.

Sections 3(d)(1) and 3(d)(2) – Management Plans; Review Requirements for Early Designations

- Directs development of a CRMP that must: address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of WSRA. Note: This requirement results from generic amendment of the WSRA (1986).
- Describes notice requirement.

Requirements

- Develop CRMP and incorporate resulting direction into the LRMP. The CRMP should:

- Describe existing resource conditions with a detailed description of ORVs,
- Define the goals and desired conditions for protecting river values,
- Address development of lands and facilities,
- Address user capacities,
- Address water quality issues and instream flow requirements,
- Reflect a collaborative approach, recognizing the responsibilities of and opportunities for partnership with all stakeholders,
- Identify regulatory authorities of other governmental agencies that assist in protecting river values, and,
- Include a monitoring strategy to maintain desired conditions.

- Review pre-1986 plans for conformance with the requirements of Section 3(d)(1); i.e. review existing direction relative to requirements of a CRMP and revise LRMP to address any needed change.

Sections 6(a)(1) through 6(g)(1)-(3) – Acquisition Procedures and Limitations

- Describes acquisition procedures and limitations, including in fee title, through exchange and/or donation.

Requirements:

- Maintain text and history of property-specific easements.
- Administer easements to protect and enhance river-related values.

Section 7(a) – Restrictions on Hydroelectric and Water Resources Projects on Designated Rivers

- Provides standards of evaluation to protect a river from the harmful effects of federally assisted water resources projects. A standard is provided for proposals within the designated river corridor (“direct and adverse effects”), and proposals below, above or on a stream tributary to the river (“invade...or unreasonably diminish...”).

Requirements:

- Describe existing water resources project development in bed or bank of a designated rivers as part of initial landscape character (refer to section 2(b)). This description provides context for evaluation of subsequent maintenance or replacement that is subject to the WSRA.
- Provide direction in CRMP to evaluate a water resources project under appropriate standard of Section 7(a). Develop necessary agreements with federal agencies to provide timely notice of proposed water resources projects.
- Evaluate and make determination under Section 7(a).

Section 9(a) – Limitations on Mineral Entry

- Withdraws minerals located on federal lands within wild river corridors.
- Allows a mining claimant to obtain rights to mineral deposits and use of surface and surface resources as reasonably required for prospecting or mining.

Requirements:

- Provide direction for discretionary mineral activity in the CRMP, as appropriate.

Section 10(a) – Management Direction

- Directs the values of each river (free flow, water quality and ORVs) be protected and enhanced.
- Establishes a nondegradation and enhancement policy for all rivers regardless of classification and ownership.
- Allows existing uses on federal lands (e.g., recreation activities, livestock grazing) to continue where they do not conflict with river protection.

Requirements:

- Potential effects from projects and/or activities to the river's free-flowing condition, water quality or ORVs on federal and nonfederal lands must be evaluated, with adverse effects (i.e., conditions outside LRMP standards) mitigated to the extent of Forest Service authority.
- Develop a monitoring plan to protect and enhance values.

Section 10(d) – WSRs Administered by Forest Service

- Allows the Forest Service to use its general statutory authorities to protect river values on nonfederal land and water. This includes requiring special-use permits for commercial guides and, as appropriate, nonregulatory or regulatory permits for private on-river, in-corridor use to allow the Forest Service to provide a level of public safety, to maintain a desired recreation experience, and to protect biological and physical values.

Requirements:

- Permit commercial outfitting and recreation events and require, as appropriate, nonregulatory or regulatory permit systems for private users.

Section 10(e)—Cooperative Agreements

- Provides for Forest Service-state partnership in wild and scenic river administration. Such agreements allow for collaboration in development and implementation of a CRMP and recognize the role of state and local government in directing activities on nonfederal lands (e.g., water pollution abatement, zoning).

Requirements:

- Develop, as appropriate, Forest Service-state cooperative agreements to protect and enhance river values.

Section 11(b)(1)—Federal Assistance to Others

- Authorizes the Forest Service to provide technical, i.e., nonmonetary assistance and the use of National Forest System funds to plan, protect and manage river resources. Technical assistance and limited financial assistance may be applied to projects/activities on nonfederal lands within and proximate to a wild and scenic river corridor. Opportunities for such partnership should be identified in the CRMP and implemented through a properly documented written agreement to assure the public’s interest and the private landowner’s rights are protected.

Requirements:

- Develop, as appropriate, written cooperative agreements with local and state agencies, and private organizations and individuals to protect and enhance river values.

Section 12(a) – Management Policies

- Directs the river-administering agency and all federal departments and agencies with jurisdiction over lands within or proximate to a designated river to protect river values.

Requirements:

- Protect river values in actions for which the river-administering agency has responsibility.
- Work with other federal agencies to protect river values in their programs and activities.

Section 12(c) – Water Pollution

- Directs the river-administering agency to “cooperate” with the Environmental Protection Agency and state-water quality agencies in addressing water quality concerns.

Requirements:

- Describe existing condition (in physical, chemical and biological parameters, as appropriate).
- Identify water-quality related issues and develop a strategy in cooperation with EPA and state-water quality agencies to improve/protect water quality.

Section 13(c) – Federal Reservation of Water

- Establishes a federal reservation of water in the quantity necessary to meet purposes.

Requirements:

- Describe existing conditions, with ORVs related to water-quantity dependency.
- Develop a strategy to protect the riparian area, water-dependent ORVs and riverine processes (channel maintenance).

Requirements by section of WSRA (in table format):

WSRA	Direction	Requirements	Status
Section 1(b)	<ul style="list-style-type: none"> • Defines purposes. • Describes generally values for which rivers are added to the National System. 	Describe ORVs in detail in CRMP to guide future management actions and serve as baseline for monitoring.	
Section 2(b)	<ul style="list-style-type: none"> • Identifies and describes classes: wild, scenic and recreational. 	Define river's initial landscape character from which to establish standards for future in-corridor land-use changes.	
Sections 3(b) and 3(c)	<ul style="list-style-type: none"> • Directs establishment of detailed boundary. • Describes notice requirements. 	Submit final boundary package to Congress and publish in Federal Register.	
Sections 3(d)(1) and 3(d)(2)	<ul style="list-style-type: none"> • Directs development of a CRMP and defines its specific content. 	Develop direction to protect and enhance river values through the CRMP.	
Sections 6(a)(1) through 6(g)(1)-(3)	<ul style="list-style-type: none"> • Describes acquisition procedures and limitations. 	Maintain text and history of property-specific easements.	
Section 7(a)	<ul style="list-style-type: none"> • Provides standards of evaluation to protect river from harmful effects of federally assisted water resources projects. 	Describe existing water resources project development and provide direction to evaluate water resources projects in CRMP. Conduct specific-project review under Section 7(a).	
Section 9(a)	<ul style="list-style-type: none"> • Provides limitation on mineral activity. 	Provide direction for discretionary mineral activity in the CRMP, as appropriate	
Section 10(a)	<ul style="list-style-type: none"> • Establishes a nondegradation and enhancement policy. 	Develop a monitoring plan.	
Section 10(d)	<ul style="list-style-type: none"> • Allows use of Forest Service general statutory authority for commercial outfitting. 	Permit commercial outfitting and require, as appropriate, nonregulatory or regulatory permits for private use.	

WSRA	Direction	Requirements	Status
Section 10(e)	<ul style="list-style-type: none"> Provides for cooperative agreements between Forest Service-state. 	Develop, as appropriate, Forest Service-state agreements to protect and enhance river values.	
Section 11(b)(1)	<ul style="list-style-type: none"> Authorizes the Forest Service to provide technical assistance and National Forest System funds to plan, protect and manage river resources. 	Develop, as appropriate, written cooperative agreements with others to protect and enhance river values.	
Section 12(a)	<ul style="list-style-type: none"> Directs the river-administering agency to protect river values in activities within or proximate to the river corridor. 	Consider actions on lands within and proximate to the river corridor relative to protecting free-flow, water quality and the outstanding values.	
Section 12(c)	<ul style="list-style-type: none"> Directs cooperation with EPA and state agencies to protect and improve water quality. 	Describe baseline conditions, identify water quality issues, and develop protection strategy.	
Sections 13(c)	<ul style="list-style-type: none"> Establishes federal reservation of water. 	Identify flow-dependent ORVs and develop a strategy to protect.	