United States Department of the Interior

NATIONAL PARK SERVICE
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Washington, D.C. 20240

DIRECTOR'S ORDER #46: WILD AND SCENIC RIVERS

Approved: Jonathan B. Jarvis
Director

Effective Date: May 1, 2015

Sunset Date: This order will remain in effect until amended or rescinded.

This Director's Order, together with Handbook 46 (under development), supersedes any conflicting policies, instructions or requirements that may have been issued previously.

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1. Background

In 1968, the Wild and Scenic Rivers Act (WSRA) (16 USC 1271-1287; Public Law (PL) 90-542) was signed into law. The WSRA declared, as a matter of national policy, "that 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 . . . they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations" (16 USC 1271). To accomplish this goal, the Act established a National Wild and Scenic Rivers System (NWSRS) (16 USC 1272).

The National Park Service (NPS) is one of the four Federal land-managing agencies with wild and scenic river (WSR) management responsibilities. WSRs administered by the Secretary of the Interior through the NPS may flow wholly or partly within the boundaries of existing national park system units, or may constitute new and separate units of the national park system. These congressionally designated WSRs are part of both the national park system and the NWSRS (16 USC 1281(c)). Other congressionally designated rivers are administered by the NPS in partnership with State and non-governmental organizations. Some of these partnership

rivers are considered part of the national park system and the NWSRS, while others are explicitly excluded in their enabling legislation from inclusion in the national park system and are only included in the NWSRS. Other WSRs are designated by Secretarial action (16 USC 1273(a)(ii)) for inclusion in the NWSRS, but are administered by a State agency, with limited NPS responsibilities. Additionally, some NPS units have river protection language in their enabling legislation that is similar or identical to some provisions of the WSRA, although these rivers are not included in the NWSRS.

The NPS conducts congressionally authorized studies (16 USC 1276) of rivers for potential inclusion in the NWSRS, and also evaluates rivers within park units for wild and scenic eligibility and suitability as part of its ongoing planning activities.

2. Purpose and Scope

The purpose of this Director's Order is to provide policy guidance necessary for accountability, consistency and continuity in the implementation of the WSRA by the National Park Service.[1] This includes: (1) management responsibilities for designated WSRs that are part of the national park system, partnership WSRs, and rivers in NPS units with protective language similar to that of the WSRA in their enabling legislation; and (2) section 7 (16 USC 1278) responsibilities for State-administered components of the NWSRS. This order also advises on responsibilities related to WSR planning studies and the Nationwide Rivers Inventory (NRI).

Nothing in this Order affects the jurisdiction or responsibilities of the States with respect to waters, interstate compacts, navigable streams and fish and wildlife.

3. Authorities

Authority to issue this Director's Order is contained in the National Park Service Organic Act (54 USC 100101(a) *et seq.*)[2], and delegations of authority contained in Part 245 of the Department of the Interior Manual. Specific authority governing WSRs is contained in the WSRA (16 USC 1271—1287).

This Director's Order is intended only to improve the internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

4. NPS Responsibilities

The NPS has varying responsibilities for WSRs within the national park system, partnership WSRs, and State-administered WSRs. The NPS also manages river parks with enabling legislation similar to the WSRA, and conducts WSR planning and studies.

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[1] Additional information regarding Director's Orders can be found on the NPS Office of Policy web site at http://www.nps.gov/policy/DOrders/thingstoknow.htm.

[2] PL 113-287 enacted title 54 of the US Code as positive law. Officially codified therein are laws of Service-wide application to the NPS—such as the Organic Act—formerly found in title 16.

4.1 Section 7 of the Wild and Scenic Rivers Act

4.1.1 Description

NPS responsibilities on WSRs vary depending upon whether the river is part of the national park system, a partnership river, a State-administered component of the NWSRS, or a congressionally authorized study river. For all of these WSRs, however, the NPS has responsibility for implementing section 7 of the WSRA (16 USC 1278).

Congress passed the WSRA to protect selected rivers from dams, diversions, channelization and other projects that have had detrimental effects on so many of the Nation's waterways. While the WSRA provides a number of important measures to protect and enhance the values for which rivers are added to the NWSRS, none is more significant than the restrictions on water resources projects[3] provided in section 7.

Section 7(a) provides each river designated into the NWSRS with permanent protection from federally licensed or assisted[4] dams, diversions, channelization or other water resources projects that would have a direct and adverse effect on its free-flowing condition, water quality, or "outstandingly remarkable values"[5]; or, for projects upstream, downstream, or on a tributary to the designated segments, that would invade or unreasonably diminish the segment's fish, wildlife, scenic, or recreational resources. The determination of a proposed federally assisted water resources project's potential impacts on a river's outstandingly remarkable values, water quality, and free-flowing condition is made by the NPS. Typically, the baseline for evaluating impacts to free-flow, water quality, and outstandingly remarkable values is the condition on the date of designation. However, if river conditions have improved since the date of designation, NPS will base section 7 determinations upon the improved condition.[6]

Section 7(a) also explicitly prohibits the Federal Energy Regulatory Commission (FERC) from licensing any new dam, water conduit, reservoir, powerhouse, transmission line, or other project

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[3] A "water resources project" under section 7 of the WSRA is defined as any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (FPA), or other construction of developments which would affect the free-flowing characteristics of a wild and scenic or congressionally authorized study river (36 CFR 297.3). In addition to projects licensed by the Federal Energy Regulatory Commission (FERC), water resources projects include, but are not limited to: dams; reservoirs; water diversion projects; fisheries habitat and watershed restoration/enhancement projects; bridges and other roadway construction/reconstruction projects; bank stabilization projects; channelization projects; levee construction; recreation facilities such as boat ramps and fishing piers; and activities that require a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act (33 USC 1344).

[4] "[N]o department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established . . . ." 16 USC 1278(a).

[5] Outstandingly remarkable values are those river-related or dependent scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values that have been determined to be rare, unique, or exemplary at a comparative regional or national scale.

[6] Section 10 of the WSRA directs that these resources values be protected and enhanced, and the Interagency Guidelines interpret section 10 as creating a nondegradation and enhancement policy. See section 4.2.2 of this Order.

works on or directly affecting a designated river segment. The determination of whether a proposed FERC project is on or directly affects a river is made by the NPS.

Section 7(b) provides essentially identical protection for congressionally authorized study rivers, except it eliminates the word "unreasonably" from the standard pertaining to projects outside the designated segments, making protection during the study process stronger.

4.1.2 NPS Management Responsibilities

To implement section 7 of the WSRA, the NPS will:

- Review proposed federally initiated or federally assisted water resources projects on designated or congressional study rivers (including those upstream, downstream, and on tributaries of the designated or study segment of the river, including those projects proposed by the NPS) and determine whether such projects meet the standards established by the WSRA.[7] Federal actions may not proceed unless the NPS has determined in writing that the proposed project fully meets the requirements of the WSRA. Consistent with the WSRA, the NPS may not implement or consent to implementation of a water resources project constructed or assisted by another Federal agency if such project is found to exceed the threshold of the appropriate standard (see footnote 7). Compensating for an impact on a WSR resource by improving the condition of other resources is not sufficient to allow a project to proceed if the appropriate standard would still be violated.
- Work with the appropriate parties to ensure the section 7 evaluation process is initiated at the earliest possible opportunity. Request additional studies and/or information from the Federal permitting/licensing/funding agency if deemed necessary to determine effects to river resources under section 7 evaluation. Projects must demonstrate that they meet WSRA standards. Note: There are deadlines and financial penalties for section 7 determinations associated with certain Department of Transportation projects.[8]
- Ensure that all projects triggering section 7 review are evaluated regardless of their NEPA pathway. Categorical exclusion does not eliminate the need for a section 7 determination.

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[7] The WSRA directs that water resources projects be evaluated under one of three different standards, depending on the location of the project and the status of the river:

a. Water resources projects located on a designated or study river may not have a "direct and adverse effect" upon the values for which the river was, or may be, designated (free-flow, water quality, and outstandingly remarkable values). 16 USC 1278(a) and (b).

b. Water resources projects located upstream, downstream, or on a stream tributary to a designated river may not "invade . . . or unreasonably diminish" scenic, recreational, or fish and wildlife values present in the area on the date of designation. 16 USC 1278(a).

c. Water resources projects located upstream, downstream, or on a stream tributary to a congressionally authorized study river may not "invade or diminish" scenic, recreational, or fish and wildlife values. 16 USC 1278(b).

[8] Section 1306 of the Moving Ahead for Progress in the 21st Century Act (23 USC 139(h)(6); 126 Stat. 405, 535-36). For additional guidance, see Handbook 46 and http://www.fhwa.dot.gov/map21/.

- Ensure that NPS concurrence on other compliance requirements (e.g., Department of Transportation Act section 4(f)) is contingent upon a final section 7 determination indicating the proposed water resources project is in compliance with the WSRA.
- Ensure that the administrative record for each section 7 determination contains pertinent documentation, including the data used to support the decision. A copy of the final determination will be maintained on file.[9]

Guidance on section 7 definitions and implementation is provided in Handbook 46 and on the Interagency Wild and Scenic Rivers Coordinating Council web site at http://www.rivers.gov.

4.2 Wild and Scenic Rivers within the National Park System[10]

4.2.1 Description

These WSRs are congressionally designated under section 3(a) of the WSRA (16 USC 1274(a)). They are administered solely by the NPS or jointly with another Federal agency,[11] flow wholly or partly within the boundaries of existing national park system units, or were designated as separate park units. They are part of both the national park system and the NWSRS.

4.2.2 NPS Management Responsibilities

WSRs within the national park system are subject to all laws, regulations and policies applicable to the national park system pursuant to section 10(c) of the WSRA (16 USC 1281(c)), in addition to all the mandates of the WSRA. In particular, the WSRA requires that the administering agency of each designated river (unless otherwise provided in river-specific legislation) will:

- Within one year of designation, (1) establish a boundary averaging no more than 320 acres per mile,[12] and (2) classify the river as "wild," "scenic" or "recreational,"[13] or some combination thereof. Provide notice of such boundaries and classifications and maps and descriptions thereof in accordance with section 3(b) of the WSRA (16 USC 1274(b)).
- Within three full-fiscal years of designation, prepare a comprehensive river management plan (CRMP) (see 4.6.1).
- Conduct evaluations of all federally assisted water resources projects pursuant to section 7 of the WSRA (see 4.1).
- Manage the river to protect and enhance the values for which it was designated - the free flow, water quality, and outstandingly remarkable values. Section 10(a) of the WSRA (16 USC 1281(a)) directs managers to protect and enhance these values "without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values." This may require attention to values and activities on adjacent lands. The "protect and enhance" language of section 10(a) is

[9] Detail on where records will be maintained is provided in Director's Order #11D: Records Management, and in Handbook 46.
[10] Some "partnership rivers" are part of the national park system. NPS responsibilities for these rivers are described in section 4.3 of this Order.
[11] When a WSR is jointly managed by the NPS and another Federal agency, specific management responsibilities will be determined by agreement between the agencies.
[12] However, 640 acres for rivers outside park boundaries designated by the Alaska National Interest Lands Conservation Act (ANILCA) (16 USC 3101—3233).
[13] Classification describes the baseline level of development at the time of designation.

interpreted in the Secretary of the Interior and Secretary of Agriculture's Final Revised Guidelines for Eligibility, Classification and Management of River Areas, 47 Fed. Reg. 39454 (Interagency Guidelines) as "a non-degradation and enhancement policy for all designated river areas, regardless of classification." In keeping with the intent of the National Parks Omnibus Management Act of 1998, in particular, 54 USC 100704, managers will monitor the free-flowing character, outstandingly remarkable resource values and water quality of park rivers to establish baseline information and to provide information on long-term trends.

4.3 Partnership Wild and Scenic Rivers

4.3.1 Description

Congress has specified in some WSR designations, under section 3(a) of the WSRA (16 USC 1274(a)), that rivers are to be administered by the Secretary of the Interior through the NPS in partnership with local governments, councils, and non-governmental organizations (NGOs), generally through the use of cooperative agreements. The NPS refers to such WSRs as "partnership rivers." In some cases, the enabling legislation explicitly provides that such rivers will not be part of the national park system. However, if the enabling legislation does not explicitly address this issue, then the rivers are part of the national park system as established by section 10(c) of the WSRA.[14] Partnership rivers are typically designated following a congressionally authorized study during which a river management plan is developed in cooperation with stakeholders utilizing NPS technical assistance and funding, and such plans are usually identified as satisfying the requirements of section 3(d)(1) of the WSRA when Congress adds the rivers to the NWSRS.

4.3.2 NPS Management Responsibilities

Although administered by the NPS, river management is accomplished in a collaborative partnership between the NPS and State, local and/or non-governmental entities, as specified in the designation legislation and the CRMP. To date, locally based river management councils or committees have been formed on each partnership river specifically for this purpose. The NPS is ultimately responsible for overall implementation of the legislative intent of the WSRA to protect and enhance designated river areas.

The NPS is the responsible party for the implementation of section 7(a) of the WSRA regardless of the degree to which it shares other management functions on partnership rivers. Determining the impacts of federally assisted water resources projects is an NPS responsibility, as delegated by the Secretary, and may not be redelegated to any other entity.

NPS and partner responsibilities should be specified in an individual river's CRMP, which should be completed prior to designation to ensure a sound basis for successful partnership management.[15] River management plans, management councils, and other elements are typically

[14] Some partnership WSRs (e.g., the Great Egg Harbor, Lamprey and Maurice Rivers) are managed by the NPS as part of the national park system, even though they contain no Federal lands).

[15] While the WSRA requires that a CRMP be completed within 3 full fiscal years of designation, CRMPs for partnership rivers typically have been developed during pre-designation studies. This practice has been effective in assuring all parties of the extent and distribution of responsibilities that come with designation.

adopted by Congress through reference in individual river designating legislation and/or written agreements authorized by the river's designation.

Regional river managers for partnership WSRs provide planning and technical assistance to State, local and/or non-governmental entities for implementation of CRMPs, administration of cooperative agreements, and implementation of section 7(a) of the WSRA.

4.4 State-administered Wild and Scenic Rivers

4.4.1 Description

The WSRA established a process by which rivers can be added to the NWSRS through administrative action by the Secretary of the Interior. Section 2(a)(ii) of the WSRA (16 USC 1273(a)(ii)) allows the Governor of a State to apply to the Secretary for national designation of rivers already protected by or pursuant to an act of the State legislature. The NPS has been delegated authority to evaluate whether the requirements of section 2(a)(ii) have been met, determine an appropriate classification, and make a recommendation to the Secretary.

Rivers designated under section 2(a)(ii) are administered by State or local agencies.[16] The State/local administering agency is responsible for protecting and enhancing river values. Federal management is precluded on these rivers, and they must be administered without cost to the Federal Government.[17] However, any Federal lands included in the designation are administered by the appropriate Federal agency. The WSRA does not require the establishment of boundaries or the preparation of a CRMP for State-administered rivers. Section 2(a)(ii) is ideally suited to rivers where there is a strong tradition of State or local management and protection of the river.

4.4.2 NPS Responsibilities

The NPS is responsible for implementation of section 7(a) on State-administered WSRs, despite the WSRA's stipulation that such rivers be administered at no expense to the Federal Government. This responsibility is no different from the NPS's responsibility for implementing section 7 on rivers for which the NPS is the administrative lead, and may not be redelegated to any other group or entity.

NPS personnel should strive to maintain effective working relationships with the State administrator and other regulatory agencies on 2(a)(ii) rivers.

4.5 River Parks with Enabling Legislation Similar to the WSRA

4.5.1 Description

[16] The Wolf River in Wisconsin is a congressionally designated WSR, but is tribally managed very much like a 2(a)(ii) State-administered river. The Westfield River in Massachusetts is a 2(a)(ii) State-administered WSR, but is managed in partnership very much like a partnership river designated under section 3(a), except the river is officially administered by the State of Massachusetts rather than the NPS.

[17] NPS-provided technical assistance related to river conservation and recreation projects is not considered WSR management or administration, and is authorized under the WSRA's section 11(b) (16 USC 1282(b)).

Some rivers within selected NPS units[18] have specific management responsibilities prescribed by Congress that are similar to the requirements described in the WSRA. In each of these cases, the individual park's enabling legislation requires protection of the river's free-flowing condition and associated natural, scenic, geologic, fish and wildlife, historic and other values. Sometimes, the park enabling legislation has special provisions associated with the particular river or an ongoing project. Their enabling legislation may also impose prohibitions on water resources projects or require the evaluation of federally assisted water resources projects under language similar to that found under section 7(a) of the WSRA. While these rivers are not included in the NWSRS, the WSR-like provisions are to be implemented in a comparable fashion, consistent with the rivers' enabling legislation.

4.5.2 NPS Management Responsibilities

Staff in river parks with section 7-type provisions must evaluate federally assisted water resources projects within the identified river, as well as upstream, downstream and on any tributaries to the designated reach before Federal actions can be approved. This may require close coordination with other Federal agencies (e.g., U.S. Army Corps of Engineers and the Federal Highway Administration). Permits will only be issued by the Federal agency if it has been determined in writing by the NPS that the proposed project would not violate the park's legislation. In many instances, the Federal water resources project reviews and determinations should be prepared in accordance with the requirements of section 7(a) of the WSRA. Park staff must be familiar with the specific requirements of the WSRA and their park's enabling legislation to fully understand the context for preparing water resources project determinations.

4.6 Wild and Scenic River Planning and Studies

4.6.1 Comprehensive River Management Plans

For each WSR designated by Congress and assigned to the NPS for administration, the NPS will prepare a CRMP and other appropriate planning documents to address resource protection, the development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the WSRA. Each river's CRMP will include, at a minimum, those provisions stipulated in sections 3(d)(1) and 10(a) of the WSRA (16 USC 1274(d)(1) and 1281(a)) that outline comprehensive plan requirements. CRMPs may also include such other provisions as may be needed to satisfy the objective of chapter 2, "Park System Planning," of NPS Management Policies (2006) and the unique circumstances of the river. In cases where the NPS is writing a CRMP for rivers that cross onto lands administered by other Federal land management agencies, the NPS will coordinate closely with these agencies to support consistent protection of river values across jurisdictions, to the extent practicable. WSR managers should periodically review their river's values (free-flow, water quality, and outstandingly remarkable values) and their CRMP to ensure that new information and knowledge is incorporated appropriately.

On WSRs managed according to the NPS partnership rivers model that have CRMPs prepared during pre-designation studies that were subsequently adopted by Congress to satisfy the plan

[18] For example, Big South Fork National River and Recreation Area, Buffalo National River, Chattahoochee River National Recreation Area, Gauley River National Recreation Area, Little River Canyon National Preserve, New River Gorge National River, and Ozark National Scenic Riverways.

requirements of section 3(d)(1) of the WSRA, the NPS should, in cooperation with its partners, periodically review and update the CRMP to address changed circumstances and resource protection needs. Each river will be managed according to the CRMP.

River management staff will also collaborate with local stakeholders in the development and implementation of other appropriate plans, including interpretive plans, access plans, land protection plans, and sign plans. In addition, similar project documents may be developed by river superintendents and managers in collaboration with affected parties.

4.6.2 Congressionally Authorized Studies

Most rivers are added to the NWSRS through Federal legislation, after a study of the river's eligibility and suitability for designation by one of the four Federal agencies responsible for WSRs.[19] Congress authorizes a study by amending section 5(a) of the WSRA (16 USC 1276(a)). Generally, section 5(a) studies must be completed, and a report delivered to Congress, in three years. During the course of the study and for three additional years after the study has been transmitted for congressional consideration, study rivers are afforded protection from the adverse impacts of water resources development projects under section 7(b) of the WSRA (16 USC 1278(b)). During this period, section 7(b) provides similar protection for study rivers as section 7(a) does for designated rivers, though slightly stronger.[20]

4.6.3 Park Planning Studies

Section 5(d)(1) of the WSRA (16 USC 1276(d)(1)) states: "In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas . . . ."

In partial fulfillment of section 5(d)(1), in 1990 the Director issued Special Directive 90-4, requiring parks to determine which rivers on national park system lands are eligible for inclusion in the NWSRS. Many parks have since modified their initial findings with more-detailed eligibility studies.

Special Directive 90-4 was superseded by NPS Management Policies (2006), sections 2.3.1.9 and 4.3.4, which direct that park rivers be studied for their eligibility and suitability for inclusion in the NWSRS. Park river managers must protect rivers found to be eligible for WSR designation. Management Policies state that "[n]o management actions may be taken that could adversely affect the values that qualify a river for inclusion . . . ." Eligibility and suitability studies are usually conducted by the parks and/or regional planning programs as part of a broad-based park planning effort.

4.6.4 The Nationwide Rivers Inventory

Originally prepared in partial fulfillment of section 5(d)(1), the Nationwide Rivers Inventory (NRI) lists more than 3,400 free-flowing river segments in the United States that are believed to

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[19] Rivers may also be added to the NWSRS through "instant" designations, whereby Congress amends the WSRA to designate the river without a prior study.

[20] Water resources projects below, above or on a stream tributary to a congressionally authorized study river may not "invade or diminish" river values. For water resources projects below, above or on a stream tributary to a designated river, the standard is "invade or unreasonably diminish."

possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. Hence, these rivers are potential candidates for inclusion in the NWSRS. The NRI provides NPS planners and administrators with a starting point when conducting required section 5(d)(1) river studies.

Pursuant to (1) Executive memorandum dated August 2, 1979, and (2) the related *Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Rivers Inventory* promulgated by the Council on Environmental Quality August 11, 1980, 45 Fed. Reg. 59190-59192, all Federal agencies, as part of ongoing planning, management, and environmental review activities, must assess whether rivers on their lands that are identified in the NRI are suitable for inclusion in the NWSRS. Federal agencies, including the NPS, must take care to avoid or mitigate actions that could adversely affect NRI segments, and must consult with the NPS[21] prior to taking actions which could effectively foreclose wild, scenic, or recreational river status on NRI rivers.

4.7 Financial and Technical Support

WSRs will be eligible for operational funds, special program funds, and the complete array of professional services from NPS divisions and programs, unless otherwise restricted.

The NPS Rivers, Trails, and Conservation Assistance Program (RTCA) provides planning and technical assistance to communities for natural resource conservation and outdoor recreation projects. Section 11(b) of the WSRA (16 USC 1282(b)) authorizes the NPS, as well as other Federal agencies, to assist States and their political subdivisions, landowners, organizations or individuals, to plan, protect and manage river-related resources through written agreements or otherwise. This authority applies within or outside federally administered areas and applies to rivers which are components of the NWSRS and to other rivers.

4.8 Agreements

Written agreements or other instruments are authorized to implement CRMPs in partnership with States, local governments, their appointed councils, committees and non-governmental organizations consistent with sections 10(e) and 11(b)(1) of the WSRA (16 USC 1281(e) and 1282(b)(1)), and each river's enabling legislation.

4.9 Naming

Unless otherwise specifically provided by Congress, newly designated (1) WSRs within the National Park System and (2) partnership rivers, will in all cases bear the nomenclature "[River Name] Wild and Scenic River." This name will be reflected in the activation memorandum issued by the Office of Legislative and Congressional Affairs to all appropriate parks and offices after designation by Congress.

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[21] Typically the Rivers, Trails and Conservation Assistance (RTCA) Program or regional compliance staff is assigned this responsibility, as determined by the appropriate regional director.

4.10 Signage

Signs should use the NWSRS logo to identify a river as part of the NWSRS. Placement of signs should be consistent with classification and direction in the CRMP or related sign plan. If the NPS Arrowhead is used, it will be posted consistent with guidance in Director's Order #52C: Park Signs (and related supplementary materials), including *The NPS and its Partners: Graphic Identity Framework.*

5. Responsible Parties

5.1 Director

As delegated by the Secretary of the Interior,[22] the Director has ultimate authority for all NPS responsibilities pursuant to the WSRA, including:

- ensuring that WSRs administered by the NPS as part of the national park system are consistently managed in accordance with all laws, policies, and regulations pertaining to (1) the national park system, and (2) the NWSRS;
- ensuring that partnership rivers administered by the NPS in partnership with other entities are managed in accordance with applicable NPS and NWSRS laws, agreements and CRMPs;
- approving section 2(a)(ii) applications;
- conducting congressionally authorized section 5(a) studies;
- conducting section 5(d)(1) studies in the parks;
- implementing section 7 for designated WSRs (including section 2(a)(ii) State-administered rivers), congressionally authorized wild and scenic study rivers, and parks with enabling legislation similar to the WSRA, including completing section 7 determinations for all water resources projects located within, upstream, downstream, or on a tributary to the river; and
- maintaining the NRI and consulting with State and Federal agencies on the preservation of potential WSR values.

5.2 NPS Wild and Scenic Rivers Program

5.2.1 Assistant Director, Partnerships and Civic Engagement and Associate Director, Natural Resource Stewardship and Science

The Assistant Director, Partnerships and Civic Engagement, and the Associate Director, Natural Resource Stewardship and Science, oversee the WSR Program.[23] The Assistant/Associate Directors develop standards and procedures necessary to implement a comprehensive Service-wide WSR Program that meets the legislative requirements of the WSRA, improves internal and external communication and coordination, educates NPS staff, stakeholders and the public about the importance of WSRs, and protects the river-related resources under NPS care.

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[22] See 245 DM 1, in particular, section 1.1(C)(1). The 1987 memorandum to regional directors from acting Associate Director James Stewart regarding the delegation of authority is superseded by this Director's Order.

[23] The NPS WSR Program was initially authorized by the National Leadership Council on May 17, 2007.

The Assistant/Associate Directors:

- establish a Service-wide Steering Committee made up of regional, park and Washington office representatives;
- designate the WSR Program Coordinator, who is responsible for managing the WSR Program and coordinating efforts of the Steering Committee;
- coordinate with the Associate Directors for Park Planning, Facilities, and Lands; Cultural Resources Partnerships and Science; Interpretation and Education; and Visitor and Resource Protection to enhance WSR stewardship across disciplines throughout the NPS; and
- issue, review, and revise as appropriate, Handbook 46, which provides more detailed procedural guidance on administering the program.

5.2.2 Service-wide Steering Committee

The Service-wide Steering Committee:

- advises the Assistant/Associate Directors on all matters pertaining to WSRs, and leads the agency in addressing critical WSR issues; and
- assists in developing and implementing programs and projects that improve the accountability, consistency, and continuity of WSR stewardship.

For further information on the Steering Committee, see the NPS WSR Steering Committee Charter and Recommended WSR Program Roles and Responsibilities.

5.2.3 WSR Program Coordinator

The WSR Program Coordinator:

- provides goals and direction to the WSR Steering Committee, as approved by the Assistant/Associate Directors;
- manages the WSR Program and coordinates efforts of the Steering Committee;
- assists the Director with national policy review and responses to congressional inquiries; and
- serves as the NPS WASO representative on the Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC).

5.3 Regional Directors

Regional directors have authority for all responsibilities under the WSRA in their region. Some or all of these responsibilities may be delegated to regional staff. For example, for rivers that are part of the national park system, WSRA authorities may be delegated to a park superintendent. For partnership rivers, these authorities may be delegated to an NPS river manager. Authority for State-administered rivers may be delegated to an NPS superintendent, an NPS river manager or other appropriate NPS staff. Regional directors will identify regional and park staff to serve on the WSR Steering Committee.

5.4 Superintendents

Superintendents charged with the administration of WSRs, or parks with enabling legislation similar to the WSRA, are responsible for their day-to-day management. Such management will

comply with all laws, policies, and regulations governing the national park system and the NWSRS. Pursuant to section 7(a) of the WSRA and specific park legislation as appropriate, superintendents must review all proposed water resources projects (including those upstream, downstream, and on tributaries of the designated segment of a river, and whether they are proposed by the NPS or some other entity) to determine whether such projects would adversely affect the values for which the river was designated, in accordance with the responsibilities delegated by the regional director. Superintendents may be delegated signature authority for section 7 determinations.

Superintendents will also (1) identify a park WSR coordinator to serve as a point of contact for WSR issues and to represent the park in discussions with the regional representative on the WSR Steering Committee; (2) consult with the Steering Committee as needed, particularly with regard to CRMPs and section 7 determinations; (3) keep abreast of the activities of the IWSRCC; and (4) develop/maintain relationships with Federal entities that could be involved in initiating water resource projects.

5.5 River Managers

Regional directors may delegate NPS administrative responsibilities for partnership rivers, including section 7(a) signature authority, to NPS river managers in the region. Regional directors may similarly delegate section 7(a) signature authority on State-administered rivers.

Regional river managers will (1) consult with the Steering Committee as needed, particularly with regard to CRMPs and section 7 determinations; (2) keep abreast of the activities of the IWSRCC; and (3) develop/maintain relationships with Federal entities, as well as State/local administering agencies for State-administered rivers, that could be involved in initiating water resource projects.

6. Additional Guidance

The following legislation, policy guidance, and technical papers provide guidance to parks and regions administering WSRs.

- The Wild and Scenic Rivers Act.
- The Interagency Guidelines.
- Handbook 46 (under development) contains detailed guidance on NPS policies, requirements, and standards regarding implementation of the WSRA.
- WSR managers also should consider guidance provided by the IWSRCC. The IWSRCC consists of representatives of the four Federal WSR-administering agencies (the NPS, U.S. Forest Service, Bureau of Land Management, and U.S. Fish and Wildlife Service), and has the overriding goal of improving interagency coordination in the implementation of the WSRA. The IWSRCC has published a number of technical papers which are available

online.[24] Managers should consult these technical papers when implementing all requirements of the WSRA.

- Although superseded, Special Directive 90-4, "Determination of Rivers on National Park System Lands which are Eligible for National Wild and Scenic Rivers System Designation" (as amended November 10, 1995), remains helpful for direction on conducting eligibility studies in the parks. This guidance will be incorporated in Handbook 46.

- For park planning relative to river and river segments that the NPS considers eligible for the NWSRS, see Management Policies (2006), sections 2.3.1.9 and 4.3.4.

- For WSR studies, see (1) the IWSRCC's technical paper on the study process, and (2) chapter 2 of the Management Policies, and the GMP Dynamic Sourcebook http://planning.nps.gov/GMPSourcebook/GMPhome.htm.

---- End of Director's Order ----

[24] http://www.rivers.gov/