

Reference Manual 46: Wild and Scenic Rivers

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1 INTRODUCTION

1.1 PURPOSE

Reference Manual (RM) 46 is to be used in conjunction with [Director's Order #46](#) (NPS 2015) to provide consistent guidance on implementing National Park Service (NPS) responsibilities under the 1968 [Wild and Scenic Rivers Act](#) (WSRA).¹ This RM addresses issues that the NPS frequently encounters as part of our administrative and management responsibilities for wild and scenic rivers (WSRs). For a list of rivers where NPS has responsibilities, see: [Appendix A: NPS Wild and Scenic River Program Rivers - March 2019](#).

This RM is a dynamic resource that will be updated as additional guidance becomes available. The NPS WSR Steering Committee is the entity responsible for periodically assessing the need for modifications to the document. Content will be modified and/or added as needed based on the consensus and discretion of the Steering Committee. Any major or potentially controversial changes will be vetted by the appropriate NPS directorate(s). Check back periodically and/or consult with your regional representative on the NPS WSR Steering Committee, described below, regarding interpretation and/or application of this guidance. While this RM focuses on NPS responsibilities for designated, eligible and/or suitable WSRs, the information provided may be pertinent and useful for the management of other NPS-managed or administered rivers.

NOTE on Document Navigation: Hyperlinks in this document will take you to other locations in the document, including the list of references. To return to your original location, use the Back button on your toolbar, or use the keyboard shortcut Alt+Left Arrow. The reference hyperlinks will take you to cited documents and locations.

1.2 BACKGROUND

In 1968, the WSRA was signed into law. [Section 1\(b\)](#) makes the following 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 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.

The NPS is one of four federal agencies with WSR management responsibilities. The other three agencies include the Bureau of Land Management (BLM), U.S. Forest Service (USFS), and U.S.

¹Public Law (PL) 90-542; For a copy of the most recent series of enactments, see [US Code Title 16 Chapter 28](#)

Fish and Wildlife Service (USFWS). The NPS has a range of responsibilities for rivers depending on the administrative nature of the river. Certain rivers that flow wholly or partly within the boundaries of national park units or were designated as park units are administered solely by the NPS. Other rivers are administered in partnership with state and local governments and/or non-governmental organizations. These are known as “Partnership Wild and Scenic Rivers” (PWSRs). A third type of WSR, designated by secretarial action at the request of state Governors, is administered by a state agency with limited technical assistance provided by NPS. These rivers are known as [Section 2\(a\)\(ii\)](#) WSRs, which refers to the section of the WSR Act that describes this type of river designation. Additionally, some park units have river protection language in their enabling legislation that is similar or identical to some provisions of the WSR Act. Although rivers protected under such legislation are not included in the National Wild and Scenic Rivers System (NWSRS), they are referred to as “WSR-like” rivers. Finally, NPS has responsibility for maintaining a list of rivers with potential for inclusion in the NWSRS. This list is known as the [Nationwide Rivers Inventory](#) (NRI).

The NPS approach to managing WSRs has evolved over time. In April of 2007, following an internal evaluation, the NPS WSR Task Force published a report entitled [WSRs: Charting the Course](#) (NPS 2007). This report documented the recommendations of the NPS WSR Task Force to the National Leadership Council. The report makes the following observation:

Protection of WSR resources requires active leadership and informed management to a degree unimagined in 1968. While the NPS is currently meeting many of its statutory responsibilities under the Act, we are not consistent and are having difficulties in many areas. Despite planning, management, and regulatory mandates, the NPS does not have a programmatic approach to WSR management. We have not established a chain of command or the program coherence necessary to develop and implement policy or provide staff training. This has led to uneven performance on many essential WSR responsibilities . . . Managing and protecting rivers requires an ongoing commitment by the NPS to interface with states, federal agencies, and other river and watershed communities. (NPS 2007, p. 17)

Following the above observation, the report makes the following recommendation:

A strategic, forward-looking response is urgently needed in order for the NPS to meet its management responsibilities and safeguard heritage resources. To improve its performance in the future, the NPS must remove internal barriers, coordinate with federal agencies and scientific communities, and revitalize and strengthen local and state partnerships. The NPS should provide strong leadership and develop solid working relationships to ensure that the public understands the value of these special rivers. (NPS 2007, p. 24)

Toward this end, the Task Force recommended that the NPS National Leadership Council (NLC) create a new NPS WSR Program. The WSR Program was envisioned as a program led by a National WSR Coordinator and a WSR Steering Committee composed of representatives from the regions, Superintendents, and the Washington Support Office (WASO). The Task Force identified the following benefits of their recommendations:

The approach will improve consistency, coordination and compliance by greatly enhancing awareness by NPS managers of the Act's statutory requirements. It will also improve training, inter-divisional and inter-regional communication, resource protection, and reduce litigation risk. (NPS 2007, p. 10)

On May 17, 2007, the NLC approved the formation of a Service-wide WSR Program. A WSR Steering Committee was jointly chartered in the Directorates of Partnerships and Visitor Experience² and Natural Resource Stewardship and Science. [The WSR Steering Committee Charter](#) (NPS 2008) was signed by the two associate directors on September 24, 2008 and the leadership is currently shared between the two directorates.

According to its Charter, the purpose of the WSR Steering Committee is to do the following:

- Develop, implement, and maintain a comprehensive Service-wide WSR Program that meets legislative requirements of the WSRA
- Promote program consistency Service-wide
- Establish Service-wide policies and guidelines
- Improve internal and external communication and coordination
- Educate NPS staff, stakeholders, and the public about the importance of WSRs
- Protect and enhance river resources and associated free-flowing conditions, water quality and outstandingly remarkable values (ORVs)

The WSR Steering Committee, with input from a broad array of stakeholders, wrote *Director's Order 46* (NPS 2016), which was signed May 1, 2015. This RM is intended to augment Director's Order 46 and provide detailed guidance to staff charged with carrying out NPS responsibilities under the WSRA.

In addition, the WSR Steering Committee coordinates closely with the Interagency WSR Coordinating Council (IWSRCC). Chartered in 1995, the IWSRCC consists of representatives of the four WSR-administering agencies. The IWSRCC's overriding goal is to improve interagency coordination in administering the WSRA. The Council addresses a broad range of issues and has produced numerous technical reports and guidance documents that are cited throughout this RM. Coordination with the IWSRCC ensures that NPS WSR management actions are generally consistent with that of other agencies.

1.3 ADDITIONAL BACKGROUND RESOURCES

For additional background resources and general information on WSRs, see the following documents and databases:

- [An Introduction to WSRs](#) (IWSRCC 1998b)
- [WSR Management Responsibilities](#) (IWSRCC 2002)
- [Close-out checklist](#) (applies to all plans and studies)
- [Map of NPS Wild and Scenic Rivers](#) (interactive map of NPS WSRs)

² Partnerships and Visitor Experience directorate is now the Partnerships and Civic Engagement (PCE) directorate.

- [Database of Comprehensive River Management Plans](#) (Internal spreadsheet with list of designated rivers and links to Comprehensive River Management Plans)
- [Database of eligible/suitable rivers](#) (NPS Data Store Eligible Suitable Rivers database)
- [Map of NPS eligible/suitable rivers](#) (Map of Eligible Suitable Rivers within NPS boundaries)

2 WILD AND SCENIC RIVER STUDIES, DESIGNATION AND PLANNING

Most rivers are added to the NWSRS through federal designation legislation after a study of the river's eligibility and suitability is completed by one of the four federal agencies responsible for the management of wild and scenic rivers (WSRs). Rivers are identified for study under two different provisions of the Wild and Scenic Rivers Act (WSRA). Congress may authorize a study by amending Section 5(a) of the WSRA, or federal agencies may identify rivers for study through land and resource management planning processes as described in Section 5(d)(1) of the WSRA. Rivers may also be designated by the Secretary of Interior under Section 2(a)(ii), which allows the Governor of a state to propose rivers for designation under certain conditions. This chapter provides an overview of these and other National Park Service (NPS) study, designation and planning responsibilities under the WSRA.

2.1 WILD AND SCENIC RIVER STUDIES

There are two components of the WSR study process: eligibility and suitability. A river is first evaluated for eligibility, and if it is found eligible, it is then evaluated for suitability. Eligibility and suitability studies are best conducted by an interdisciplinary team (IDT) consisting of resource experts, planners, and managers. The basic study process is the same whether for a congressionally-authorized 5(a) study, an agency-initiated 5(d) study, or a secretarial request for designation under Section 2(a)(ii). Considerations specific to each of these are presented in their respective sections of this chapter. For more detailed information, see [The Wild and Scenic River Study Process](#) (Interagency Wild and Scenic Rivers Coordinating Council [IWSRCC] 1999b).

2.1.1 Eligibility

Eligibility studies are resource inventories and assessments that determine if a river segment meets WSRA eligibility criteria. To be eligible for inclusion in the NWSRS, a river segment must be free-flowing and possess at least one outstandingly remarkable value (ORV). Along with a river's free-flowing condition and ORVs, water quality is a third fundamental value that must be protected and enhanced on all WSRs. However, while water quality condition is a fundamental value of WSRs and has implications for classification,³ water quality is not an eligibility criterion. The [NWSRS: Final Revised Guidelines for Eligibility, Classification and Management of River Areas](#) (NPS and USFS 1982),⁴ also known as the [1982 Interagency Guidelines](#), states the following:

...the Clean Water Act has made it a national goal that all waters of the United States be made fishable and swimmable, and provides the legal means for

³ For a WSR to be classified as Wild, it must have water quality that meets or exceeds federal criteria or federally approved state standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the stream, and for primary contact recreation except where exceeded by natural conditions. The WSRA provides no specific guidance on water quality for Scenic and Recreational rivers.

⁴47 FR 39454-39467, September 7, 1982

upgrading water quality in any river which would otherwise be suitable for inclusion in the system. Therefore, rivers will not necessarily be excluded from the system because of poor water quality at the time of study, provided a water quality improvement plan exists or is being developed in compliance with applicable State and Federal laws.

The determination of eligibility is based on the best available information and professional judgement of the IDT. Outside experts with information relating to the river and its resources are consulted when appropriate.

The NPS has developed a workshop framework to evaluate and identify WSR values for river segments. This process is described in detail in [Appendix B: Identifying Wild and Scenic River Values on Designated Rivers](#). The process is also presented in [Wild and Scenic Rivers Values Workshop, Participant's Guide](#) (NPS 2016). The NPS initially developed this framework to identify or further define a river's outstanding values for a Comprehensive River Management Plan (CRMP) or foundation document. However, the same framework can be used for the eligibility phase of a 5(a) study, 2(a)(ii) study, or 5(d) assessment.

2.1.1.1 Free-Flowing Condition

Section 16(b) of the WSRA states:

Free-flowing, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

When assessing free-flow, it is important to document the river's in-channel condition and hydrologic function, any modifications of the waterway or banks, and how such modifications affect the river's free-flowing condition. Rivers that have dams above, downstream, or on a tributary to the study segment, including those that regulate flow through the segment, along with the existence of minor dams, rip-rap, and other diversions within the segment, may still be eligible as long as the river is otherwise free-flowing and supports at least one ORV. River segments that do not meet these criteria are ineligible.

2.1.1.2 Outstandingly Remarkable Values

Outstandingly remarkable values (ORVs) are defined as the characteristics that make a river worthy of designation. These are river-related or river-dependent values that are unique, rare, or exemplary at a regional or national scale of comparison. They can include scenery, recreation, geology, cultural,⁵ fish, wildlife, or other similar values such as ecology, hydrology, botany, or

⁵ The WSRA identifies both historic and cultural values, however, current best practice within NPS is to use the term 'cultural' to encompass both.

paleontology resources. In addition, rivers with exceptional water quality may sometimes include water quality as an ORV. Only one ORV is needed for a river to be considered eligible.

1. *River-Dependent*: ORVs must be river-related or river-dependent. They must be located in the river or on its shore lands (generally within one-quarter mile on either side of the river) and contribute substantially to the function of the river ecosystem, and/or owe their location or existence to the presence of the river.
2. *Unique, Rare, or Exemplary*: ORVs must be unique, rare, or exemplary in a regional or national context:
 - Unique - One of a kind (e.g., a recreation ORV might be present if the river is the only one in the region that has year-around boatable flows)
 - Rare - Very uncommon (e.g., one of the only occurrences of freshwater mussel habitat in the region)
 - Exemplary - Conspicuous example from among a number of similar values on a regional or national scale that are themselves uncommon or extraordinary (e.g., one of the best spawning grounds for salmon in the region, or a series of unusual and distinctive river-related features [aggregate values] that together may qualify a segment as exhibiting an “outstandingly remarkable value”)
3. *Region of Comparison*: The region of comparison should be delineated so that the river segments being analyzed can be compared to other similar rivers. Regions should not be so large as to unreasonably restrict ORVs to those that are nationally or internationally significant, nor so small that most river resources would qualify as rare or exemplary in some way. A region of comparison may be defined for each ORV as appropriate. For example, the region of comparison for recreational ORVs may be based on travel time for the population using the resource, while the region of comparison for cultural ORVs could be the area that historically was inhabited by a particular culture. Regions of comparison could include portions of a state, multiple states, or appropriately scaled hydrologic or physiographic regions. A key factor in determining the region of comparison is the availability of information to support evaluation.

The determination that a river contains ORVs is a professional judgement based on the IDT and objective, scientific analysis. [The Wild and Scenic River Study Process](#) (IWSRCC 1999b) provides suggested criteria for each of the standard ORV categories. The NPS has developed additional guidance for cultural criteria (see [Cultural Resource Values](#) section of [Appendix B: Identifying Wild and Scenic River Values on Designated Rivers](#)). In addition, for assistance with identifying and planning for scenic resources values, contact the NPS Visual Resources Program.⁶ These criteria are meant to be illustrative, not prescriptive or all-inclusive.

The IDT can make modifications to tailor the criteria to a particular situation, and may choose to develop specific evaluative criteria appropriate for the resource and the river segments being evaluated. For example, criteria for resident fisheries might include specific parameters relating to habitat quality, diversity and value of species, natural reproduction, and size and vigor of fish. See [Wild and Scenic River Review in the State of Utah: Process and Criteria for Interagency](#)

⁶ Additional information is available from the NPS [Visual Resources Program](#) website

Use (NPS, BLM, and USFS 1996) for examples of criteria that might be considered for various resources.

Best practices for making appropriate ORV determinations are as follows:

1. ORVs must be accurate, specific, and descriptive.
 - The ORV description should clearly articulate an aspect of the river's regional/national significance and importance to the public.
2. ORVs must be defensible.
 - The ORV definition should be clearly documented and based on professional observations by subject matter experts or scientific publications.
3. ORVs must be specifically defined for individual river segments to make it feasible to protect and enhance them.
 - Describe any tangible resources associated with the ORV within a river segment.
 - Describe how the ORV changes or varies by river segment, or if the ORV is located within a portion of a segment.

It may be helpful in some cases to rank the ORVs of similar rivers based on a given scale. Rating scales can be either qualitative or quantitative.

Example of a qualitative scale:

0 points:	Value non-existent	Not significant
1 point:	Less significant than most in the region	Not significant
2 points:	Typical in the region	Locally significant
3 points:	One of only a few this significant in the region	Regionally significant
4 points:	The most significant in the region	Regionally significant

Example of a quantitative scale (for whitewater boating):

1 point:	Runnable less than 2 months/year
2 points:	Runnable 2 to 3 months/year
3 points:	Runnable 4 to 8 months/year
4 points:	Runnable 9 to 12 months/year

Where applicable, determine the significance levels (and tentative ORVs) for each resource value by examining the results of the ranking. Decide upon an appropriate approach for each ORV. Regardless of the approach used, document the criteria used and apply the criteria consistently across segments.

2.1.1.3 River Classification

When a river is found eligible for WSR designation, it is assigned a preliminary river classification as wild, scenic, or recreational. Classification is based on the existence of water resource projects in the corridor, the level of shoreline development, accessibility to the river, and water quality at the time of designation. A river's preliminary classification is not indicative of the outstandingly remarkable values for which a river might be added to the NWSRS. For

example, a scenic river segment need not possess outstanding scenery, and a recreational river segment need not have recreation identified as an outstandingly remarkable value.

During the study process, establish a baseline inventory along the river segments to provide a framework for future management and to maintain the appropriate classification if it is designated. Describe structures and developments, river access, and the character and condition of instream flows, ORVs and water quality as soon as possible. This includes documenting historic or existing infrastructure that has modified the river corridor such as roads, railroads, bridges, and boat launches. The baseline inventory also provides guidance for the protective management required by the WSRRA for any segments found eligible, or both eligible and suitable.

[Section 2\(b\)](#) of the WSRRA describes each class as follows:

- (1) *Wild rivers: 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.*
- (2) *Scenic rivers: 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.*
- (3) *Recreational rivers: 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.*

The four criteria used in determining classification are 1) presence of water resource development, 2) shoreline development, 3) accessibility, and 4) water quality. For more information and guidance on classification, see Chapter 3 of this Reference Manual, the [1982 Interagency Guidelines](#) (NPS and USFS 1982), and the classification section and summary table in [The Wild and Scenic River Study Process](#) (IWSRCC 1999b).

When conducting an eligibility assessment, NPS should document the process and findings, including the following:

- Scope of the assessment
- Process and criteria used
- ORV statements for eligible river segments
- Rationale for finding any segments ineligible
- Sources of information and any public outreach conducted
- Preliminary classification and rationale

2.1.2 Suitability

The final step in determining whether a river should be included in the NWSRS is a study of the river's suitability. The suitability study includes public engagement and the appropriate environmental analysis required by the National Environmental Policy Act (NEPA), leading to

an agency decision on whether to recommend that a river segment be designated. Design a suitability study to address the following:

- Should the river's values (free-flow, water quality, and ORVs) be protected or are one or more other uses important enough to do otherwise? Evaluate the effects of designation and consider any potential projects that would be enhanced, curtailed, or foreclosed.
- Will the river's values be protected through designation? Is it the best method for protecting the river corridor? Examine the benefits and impacts of WSR designation and evaluate alternative protection options.
- Is there a demonstrated commitment to protect the river by any non-federal entities that may be partially responsible for implementing protective management?

[Section 4\(a\)](#) of the WSRA lists a number of factors to be considered in determining whether a river is suitable for designation as a WSR:

Each report... shall show... the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency... by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system.

The suitability of a river involves considerable judgment on the part of the IDT. Controversial issues may influence whether a suitability recommendation is made but should not be the only basis for a decision. [The Wild and Scenic River Study Process](#) (IWSRCC 1999b) suggests some additional suitability factors that an IDT may want to consider during an analysis. See Chapter 2 Section 2.1.5.1 [Considerations Specific to Section 5\(d\)\(1\) Studies](#) for further suitability considerations related to 5(d)(1) studies conducted within park units.

2.1.3 Administrative Record, Decision File, and Record Management

NPS is required to maintain management plans and studies that direct or provide guidance on future natural and cultural resource management.⁷ Proper records management, particularly where NEPA review is required, may include a decision file, and if necessary, an administrative record.⁸ The final study documents should be sent to the NPS's Electronic Technical Information Center (eTIC) to ensure proper archival and preservation of WSR studies.

A decision file is not the same thing as an administrative record. A decision file is a collection of documents that details the agency's decision-making process and provides the basis for an agency's decision. An administrative record (AR) has a specific meaning under the

⁷ See [Director's Order #11D: Records and Electronic Information Management](#)

⁸ See [Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making](#)

Administrative Procedures Act: it is the record prepared after litigation is initiated. The Department of Interior (DOI) provides guidance on standardized procedures for compiling a decision file, and if necessary, an administrative record for judicial review.⁹ When the plan or study is done in conjunction with NEPA, consult the most current [NPS NEPA Handbook](#) for proper records management and organization.¹⁰

Ensure that the decision file contains all relevant documentation, particularly any information or data used to support the decision. Relevant documentation can include hard copy correspondence and email, and phone call logs that include requests for additional information or discussions of project details. Also include source documents that have been summarized or incorporated by reference and any other substantive documents.

Properly organize and retain the decision file and the AR when the decision results in litigation or judicial review. While an AR is generally drawn from the decision file, it does not necessarily include the entire decision file. A complete and well-organized AR will be invaluable in defending NPS's position as well as helping NPS recall the specifics of a case. When in doubt about proper organization and records management for records that are part of litigation, consult with the Office of the Solicitor.

2.1.4 Congressionally-authorized Studies under Section 5(a)

Section 5(a) of the WSRA requires Congress to identify rivers for study as potential candidates for inclusion in the NWSRS. Studies initiated under Section 5(a) may be the result of efforts by local partners and conservation organizations, or an individual congressional delegate's interest in a river. They may also result from a request by the current administration. Generally, Section 5(a) studies must be completed and a report delivered to Congress within three full fiscal years following the date funding is made available for the study.

During the study process and for three additional years after the study is transmitted to Congress for consideration, study rivers are afforded certain protections from the adverse impacts of hydropower and water resources development projects. WSRA [Section 7\(b\)](#) provides protection for study rivers during the study period and three-year timeframe similar to the protection provided by [Section 7\(a\)](#) for designated rivers.

Wild and scenic river studies authorized by Congress are listed in a series of chronological amendments under Section 5(a) of the WSRA.¹¹ Legislation authorizing a river study generally includes direction concerning the study segment location, the study period, and the department (Interior or Agriculture) responsible for the study. In some cases, there is also direction concerning study approaches and required findings in addition to the standard findings regarding the river's eligibility, classification, and suitability. For example, the agency responsible for the study may be instructed to work with an advisory committee which may or may not be subject to the Federal Advisory Committee Act. In other cases, the study agency may be directed to assess

⁹ See [Department of Interior Standardized Guidance on Compiling a Decision File and an Administrative Record](#)

¹⁰ See [National Park Service NEPA Handbook](#)

¹¹ A list of rivers that have been subject to a congressionally-authorized Section 5(a) study and their authorizing legislation can be found at the bottom of the [Wild & Scenic River Studies](#) page of the [rivers.gov](#) website.

the impact of designation on existing water resources projects, private lands, and other potentially affected resources.

The NPS is frequently called upon to work with congressional offices to help draft river study legislation. When this happens, ensure that the Office of Legislative and Congressional Affairs (OLCA) is involved, and that the NPS's role is to provide technical assistance and not to take an advocacy role. The NPS may explain the study process, provide advice concerning the delineation of the study areas to avoid segment(s) that are obviously ineligible, and direct interested parties to examples of study authorization language and other relevant resources.¹² It is important to inform the appropriate members of the NPS WSR Steering Committee (including program leaders, regional representatives, and a Park Planning and Special Studies (PPSS) representative) of the interest in a new WSR study.

For rivers that flow through park units or areas with no federal land, the NPS is usually the agency responsible for the WSR study (after delegation by the Secretary of the Interior). There are situations where study rivers flow through lands managed by more than one of the federal WSR-administering agencies, which include the NPS, BLM, USFS, and USFWS. In such instances, the agencies involved usually cooperate on the study. Other federal land managing agencies (e.g., Department of Defense and U.S. Bureau of Reclamation) are not typically members of the study team, although they would be consulted if the study area includes lands under their jurisdiction.

2.1.4.1 Staffing, Funding, and Oversight

Congressionally-authorized WSR studies are funded through the Special Resource Study (SRS) fund source managed by the PPSS division. Because of this, PPSS provides study oversight and policy direction, and coordinates the internal review of draft study reports by other Washington Support Office (WASO) programs. The various NPS regions are responsible for managing the studies in their area. Program Management Information System (PMIS) statements should be created at the beginning of a study as part of the process for developing a budget and managing the study.

Under current practice, congressionally-authorized studies receive priority for funding, and the direction contained in the authorization will determine the extent of the area and resources under consideration. The NPS will normally shorten the study process if the initial review indicates that the proposed river does not meet the WSRA criteria for eligibility and suitability.

Appropriations to cover study costs are sometimes authorized in an amendment to the WSRA. However, Congress seldom appropriates specific funds for individual studies. Instead, the NPS utilizes its SRS fund source, which covers all work done by the NPS on congressionally-authorized studies and reconnaissance surveys. New WSR studies may be conducted in phases, based on funding and staff capacity. In such cases, NPS policy is to expend funds on ongoing studies first, followed by newly authorized studies in chronological order.

¹² See the PWSR Toolkit link on the [PWSR website](#).

Initiation of an NPS Section 5(a) WSR study is usually triggered by an activation memo sent from the Director to the appropriate regional director, along with the assistant directors for the Directorates of Park Planning, Facilities and Lands (PPFL), and Partnerships and Civic Engagement (PCE). Seek advice from relevant program leads in the early stages of the study process for congressionally authorized WSR studies.

Project agreements establishing regional and WASO roles and responsibilities, along with the study budget and schedule, are typically used to help manage expectations. Each congressional WSR study should have its own Planning, Environment and Public Comment (PEPC) project listing which should be used to handle both internal reviews and public outreach on the project.

2.1.4.2 Study Process and Findings

The first step in the study process is to convene an interdisciplinary team (IDT). The IDT determines the study river's eligibility and suitability for designation based on an inventory and assessment of the river dependent resources and values. In addition, an important aspect of the river study is the analysis of alternative management approaches should the river be designated. Such approaches are likely to differ depending on whether the candidate river is located within an existing park unit, is proposed to become a park unit, or is following the Partnership Wild and Scenic Rivers (PWSR) model. By default, all newly designated WSRs managed by the NPS become park units.¹³ However, rivers that follow the partnership approach may have specific designating language that excludes them from being considered a national park unit.

Study rivers located in areas with little federal land are usually evaluated using the partnership WSR approach. This model relies on voluntary state and local land use controls and non-federal conservation ownership to protect riverfront lands and WSR values. See additional guidance on the [PWSR website](#). For a partnership study river to be found suitable for designation, there must be strong evidence that local communities are willing to self-regulate, and to work cooperatively with agencies at all levels of government, along with residents and non-government organizations (NGOs), to permanently protect the river's ORVs, water quality, and free-flowing condition. Generally, federal land acquisition and the creation of a new NPS unit are not considered to be appropriate river management tools under the partnership approach.

To ensure that a partnership study river's long-term resource protection needs are met if it is designated, the NPS typically works with the study committee to assess the river's vulnerabilities and to prepare a CRMP during the study process. This plan serves to inform local residents and state and local governments about the commitment they make if they vote in support of designation. If the partnership study river is not designated, most aspects of the plan are still relevant and can be implemented even though there would be no permanent NPS role in helping protect the river. If the river is designated, the plan is used to satisfy WSRA planning requirements (see Chapter 2 Section 2.3.1.3 [Comprehensive River Management Plans for Partnership Rivers](#)).

The WSR study report clearly and objectively explains the eligibility and suitability findings. NPS WSR study reports for park-based rivers must also address the fiscal impact of additional

¹³ See [WSRA](#) Section 10(c)

WSR management responsibilities. Best practice is to consult with and follow the Park Planning program guidance for adding new units or management responsibilities to the National Park System associated with SRS fund source. Current best practice guidance encourages use of Total Cost of Facility Ownership in consultation with regional and national planning offices. Analysis includes identifying costs for operations, resource protection, and interpretation; the construction of necessary new facilities; and the repair or rehabilitation of existing structures within a potential park boundary area.

2.1.4.3 Coordination

Sections 4(b) and 5(c) of the WSR Act provide direction to cooperate with and seek comment from other federal agencies and affected states when conducting 5(a) studies:

Section 4(b): *Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.*

Section 5(c): *The study...of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.*

2.1.4.4 National Environmental Policy Act Requirements

Guidance on implementing National Environmental Policy Act (NEPA) is provided in [Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-making](#) (NPS 2011) and the accompanying [NPS NEPA Handbook](#) (NPS 2015b). These guidance materials set forth general NPS policy and procedures necessary to meet NEPA requirements. NPS staff conducting wild and scenic river studies are encouraged to seek specific guidance on NEPA-related requirements from their regional environmental coordinator (REC) and the Environmental Planning and Compliance Branch of the NRSS Environmental Quality Division (EQD).

The Council on Environmental Quality regulations require that agencies identify actions that normally require preparation of an environmental impact statement (EIS). The NPS NEPA Handbook states that an EIS is normally required for proposals to designate WSRs. However, the NPS NEPA Handbook also notes that an EIS is not required in every situation. The appropriate level of NEPA review will depend on the NPS activity that is under consideration. In some cases, a WSR study may fall under a category of actions described under an existing Categorical Exclusion (CE).¹⁴ In other cases, an Environmental Assessment (EA) or Environmental Impact Statement (EIS) may be appropriate.¹⁵

For example, during the WSR study of the River Styx located within Oregon Cave National Monument, a CE was selected as the appropriate NEPA process since the river was located wholly within the park's boundaries, and there was negligible potential for impacts to the human environment associated with designation. In contrast, an Environmental Assessment (EA) was conducted as part of the lower Farmington River and Salmon Brook Study Report. The lower Farmington River and Salmon Brook were determined to be both eligible and suitable for designation. The EA addressed the proposed action of designation and identified the best long-term conservation strategies for protecting and enhancing the river segments.

For advice on the appropriate NEPA process and the required NEPA-related documentation, contact your REC. In addition, it is important to note that although a WSR study report is not a NEPA document under an existing CE, public outreach remains an integral component of all WSR studies. Extensive public outreach and collaboration on management alternatives is essential for the PWSR study process.

2.1.5 Agency-directed Wild and Scenic River Studies under Section 5(d)(1)

Section 5(d)(1) of the WSRA requires federal agencies to conduct studies of river eligibility and suitability during regular or routine planning efforts. The study process and criteria used for agency-directed 5(d)(1) studies are basically the same as for congressionally-authorized 5(a) study rivers. Section 5(d)(1) states the following:

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, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potential. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all federal agencies as potential alternative uses of the water and related land resources involved.

The NPS implements this legal requirement of the WSRA through policy directives, consistent with the approach taken by other federal WSR administering agencies. The NPS Director issued [Special Directive 90-4](#) (NPS 1995), requiring the NPS to determine which rivers in the National

¹⁴ See Existing Categorical Exclusions, U.S. Department of the Interior, As of June 4, 2020

¹⁵ Study reports completed by NPS are available at the [NPS History eLibrary](#) and [NPS-completed WSR Study Reports](#).

Park System were eligible for inclusion in the NWSRS. *Special Directive 90-4* was superseded by Sections 2.3.1.9 and 4.3.4 of [Management Policies 2006](#) (NPS 2006), which direct that rivers in park units be studied for both their eligibility and suitability for inclusion in the NWSRS. The NPS has since modified its initial findings for many park units with more-detailed eligibility studies. Eligibility and suitability studies are usually conducted by the park units and/or regional planning programs as part of broad-based park planning efforts. For work accomplished to date, see [Appendix C: List of Eligible Rivers and Nationwide Rivers Inventory by Park](#).¹⁶

The Nationwide Rivers Inventory (NRI) was originally prepared in partial fulfillment of Section 5(d)(1) and lists free-flowing river segments in the U.S. that are believed to possess one or more “outstandingly remarkable” natural or cultural values judged to be of regional significance. The NRI provides NPS planners and administrators with a starting point when conducting required agency-initiated WSRA Section 5(d)(1) river studies. A list of rivers included on the NRI can be found on the [NRI website](#). See Chapter 2 Section 2.1.5.3 [National Park Service River Inventories](#) for more information about the history of the NRI and associated responsibilities.

As directed by the WSRA and restated and implemented through policy directives including Sections 2.3.1.8 and 4.3.4 of [Management Policies 2006](#) (NPS 2006), potential WSRs shall be studied and considered in park planning for the use and development of water and related land resources. Resource managers in parks must protect rivers found to be eligible for WSR designation. The responsibility to protect river values (using non-WSRA authorities) once a river is found eligible and/or suitable, or is on the Nationwide Rivers Inventory, is the default (no action alternative) under NEPA -- it is the status quo for the area. Section 5(d)(1) of the WSRA starts out by saying: "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."

Agency decisions regarding the use and development of water and related resources on the lands it manages require NEPA analyses if the proposed changes in use or development meet the "major federal action" threshold under NEPA. This requirement applies to those river values that were identified by the agency, regardless of whether the original inventory process that identified the river values involved NEPA. It is possible that an agency will choose to recommend an action alternative in a future project-level NEPA document that results in the degradation or loss of one or more river values for an eligible, suitable or NRI wild and scenic river, but not without a full analysis of alternatives, public comment, and the finding that this action is preferred overall.

Management Policies 2006 (NPS 2006) Section 4.3.4 states that “[n]o management actions may be taken that could adversely affect the values that qualify a river for inclusion in the NWSRS.” This Management Policy directive can be accomplished in the following ways:

- At a minimum, if the NPS did not conduct WSR assessments during previous planning processes (e.g., unit management plans or other relevant plans in the planning portfolio where the scope and geographic area of the plan includes river resources), the NPS will assess whether rivers within park unit boundaries are eligible, or eligible and suitable, for

¹⁶ Specific examples include the [Skagit River in NOCA](#)

inclusion in the NWSRS. The NPS will compile and maintain a listing of all rivers and river segments in the National Park System that it considers eligible for the NWSRS.

- For park units with NRI-listed rivers or that have conducted eligibility inventories in the past, the planning process provides an opportunity to review eligibility assessments and update them as needed for changed circumstances or improved knowledge of river resources. If suitability analysis has not been conducted, consider conducting the analysis during the current planning process.
- If the NPS identifies rivers as eligible or both eligible and suitable, incorporate the results of their assessments and any protective management requirements into the plan. The plan must not propose any actions that could adversely affect the values that qualify an eligible river for inclusion in the NWSRS. The NPS must protect eligible river segments as if they were designated. While these segments are not protected under Section 7 of the WSRA, the NPS should use its other authorities (e.g., Organic Act, Redwood Act, etc.) to protect the river's free-flowing character, ORVs, and water quality. The WSRA's protective management requirements do not apply to rivers found unsuitable for designation.
- The NEPA analysis for any proposed project on or near an eligible or eligible and suitable river must include an assessment of the project's effects on the river's values that make it eligible for designation. On rivers that have been found eligible but have not gone through a suitability determination, the suitability assessment must be conducted as part of NEPA project review on any project that has the potential to negatively affect the free-flow, water quality, and values or ORVs that make the river eligible for designation.
- While there are often efficiencies in bundling the identification of eligible or eligible and suitable rivers with other park planning projects, the NPS can also conduct eligibility and suitability analyses under Section 5(d)(1) at any time as a stand-alone planning process. There is no need to wait until a larger planning process begins to do such studies.
- Historically, not all park units have conducted river inventories, but it is important for park units to conduct these river studies consistent with the mandates in the WSRA and NPS policies. Obtaining an accurate understanding of the significance of river resources within parks provides NPS staff with tools for selecting and implementing best management practices. In addition, the lack of eligibility/suitability studies has been a trigger for litigation against other federal land management agencies.

2.1.5.1 Considerations Specific to Section 5(d)(1) Studies

Although the study process and criteria used for agency-directed 5(d)(1) studies are basically the same as for congressionally-authorized 5(a) study rivers, some aspects of the agency-directed 5(d)(1) studies are different and require additional consideration. Study process considerations that are specific to 5(d)(1) studies include choosing the study area, delineating river segments, and making a suitability determination.

2.1.5.1.1 Choosing the Study Area

Choose the geographic scope and scale of the 5(d)(1) assessment wisely. There is no one right way. Below are some potential approaches that could be used separately or in combination to identify the geographic area to be evaluated:

1. Consider the geographic area of the study you are conducting and assess all river segments in that area. If the area includes the whole park unit, then evaluate all rivers within the whole park unit.
2. Use the NRI and/or previous eligibility assessments as a starting point. Rivers on the NRI are potentially eligible rivers and planning processes offer the opportunity to update this preliminary assessment.
3. Limit the scope to a single river or a group of high priority rivers within the park unit.
4. Start the assessment broadly, with all rivers in the park unit, and conduct a cursory review with the IDT to narrow the list of river segments that may possibly be eligible. Then conduct a more detailed review on those segments.
5. Reach out to interested stakeholders and ask for nominations for river segments they would like the NPS to consider, as well as any other information they have on rivers in the park unit.
6. Use a watershed approach and collaborate with other agencies when portions of the watershed are outside of the park unit's boundary.

Once the geographic area is selected, a decision must be made regarding the specific area to evaluate along individual river segments. [Section 4\(d\)](#) of the WSRA defines the study area for congressionally-authorized studies under Section 5(a) to be generally one-quarter mile from the ordinary high water mark (OHWM) on each side of the river. While this doesn't directly apply to Section 5(d)(1) river studies, in many cases a one-quarter mile distance from the OHWM makes sense to use as a study area for 5(d)(1) studies as well. Include recommendations for preliminary boundaries in the study reports for eligible 5(d)(1) segments to highlight the land area where NPS should focus the greatest management attention.

2.1.5.1.2 River Segment Delineation

The assessment can group river segments based on similar characteristics, such as landscape, geomorphology, recreational character, administrative units (i.e., type of park unit, wilderness, etc.), level of development, and/or hydrology. Avoid multiple short segments if values are unlikely to vary across segments. Avoid long segments if they include different types of resources.

2.1.5.1.3 Suitability Determination

Section 5(d)(1) studies of river suitability conducted within park units may be simplified since the river resources are already under NPS management. However, public support or opposition is an important component of suitability determination. Because of this, reach out to interested stakeholders including local, state, tribal, and federal governments; recreation and conservation organizations; adjacent landowners; and the general public. In addition, review plans and policies of other governmental and nonprofit organizations for consistency or inconsistency with WSR designation.

The suitability study can be done as a stand-alone process at the park managers' discretion. However, it is often more efficient to incorporate the suitability study with other park planning processes because the NEPA analysis and public outreach efforts can be combined. Regardless,

the NPS must conduct a suitability study anytime a proposed project could foreclose eligibility. Protective measures apply until a decision is made on the future use of the river and adjacent lands either through an Act of Congress to designate the river as part of the NWSRS, or a determination that the river is not suitable for designation.

2.1.5.2 Protective Management for Eligible Rivers

Unlike Congressional study rivers, rivers identified as eligible, or eligible and suitable, for WSR designation through the Section 5(d)(1) inventory process are not protected from the impacts of Federal Energy Regulatory Commission (FERC) hydropower or federal water resources projects under Section 7(b) of the WSRA. However, the resources that make such rivers eligible for designation must nonetheless be protected using other land and water resource management authorities. For eligible rivers located within NPS units (See [Appendix C: List of Eligible Rivers and Nationwide Rivers Inventory by Park](#)), both the WSRA and the *2006 Management Policies* (NPS 2006) provide explicit direction regarding the protection of rivers found eligible, or eligible and suitable, for designation.

The WSRA instructs all federal agencies to consider potential WSRs in all planning for the use and development of water and related land resources. This direction applies to the NPS in its stewardship of lands and waters within NPS units. Agency plans and decisions that could affect potential WSRs must include an evaluation of the effects of proposed actions on the resources that make the rivers eligible for designation, namely their free-flowing status, water quality, and potential ORVs. Furthermore, the NPS's own *2006 Management Policies* (NPS 2006) state that “[n]o management actions will be taken that could adversely affect the values that qualify a river for inclusion in the National Wild and Scenic Rivers System” (Section 4.3.4). This means that the impacts of all proposed management actions that could affect an eligible WSR need to be assessed before a decision is made regarding which alternative to implement.

While WSRA Section 7 does not apply, the impact assessment framework used in making Section 7 determinations provides a useful approach for evaluating potential impacts on 5(d)(1) eligible rivers (as well as rivers on the NRI). See the evaluation procedure outline in Appendix C of [Wild and Scenic Rivers Act: Section 7](#) (IWSRCC 2004). Project or decision-related impacts that could rise to the level of creating an adverse effect on the river's free-flowing status, water quality, or potential ORVs must be disclosed in the NEPA document associated with the project or decision. Preferred alternatives should not include actions that would render the river ineligible.

Management actions that could potentially affect the eligibility of inventoried rivers include the following:

- Construction or expansion of infrastructure affecting the river's bed, banks, floodplain and adjacent wetlands, including roads, bridges, hardened trails, boat ramps, bank stabilization, buildings, parking areas and other cleared or hardened surfaces, and utility corridors
- The granting of easements and rights-of-way across or adjacent to the eligible river, affecting potential ORVs

- Development of water supply, wastewater disposal, and small hydropower energy projects for park use
- Siting of communications towers
- Disposal and leasing of NPS lands adjacent to the eligible river

However, additional development is possible provided that projects are designed and implemented in a manner that avoids adverse effects, protects and enhances river values, and maintains a river's classification (wild, scenic or recreational) consistent with the management direction of the WSRA.

2.1.5.3 National Park Service River Inventories

There have been two large-scale river inventory efforts conducted by the NPS in partial fulfillment of Section 5(d)(1) of the WSRA: the NRI, which includes rivers both within and outside NPS units, and [Special Directive 90-4](#) (NPS 1995), which specifically targeted rivers within park units. To facilitate identification of eligible/suitable and NRI rivers within park units, the NPS created a database and map of this information. See [Appendix C: List of Eligible Rivers and Nationwide Rivers Inventory by Park](#).

2.1.5.3.1 Nationwide Rivers Inventory

The NRI is a listing of over 3,200 free-flowing river segments in the United States that are believed to possess one or more ORVs judged to be of more than local significance. These rivers are thus potential candidates for inclusion in the NWSRS. Although the NPS has responsibility for maintaining the NRI, the list of rivers on the NRI includes rivers that extend beyond the boundaries of the NPS, as well as rivers on other federal lands, and rivers on state, local, tribal and private lands. The NRI provides NPS planners and administrators with a starting point when conducting 5(d)(1) studies. A list of rivers included on the NRI can be found on [the NRI website](#). When conducting additional eligibility and suitability studies on NRI rivers, consult with the regional WSR Steering Committee (SC) Representative and the database manager to ensure that the SC Representative is aware of the results and that the eligibility/suitability database is updated with any new findings.

Under Section 5(d)(1) and related guidance, all federal agencies must seek to avoid or mitigate actions that would adversely affect NRI river segments. NRI segments that are managed by NPS are considered potentially eligible for WSR designation. Therefore, they are treated like 'eligible' rivers for the purpose of protective management. The NPS implements these requirements for NRI river segments through provisions in Sections 2.3.1.9 and 4.3.4 of [Management Policies 2006](#) (NPS 2006). Additional guidance includes [Executive Memorandum to the Secretary of the Interior](#) dated August 2, 1979, and the related [Memorandum for Heads of Agencies: Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the NRI](#) (Council on Environment Quality 1980):

“Each Federal agency shall, as part of its normal planning and environmental review process, take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory prepared by the Heritage Conservation and Recreation Service in the Department of the Interior. Agencies shall, as part of their normal environmental review process, consult with the Heritage

Conservation and Recreation Service prior to taking actions which could effectively foreclose wild, scenic, or recreational river status on rivers in the Inventory.”

The NRI is also listed as a comprehensive plan under [Section 10\(a\)\(2\)\(A\)](#) of the FPA. This act requires FERC to consider the extent to which a project is consistent with federal or state comprehensive plans.

Federal agencies must consult with the NPS¹⁷ prior to taking actions that would effectively foreclose wild and scenic designation of NRI rivers. Additional guidance on consultation procedures is available on [the NRI website](#). A key point from this guidance is that the federal action agency, not NPS, makes the final decision about taking an action that could preclude future designation of a WSR as part of its NEPA process. In addition, the federal action agency may move forward with the proposed action if NPS does not respond within 30 days.

2.1.5.3.2 Nationwide Rivers Inventory Additions and Deletions

The process for addition of rivers to the NRI or deletion of rivers from the NRI involves the following steps:

1. A request is made for a formal assessment from an agency, organization, or individual to the NPS NRI contact for the state where the segment is located. Alternatively, a responsible federal or state natural resource agency may submit a request to the NRI contact, to staff within the Rivers, Trails, and Conservation Association, or to the NPS WSR Program for an assessment. The following information should be included: river name, county location, reach description, length of river miles, year listed, potential classification, potential ORVs, and description of the reach. Requests for deletions should contain justification for the proposed deletion, e.g., construction of a dam or diversion project which destroys the free-flowing character of the river, additional development which seriously diminishes the scenic, recreational or other outstanding qualities of the river, or other activities or construction that affect the eligibility of the segment.
2. The NPS NRI contact evaluates three criteria to determine whether to recommend a change in the NRI. The criteria include: 1) the free-flowing condition, 2) the existence of at least one outstandingly remarkable value, and 3) the level of development along the river. The assessment should be brief and generally limited to one page. It is not as rigorous an evaluation as a WSR study and does not qualify a river for eligibility and/or suitability in the National WSR System. However, the recommendation should be informed by gathering information through a literature review, a site visit, and engagement with appropriate agency staff or partners (e.g., an agency if the river segment is on federal or state land) to determine if the segment should be added to or deleted from the NRI.

¹⁷ Typically, the Rivers, Trails and Conservation Assistance (RTCA) Program or regional compliance staff are assigned this responsibility, as determined by the appropriate regional director. See [NRI contacts](#).

3. The recommendation is sent to the NPS WSR Program lead(s). Based on the assessment and recommendation, the NPS WSR Program lead will provisionally add a river segment to, or delete a river segment from, the official NRI database.

Past practice and guidance notes that formal additions and deletions were periodically announced and transmitted to federal agency heads by the responsible departmental official through a Federal Register Notice. This guidance was last reviewed in 2002 and is under review by the WSR Steering Committee to determine the appropriate process and signatory level.

In 2017, the NRI was upgraded to a new GIS database and linked to the National Hydrography Dataset. Technical corrections were made to remove duplicate segments and segments that have been designated as part of the NWSRS. Technical corrections, including obvious errors, may be done without formal notice to federal agency heads.

2.1.5.4 Management Considerations for Section 2(a)(ii) Wild and Scenic Rivers

Unlike rivers added to the NWSRS by Congress through amendments to Section 3(a), Section 2(a)(ii) WSRs are not subject to several requirements described in Section 3 of the WSR:

- Specifically, 2(a)(ii) WSRs (otherwise referred to as State-administered rivers) are not required to have CRMPs. However, there should be evidence that the state requesting designation has the intent and resources to achieve the WSR's purposes, as expressed in Sections 1(b) and 10(a). In its review of a state's application for designation, be mindful of the fact that the river may or may not have a state or local management plan. While the NPS and the DOI cannot mandate preparation and updates to such a plan, issues that would otherwise be addressed in a CRMP are nevertheless relevant in determining whether the state will achieve WSR stewardship requirements.
- Because no CRMP is required, there is no mandate for the state or local entity that will manage the 2(a)(ii) WSR to address user capacity of the river. However, the state should describe how the river's recreational and other values will be protected from adverse impacts due to increasing or changing visitor use. As a critical aspect of determining the suitability of the river for designation, it is necessary to understand what mechanism is envisioned to monitor the river, its ORV status, and management considerations, including recreational usage, over time.
- Finally, boundaries are not required for 2(a)(ii) WSRs. However, the NPS's review should focus on evidence of measures that would protect the river and its immediate environment, including land ownership, land use regulations for private lands, and other circumstances that ensure that the river's WSR values would be permanently protected and enhanced. Lateral boundaries also create more clarity with respect to Section 7 determinations because 1) they delineate areas within which proposed FERC hydropower project works on uplands would be prohibited, even if the portion of the hydropower project below ordinary high water mark (OHWM) is outside the WSR segment, and 2) they identify tributary segments on which proposed federal water resource projects would be evaluated under the "direct and adverse" standard rather than "invade or unreasonably diminish."

2.1.5.4.1 National Park Service Special Directive 90-4

In 1990, the Director issued [Special Directive 90-4](#) (NPS 1995) requiring the NPS to determine which rivers in the National Park System were eligible for inclusion in the NWSRS. Many park units have conducted more-detailed eligibility studies since the directive was issued.

[Special Directive 90-4](#) (NPS 1995) was superseded by Sections 2.3.1.9 and 4.3.4 of [Management Policies 2006](#) (NPS 2006), which direct the NPS to study rivers in park units to determine their eligibility and suitability for inclusion in the NWSRS. As stated previously, once a river in a park unit has been found eligible for WSR designation, river managers must ensure that the resources related to the river's eligibility (including its free-flowing condition and potential ORVs) are protected unless the river is subsequently found non-suitable for designation. Many of the results from the 90-4 initiative can be found on the [NPS Planning Documents Eligibility and Suitability Studies](#) internal website.

2.1.5.4.2 Eligible/Suitable Database

In 2016, the NPS developed a [Database of Eligible/Suitable Rivers](#) that NPS has studied and found eligible, or eligible and suitable. It also includes potentially eligible rivers identified in the NRI that are in park units but have not been further evaluated. All project managers and planners should update this database when new studies and plans are completed as part of project closeout, including studies done via 5(a), 5(d)(1), 2(a)(ii) evaluation or reconnaissance surveys. Notify your regional WSR Steering Committee representative and contact the database manager/reference owner for assistance with updating the database.¹⁸ This database is a good starting point for identifying rivers that have been previously found eligible or potentially eligible. While it doesn't currently include a comprehensive list of rivers that were studied and found ineligible, the goal is to list all rivers that have been studied or inventoried by the NPS, along with the outcome of these efforts. See [Appendix C: List of Eligible Rivers and Nationwide Rivers Inventory by Park](#) for a list of rivers included in the database by region and park.

2.1.6 Secretarial Wild and Scenic River Designation Requests under Section 2(a)(ii)

2.1.6.1 National Park Service Review Process of Applications by States

Section 2(a)(ii) of the WSR Act provides a process for rivers that have already been protected "by or pursuant to an Act of the legislature of the state or states through which they flow" to be added to the NWSRS by the Secretary of the Interior upon request from the appropriate state governor(s). The following conditions apply to the Section 2(a)(ii) designation process:

- Responsibility for reviewing the request and evaluating eligibility and suitability of proposed designation is delegated by the Office of the Secretary to the NPS. That review is then delegated by the NPS to the appropriate region with support from the WASO WSR Program Office. As of January 2018, the NPS WSR Program is co-coordinated by the Conservation and Outdoor Recreation Division in the Partnership and Civic

¹⁸ See NPS Data Store for information about updates to the [Eligible/Suitable Rivers Database](#).

Engagement Directorate and the Water Resources Division, within the Natural Resource Stewardship and Science directorate, both of which may work with relevant regional and WASO offices to ensure the requirements of Section 2(a)(ii) are met.

- The state applicant does not fund the NPS’s review of Section 2(a)(ii) designation requests, and no NPS or DOI account has been established to support such requests. Determining who will perform the work and how to fund it is decided case-by-case, given the rarity of requests. Consultation with the NPS WSR Steering Committee will help ensure that effort and costs are appropriate and that NPS’s best expertise will be utilized.
- The relevant NPS region works with the WSR Program Office to identify appropriate staff to work with the state and to perform the 2(a)(ii) evaluation. Typically, regional Rivers Trails and Conservation Assistance (RTCA) or WSR Program staff with experience performing WSR studies and working with river conservation stakeholders conduct the evaluation. Often, regional RTCA or WSR staff are already aware of a state’s interest in 2(a)(ii) designation and may have provided informal technical assistance to explain the process prior to the formal request. Ideally, the review and recommendation are completed within a year; however, a year may be unrealistic due to the initial referral period, the need to identify appropriate staff and resources, internal review periods, and a 90-day agency review period.
- The region identifies a project lead for the evaluation. The project lead establishes a new project in the Planning, Environment and Public Comment (PEPC) system with a public-facing side to facilitate the publishing of the application materials, the draft NPS findings regarding eligibility and suitability, and the collection of comments during the required 90-day agency review period.
- For rivers that have previously been listed for study under Section 5(a) of the WSRA, a governor’s application for designation under Section 2(a)(ii) triggers interim protection under Section 7(b)(ii) lasting for one year from the date of receipt of the application. This period of interim protection applies regardless of the outcome of the prior 5(a) study.
- Upon receipt of a state’s request for 2(a)(ii) designation, the DOI, through the NPS, is required to inform FERC and to publish a notice in the Federal Register (FR).
 - FERC Notification: WSR Program staff will work with the regional NPS hydropower coordinator to identify if there are any existing FERC-authorized hydropower projects in the area proposed for WSR designation. If a FERC project is identified, the NPS Project manager prepares a letter and files it as a comment to the appropriate project docket in the FERC eLibrary. This letter may be signed by the WSR Program lead. If no FERC project is identified, the NPS project manager prepares a general notification letter to send to the Secretary of FERC. In either case, the WSR Program lead should forward a copy of the letter to the FERC Hydropower Licensing and Compliance Chiefs by email, notifying them that it has been filed. (See [Appendix E: Section 2\(a\)\(ii\) Sample Materials \(under development\)](#)).
 - FR Notice: WSR Program staff work with NPS’s FR Liaison to publish a notice of the application in the FR. (See [Appendix E: Section 2\(a\)\(ii\) Sample Materials \(under development\)](#)).

- The FR notice includes a link to the publicly accessible PEPC site with the actual application letter and background materials.
- The 2(a)(ii) evaluation process and designation decision triggers NEPA. The appropriate level of NEPA analysis may vary depending upon the details of the river application. In a case where little or no federal lands are involved, no known water resource development projects are likely to be impacted, and the overall level of impact may be preservation of the “status quo,” a categorical exclusion under NEPA may apply. Where substantial implications could exist for management of federal lands or waters, an EA may be warranted. The appropriate level of NEPA review should be considered at the outset of the project in consultation with WASO or Regional Environmental Compliance staff.
- Criteria and standards for determining if a river is eligible and suitable for designation are the same for all rivers (i.e., WSR Section 2[b]). The burden is upon the state applicant to furnish all information necessary for the NPS to perform the review. The governor’s 2(a)(ii) designation request normally includes such background materials, documenting the state’s existing protection framework for the candidate river, along with resource information describing the river’s free-flowing character, water quality, and potential ORVs.
- As with Section 5(a) and 5(d)(1) studies, the first step in the Section 2(a)(ii) review process is to determine whether the candidate river is free-flowing and possesses one or more ORVs. The river’s baseline water quality, and the relationship between this and the condition of its ORVs, is also described.
- Section 2(a)(ii) candidate rivers are then assigned a preliminary classification based on the criteria in the WSR and [1982 Interagency Guidelines](#) (NPS and USFS 1982).
- The suitability determination is based on the state’s administrative framework. The state must administer 2(a)(ii) WSRs at no expense to the federal government apart from the costs of performing Section 7 reviews (see Chapter 4, Section 4.1 Statutory Background), managing any existing federal land along the river, or through Land and Water Conservation Fund grants awarded to the state or municipalities for projects adjacent to the river. As a result, it must be demonstrated that the state is clearly committed to protecting and enhancing a 2(a)(ii) candidate river’s values without the need for federal land acquisition or co-management. A state river management program or lawful and established management arrangement should exist for the river. Where local government participation is important, the affected governments should be supportive of designation, and they should take steps to ensure that land use regulations are consistent with WSR protection standards.
- The NPS regional office performing the evaluation works with the WSR Program Office to solicit WASO review of the internal draft document. A revised draft evaluation is then completed and placed on the public-facing PEPC site. The Notice of Availability (NOA) of this draft evaluation may be published in the FR and/or noticed through a combination of press releases and letters sent directly to a comprehensive list of interested state and federal agencies. The review period is typically for a 90-day comment period in accordance with Section 4(c) of the WSR. Though not specifically stipulated in the WSR, public review is invited at the same time. Comments may be through PEPC or written comments directed to the project manager.

- Once the NPS completes its review of the 2(a)(ii) application, the Director transmits the evaluation and supporting documents, including a summary of comments received on the draft, to the DOI Secretary through the Assistant Secretary for Fish and Wildlife and Parks. The Secretary then decides whether to designate the river. If the Secretary decides in favor, that decision is published in the FR, completing the review process; there is no requirement to publish an unfavorable decision.
- The NPS regional office performing the evaluation works with the WSR Program Office to solicit WASO review of the internal draft document. Consult with the NPS regional environmental compliance office and NPS WSR Steering Committee for guidance. Once the internal draft document is completed, Section 4(c) requires a 90-day review by the heads of specific federal agencies, prior to a Secretarial decision to approve or disapprove inclusion in the NWSRS.

2.1.6.2 Wild and Scenic River Reconnaissance Surveys

In some cases when there is strong local interest in authorizing a formal study of a river's eligibility and suitability for designation under Section 5(a) of the WSR Act, but where Congress has not yet approved such legislation, local congressional members may request that the NPS perform a preliminary evaluation of the river's qualifications. Such studies are commonly known as "reconnaissance surveys," which gather existing information about the river. Requests for these surveys are routed through the NPS OLCA to the WASO PPSS division, which then works with the relevant region to conduct the surveys.

Authority for conducting reconnaissance surveys comes from 54 USC 100507(b)(5), "Additional Areas for the NPS System," which limits the cost to \$25,000. These costs are normally covered by the SRS fund source. Initiation of a reconnaissance survey may need to be phased due to competing funding and staffing needs associated with congressionally-authorized studies and other kinds of special studies. For more information about reconnaissance surveys in general, consult with your regional planning program office and WSR Steering Committee representative.

2.1.6.3 Survey Scope and Findings

While WSR reconnaissance surveys utilize the same eligibility and suitability criteria that apply to all candidate rivers, the survey is far more limited in scope than a 5(a) study. Survey findings focus on the candidate river's likely eligibility for WSR designation and are based solely on existing information, which may be quite limited. The survey report should note such limitations to help inform future work (e.g., a 2(a)(ii) designation nomination or Section 5(a) study) should the community choose to support such efforts.¹⁹

Notably, reconnaissance surveys are not subject to NEPA because they do not involve major federal decisions affecting the environment. Because of this and a limited survey budget, no public participation is included and no advisory committee is convened to support public outreach. Survey findings regarding the river's suitability for designation are based on the objective evaluation of existing, readily available information, not on a detailed analysis of the

¹⁹ For an example of a completed WSR reconnaissance survey, see [Wild and Scenic River Reconnaissance Survey of the York River](#) (NPS 2013a)

river's vulnerability to resource damage, or an in-depth analysis of support for or opposition to WSR designation. Nor are the survey's suitability findings based on an evaluation of alternative local-state-federal and non-governmental organization shared management roles should the river be designated, because performing such an analysis requires participation by all potential partners. Thus, while existing local and state land-use controls and the conservation status of riverfront lands will be described, if possible, along with gaps in available information, the survey's findings with respect to suitability are very preliminary in nature. The WSR reconnaissance survey report should clearly and objectively explain the NPS's river eligibility and suitability findings, while noting information gaps.

2.1.6.4 Staffing, Funding, and Oversight

The SRS fund source that funds reconnaissance surveys is managed by the WASO PPSS division, which provides study oversight and policy direction, and coordinates the review of the internal draft survey reports by other WASO programs. The various NPS regions are responsible for managing the surveys, including creation of PMIS statements, and for staffing the surveys through regional planning programs, by parks, or by other staff, and/or the Denver Service Center. While no Project Agreement is typically executed for reconnaissance surveys, the region, PPSS, and relevant WSR Steering Committee members should coordinate to ensure timely completion of the work within budget.

The PEPC website is used to coordinate both internal and external (via a public-facing page) communication on WSR reconnaissance surveys. The final document should be sent to the NPS's Electronic Technical Information Center (eTIC) when the PEPC project is closed out.

Since reconnaissance surveys are typically done in response to Congressional requests, the Office of Legislative and Congressional Affairs and WASO Park Planning Office are likely to have a major role in shepherding a project through necessary approvals.

2.2 WILD AND SCENIC RIVER DESIGNATION

Rivers are officially designated through federal legislation following completion of eligibility and suitability studies requested by Congress under Section 5(a), at the recommendation of the Secretary of Interior under Section 5(d), or following recommendation by a state Governor as described under [Section 2\(a\)\(ii\)](#) of the WSRA. Occasionally Congress designates rivers without an eligibility and suitability study. For additional information on the WSR designation process under Section 2(a)(ii) see [Designating Rivers Through Section 2\(a\)\(ii\) of the WSRA](#) (IWSRCC 2007), and [Appendix E: Section 2\(a\)\(ii\) Sample Materials \(under development\)](#).

2.2.1 Internal Legislative Process

Once a river segment has been found eligible and suitable and the findings appropriately documented in a decision file or as part of an AR, a park unit superintendent or program lead can submit the recommendation through the NPS internal legislative process at any time deemed appropriate. There is typically a biennial internal call that occurs in the fall in even years coinciding with the onset of a new Congress. The internal call starts in each region by sending out a request for one-page proposal summaries. The regional directorate and legislative affairs

office then request the submittal of legislative support data packages (See [Appendix D: Legislative Support Data Package Sample](#)). Regional legislative affairs personnel and the regional directorate then review the packages to determine which proposals should be forwarded to the NPS WASO. The final approved proposals are forwarded to the NPS OLCA. After further review by the OLCA and the NPS Director, the final approved proposals are forwarded to the DOI and Office of Management and Budget, and eventually to Congress.

Proposals can be forwarded to the regional legislative affairs staff at any time and do not need to wait until the biennial call. However, one advantage of the regional call is that legislation information is provided at the beginning of Congress' term to allow for the maximum time for the potential legislation to be considered. Congress may or may not act on any potential legislation proposals forwarded by the NPS.

2.2.2 Additional Protections Provided by Wild and Scenic River Designation

WSR designation provides tools to protect rivers and river dependent park resources that may go beyond the protections of the Organic Act and park specific enabling legislation. Some of these tools include the following:

- Section 7 of the WSRA provides a tool for protecting designated rivers and their values from FERC-licensed hydropower and federally-assisted water resource projects. For example, while the Federal Power Act (FPA) prohibits FERC hydropower projects in national parks and monuments without congressional authorization, they can be authorized in other units of the National Park System (e.g., national recreation areas, lakeshores, and preserves) provided they do not have direct adverse effects on federal lands. Designation offers stronger protections from new FERC hydropower projects. In addition, WSR designation not only protects rivers inside park units, but helps protect park water resources (and ORVs) from external threats under Section 7's provisions regarding FERC-licensed hydropower and water resources projects upstream, downstream, or on a tributary of designated segments. Thus, even if an NPS unit includes all the headwaters of a river, designation could help protect migratory fish that utilize downstream areas from the impacts of new downstream dams and diversions. The NPS has no other authority to prohibit a downstream hydropower project or other kind of dam that is outside the park unit boundaries. For park units that do not control the headwaters of streams that flow within the park, designation would also ensure that the river's fish, wildlife, scenic, and recreational values would be protected from the impacts of external (upstream) hydropower dams and water resources projects.
- Designation is a tool to help the NPS protect its own resources. Just as wilderness designation adds a layer of protection to NPS lands that are already protected under the Organic Act and Redwood Amendments, WSR designation adds an extra layer of protection beyond these NPS authorities. The WSRA requires that important WSR values are protected and enhanced, not "merely" preserved unimpaired. Designation helps park units focus on watershed protection, similar to landscape-scale protection, which helps the NPS study and manage intact aquatic ecosystems.

- Designation gives the NPS important property rights or authorities it may not otherwise have. With some limitations,²⁰ the WSRA includes authority to acquire a limited area of land and interests in land within the authorized boundaries of a designated river, and to acquire land that is partially outside the boundary of a designated river with the consent of the appropriate landowners. The WSRA also authorizes the acquisition of land or easements through condemnation for the purpose of providing public access to the river within the designated boundary of the river. Finally, the WSRA authorizes exchanges of non-federal property located within the authorized boundary of a designated river for federally owned property.
- Designation comes with specific federal reserved water rights based on flows needed to protect and enhance water-dependent values.
- Section 12(a) of the WSRA requires federal agencies having jurisdiction over any lands which include, border upon, or are adjacent to designated or study WSRs to protect such rivers in accordance with the purposes of the WSRA.
- Designation can help further regional and national goals of the NPS and other entities in regards to protection of one or more ORVs.
- Designation is a form of public recognition of the river as a special place, potentially helping local economies through increased tourism.
- Designation requires the development of a CRMP, which provides a mechanism to focus on river resources and methods to protect and enhance WSR values. Determining the suitability of a river for designation involves considerable judgment on the part of the IDT. It is useful to outline the management intent during the study process so visitors and stakeholders can understand any potential changes that would occur with WSR designation. For Section 5(d)(1) studies, the management intent could include things like zoning, recreation use, and user capacity of the river segments.
- Suitability analysis provides the basis for deciding on whether or not to designate a river. If it is decided to recommend a river segment for designation, then the recommendation would be included in the appropriate NEPA environmental review and decision process.

2.3 WILD AND SCENIC RIVER PLANNING

2.3.1 Comprehensive River Management Plans

The WSRA requires preparation of a CRMP for each river or river segment within three years of designation. These plans, now known as CRMPs, are required to address resource protection, land and facility development, user capacities, and other management practices necessary or

²⁰ See Chapter 3, Section [3.3.12 Protection of WSR Values on Non-Federal Lands in the WSR Corridor](#)

desirable to achieve the purposes of the WSRA. [Section 3\(d\)\(1\)](#) of the WSRA describes the CRMP as follows:

... the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act.

2.3.1.1 Contents of a Comprehensive River Management Plan

The NPS is required to prepare CRMPs for each WSR designated as part of the NWSRS and assigned to NPS for administration.²¹ Each CRMP will include, at a minimum, those provisions stipulated in Sections 3(d)(1) and [10\(a\)](#) of the WSRA. The NPS may also include such other provisions in the CRMPs as may be needed to satisfy the objectives of NPS planning policies and the unique circumstances of the river. (See [Management Policies 2006: Chapter 2: Park Systems Planning](#) and the accompanying guidance available from PPSS WASO and regional planning contacts.)

The primary goal of a CRMP is to provide management direction for protecting and enhancing WSR values. The WSR values at the time of designation are the building blocks for all WSR planning and management decisions. Identifying, articulating, and documenting WSR values is a critical first step in developing a CRMP that protects and enhances these resources. A detailed description of the character of the river, including historic or existing infrastructure, hydrologic conditions, water quality, and river access should be available from the study report as part of the description of baseline conditions.

Management strategies developed as part of the CRMP may include a description of future desired conditions for each WSR value, a set of proposed actions necessary to achieve these desired conditions, and a plan to monitor long term trends in conditions. CRMPs may address other topics as well, such as adaptive management, public engagement, and resource study needs. Identifying protective measures and prioritizing future actions in the CRMP will ensure that WSR values are protected and remain consistent with the WSR's classification.

Future NPS management plans and activities should refer to the CRMP to ensure consistency with management strategies. If the CRMP and a proposed or existing management strategy are found to be inconsistent, then one or the other may require review and revision. (See Chapter 2 Section 2.2.1.5 [Updating Comprehensive River Management Plans](#) [under development]).

Congress sometimes designates rivers without a complete or recent eligibility and suitability study. This may create challenges for the river manager particularly related to definition of river

²¹ A newly-designated WSR requires interim management measures prior to completion of a CRMP. See [Newly Designated WSRs: Interim Management and Steps to Develop a CRMP](#) (IWSRCC 2010) for guidance. This document expands the content of Appendix A of [WSR Management Responsibilities](#) (IWSRCC 2002).

values, classification and boundaries. These issues should be addressed through the CRMP process.

Starting in 2010, the NPS developed and implemented a process for articulating WSR values and documenting the findings in a WSR “values statement.” As of June 2017, most NPS WSRs have a values statement or similar document. While WSR values are best defined early in the CRMP planning process, they can be articulated later using a stand-alone process. Additionally, as knowledge of significant river-related resources improves, it is important to periodically update these documents.

[Appendix B: Identifying Wild and Scenic River Values on Designated Rivers](#) provides a detailed description of the NPS process for producing WSR value statements. It also provides additional guidance on defining cultural resource values. [Appendix F: Integrating Wild and Scenic River Values in Foundation Documents](#) describes how to incorporate WSR values into park foundation documents.

2.3.1.2 User Capacity

Section 3(d)(1) of the WSRA directs federal river-administering agencies to address user capacities in a CRMP prepared for each federally-administered component of the NWSRS. The Act does not define user capacities, but recent litigation has focused primarily on recreational use. The scope of user capacity more broadly includes visitor use, other public use, and administrative use of the river, but with emphasis on the recreational aspect of visitor use.

Guidance on user capacity analysis and visitor use management tools is provided in [Steps to Address User Capacities for Wild and Scenic Rivers](#) (IWSRCC, 2018). In addition, the NPS participates on the Interagency Visitor Use Management Council (IVUMC), which formed in 2011 to provide recommendations to help member agencies consistently interpret and practice the major elements of visitor use management. The IVUMC has developed recommendations applicable to all public lands for monitoring and managing visitor use, as well as addressing visitor capacity, and has also written [position papers](#)²² on these topics that are complementary to the IWSRCC guidance on user capacity. The IVUMC also has completed a comprehensive [Visitor Use Management Framework](#) (IVUMC 2016a) that includes guidance for analyzing and managing visitor use on federally managed lands and waters, and developed a [Visitor Capacity Guidebook](#) that provide detailed “how-to” guidance and studies. Also see Chapter 3, Section 3.3.5 [Recreation Management](#).

2.3.1.3 Comprehensive River Management Plans for Partnership Rivers

Congress sometimes directs the NPS to conduct a 5(a) WSR study for rivers that will be managed through a federal-state-local partnership, rather than through direct federal management of a new park unit. To make it possible for the NPS to complete a suitability analysis in these situations, NPS works with its local partners during the study process. Partnership Wild and Scenic River (PWSR) CRMPs commonly are developed by partner study committee members

²² [Visitor Capacity on Federally Managed Lands and Waters](#) (IVUMC 2016) and [Visitor Use Management on Public Lands and Waters](#) (IVUMC 2013)

(supported by paid staff or contractors), with NPS technical assistance. This approach increases local ownership by stakeholders in the creation and implementation of the plan. The plan describes management requirements associated with WSR designation and identifies the partner(s) responsible for implementing each management action. It also provides the necessary information for state and local governments, landowners, and other stakeholders to decide if they should support WSR designation. Evidence of such broad-based support is required for a positive suitability finding. In most cases, Congress endorses the Partnership CRMP when the study river is designated, which then becomes the new WSR's official CRMP. In cooperation with its partners, the NPS should periodically review and update the CRMP to address changed circumstances and resource protection needs. See additional information on the [PWSR website](#).

2.3.1.4 National Environmental Policy Act Requirements

The development of a CRMP includes responsibility for ensuring compliance with NEPA and other federal environmental protection laws. NEPA compliance is necessary whether the action is initiated by a federal agency or an agency partner. To comply with NEPA, the NPS and its partners must consider the potential environmental impacts of proposed actions identified in CRMPs. The NPS generally conducts WSR management planning and environmental compliance as an integrated process and therefore, most CRMPs are prepared in conjunction with an EA or EIS. DO-12 describes the policies and procedures that the NPS follows to comply with NEPA. The accompanying [NEPA Handbook](#) (NPS 2015b) provides guidance on how to implement the policies described in DO-12. If you have additional questions after reviewing these sources, please consult your Regional Environmental Coordinator.

2.3.1.5 Updating Comprehensive River Management Plans (under development)

- *This section is currently under development, but the intent is to include guidance on updating existing CRMPs in the future, and to address the following:*
 - *How to review/update existing CRMPs, e.g., those prepared during 5(a) studies for PWSRs*
 - *Needs that trigger updates for CRMPs*
 - *Guidance on when to do an amendment vs. a new plan*

2.3.1.6 Comprehensive River Management Plan Archive

The NPS has developed a list of CRMPs with links to the completed documents,²³ as well as an archive of WSR CRMPs, Value (ORV) Statements and WSR studies that led to designation.²⁴ When archiving a completed CRMP in the NPS eTIC, include the name of the designated river, the words "wild and scenic river" (regardless of NPS unit's name), and the words "comprehensive plan" in the eTIC project title field. This will ensure that the document is found using the eTIC's simple text search function. For example, the Upper Delaware River is designated under the WSRA and is managed by the NPS as the Upper Delaware National Scenic

²³ See the WSR CRMP [spreadsheet](#) for a the list of documents with links.

²⁴ See the [ORV and Studies archive](#)

and Recreational River. The project title for the archived CRMP is “Upper Delaware WSR CRMP.”

2.3.2 Establishing Wild and Scenic River Boundaries

Sections 3(b) and 3(c) of the WSRA provide specific direction to federal river-administering agencies regarding the establishment of boundaries for designated WSRs:

Section 3(b): The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date if [is] provided in subsection (a)), establish detailed boundaries therefor (which boundaries shall include an average of not more than 320 acres of land per mile [640 acres of land per mile for rivers designated by Alaska National Interest Lands Conservation Act and located outside National Park units in Alaska²⁵] measured from the ordinary high water mark on both sides of the river)... Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

Section 3(c): Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

Establishing a lateral boundary for a newly-designated WSR is an important step in delineating the area which will receive the greatest effort in resource protection. [Establishment of Wild and Scenic River Boundaries](#) (IWSRCC 1998a) provides excellent background and guidance for defining required boundaries as part of a planning process (i.e., during the preparation of a CRMP).

2.3.2.1 Process to Finalize or Amend Boundaries

The WSRA requires that each WSR designated by Congress have a lateral boundary. In a few instances, Congress has specified the lateral boundaries for a river in the designation legislation. Generally, however, this responsibility is left to the managing agency to be completed following designation. The following steps identify the process to finalize or amend lateral boundaries:

1. Scope the project: Identify the project manager (usually the CRMP project manager) and meet with the project team. Include the project manager, key park staff, key interagency staff if the Notice of Availability (NOA) involves multiple land management agencies, the regional liaison (or similar FR specialist), WASO WSR Program lead(s) and key NPS

²⁵ As of 2017, the only WSR administered by the NPS that this provision applies to is the portion of the Alagnak River in Alaska outside the boundary of Katmai National Park and Preserve.

Land Resources Division staff. Review the project timeframe with the team and identify responsibilities for key project tasks (see below). Use PEPC for internal team purposes to provide comments on maps and the NOA package. Also use PEPC as the public's primary tool to view boundary maps and related documents.

2. **Map the project:** The project manager works with the NPS Land Resources Division project lead to produce (or confirm) official WSR boundary delineation and classification maps.
3. **Establish project in PEPC:** The project manager establishes the project in PEPC, if necessary (i.e., if there is not already a PEPC project for CRMP development for the river). Both internal and public-facing pages are needed. The project manager works with PEPC support staff to develop a short link to display official boundary delineation maps. The key park staff or authorized project member will be responsible for releasing the PEPC link to the public when the NOA package is available.²⁶
4. **Make ready for review:** Compile final boundary materials for internal review (see [Appendix G: Boundary Establishment Sample Materials](#)), including the following:
 - a. Three-week-out report (if appropriate)
 - b. Office of the Executive Secretariat cover letter
 - c. General background brief for region
 - d. Briefing statement to get approval to
 - i. Transmit WSR boundary and classification maps to Congress
 - ii. Publish NOA in the FR
 - e. Congressional notice (i.e., letters to the President of the Senate and Speaker of the House of Representatives, in accordance with Section 3(b) of the WSRA)
 - f. Transmittal cover letter for FR NOA
 - g. FR NOA
 - h. Coordination letter from other federal agency (if appropriate)
 - i. Maps
 - i. Official boundary delineation maps available electronically from LandsNet (official repository for NPS maps and boundary information – not accessible outside NPS network) as well as paper (if appropriate) in locations convenient to the designated river²⁷
 - ii. Documents should also be made available through the public-facing pages on PEPC
5. **Finalize package:** Finalize boundary package for Director's (or designee's) signature for congressional letters:
 - a. Work through Region to submit to the federal Document Tracking System and transmit to WASO.
 - b. Obtain WASO signatures for Document Tracking System. This routing is subject to change. Best practice is to check with the WSR Program lead(s) or the NPS Chief of Staff to confirm needed signatures. As of 2017, the following routing is recommended:

²⁶ See a sample in PEPC on the [Snake River Headwaters WSR Planning Project](#) that includes planning documents and final boundary maps.

²⁷ Section 3(c) of the WSRA requires maps of all boundaries and descriptions of the classifications of designated river segments, as well as any subsequent amended boundaries, be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

- i. NPS only:
 1. Associate Director, Partnership and Civic Engagement (WSR Program Office)
 2. Deputy Director, NPS Office of Legislation and Congressional Affairs (OLCA)
 3. Chief of Staff
 4. Deputy Director for Operations
 5. Regional Director or designee
 6. Director
 - ii. NPS and other Bureaus/Agencies
 1. To be determined by Chief of Staff
6. Publish in the FR: Project manager (or team's FR liaison) will deliver the final NOA package to the FR. This process may be handled separately from the congressional transmittal process. Check with the Regional FR Liaison for best practices to ensure an efficient process for this step.
 7. Transmit to Congress: OLCA will provide guidance.
 8. Notify project team: The project manager notifies project team of transmittal date to Congress and expected date of NOA publication in the FR.
 9. Update database: Update the [WSR boundary database](#) by contacting the database manager and your regional WSR SC representative.²⁸ One of the attributes of the database includes a link to the FR notice.

2.3.2.2 Key Points

The following highlight important aspects of WSR boundary establishment and provide guidance specific to the NPS:

- The WSRA has specific requirements for 1) establishing and amending detailed boundaries and classification, 2) posting notices of the availability of WSR boundaries and classifications in the FR, 3) transmitting boundary information to Congress, and 4) making maps of WSRs available to the public.
- The WSRA requires river managers to establish detailed boundaries and classification within one year of designation and develop a CRMP within three years of the date of designation for rivers designated by Congress. While these deadlines are rarely met, the NPS makes the interim boundary and classification information available to the public through the planning process under NEPA and using the public-facing PEPC project site created for CRMPs. The NOA is then published in the FR and transmitted to Congress as soon as the planning process is complete.
- The river's lateral boundary is delineated to optimally protect its values, including its ORVs, within the acreage limitations specified in the WSRA. The boundary location is subject to NEPA analysis as a decision in the CRMP. Consistent with Section 4(d), boundaries of any river proposed in a Congressionally-authorized study, and prior to establishing formal boundaries, shall generally comprise that area measured within one-quarter mile from the ordinary high water mark (OHWM) on each bank of the river. [Section 15](#) provides for wider boundaries in Alaska.

²⁸ For information about updating boundary data go to: [WSR Boundary Database](#) or [ArcGIS](#) online:

- The WSR corridor, which is the land and river within the lateral boundary, defines the area that will receive the greatest effort in resource protection. New FERC-licensed hydropower project works are prohibited from being located anywhere within or directly affecting a WSR corridor.²⁹ The river corridor is also the area within which the WSRA grants authority for the acquisition of lands and interest in lands for WSR purposes. In addition, boundaries also affect mining and mineral leasing decisions, although these activities are already prohibited on most NPS-managed lands.³⁰
- The WSRA's acreage limits apply to lands above the river's OHWM. In general, they do not include submerged lands or islands within the designated WSR. Consult with the WSR Steering Committee for more information.
- The WSR's classification as wild, scenic, or recreational is based on the level of development within the river's corridor and along its shoreline, including the degree of access present on the date of designation.³¹ (See Chapter 2 Section 2.1.1.3 [River Classification](#)).
- Boundary and classification decisions for WSRs administered by two or more federal agencies should be coordinated. When possible, this should include joint preparation and transmittal of the required information.
- The NPS primarily uses GIS maps to describe WSR boundaries, following protocols used by the NPS Land Resources Division. In contrast to WSRs administered by the USFS and BLM, surveys, narrative legal descriptions, and boundary signage are generally not needed for NPS-administered rivers because the NPS does not share the multi-use mandates of these agencies.³²
- Partnership WSRs may or may not have lateral boundaries. In some cases, Congress preempts the WSRA's boundary requirements for individual PWSRs in their designation legislation. In other cases, Congress states in the authorizing legislation that the CRMP developed during the WSR study satisfies WSRA Section 3 requirements, having the same effect and satisfies FR notice and congressional transmittal requirements.
- Rivers designated under Section 2(a)(ii) of the WSRA are not required to have lateral boundaries, although some states may delineate their corridors anyway, which often is useful when the NPS conducts reviews under Section 7 of the WSRA.
- Rivers found eligible or eligible and suitable as the result of an inventory under Section 5(d)(1) of the WSRA are also not required to have boundaries. However, these rivers must be managed protectively to maintain their eligible status. Developing preliminary recommendations for lateral boundaries for rivers that are ultimately designated allow the NPS to highlight the land area that should receive the greatest management attention during the period of protective management that applies to eligible 5(d)(1) segments.
- Coordinate boundary development in parks with regional Lands Program contacts to ensure documentation is consistent with internal NPS processes and contact the WSR boundary database manager to add relevant details.

²⁹ See Chapter 4: Evaluation Standards.

³⁰ See [Section 8.7](#) of [Management Policies 2006](#)

³¹ [16 USC 1273](#)

³² Case law confirms that the final WSR boundary is not required to be posted or otherwise located on the ground. See [Sokol v. Kennedy](#) 210 F.3d 876 (2000).

3 MANAGEMENT AND STEWARDSHIP

This chapter provides guidance on National Park Service (NPS) management and stewardship responsibilities as directed by the Wild and Scenic Rivers Act (WSRA). Management of Wild and Scenic Rivers (WSRs) is best accomplished through the development and adherence to CRMPs, which are described in Chapter 2. This chapter suggests best management practices (BMPs) to guide NPS actions in monitoring, protecting, and enhancing WSR values on both designated rivers and rivers identified for future study. Guidance is also provided to assist decision-making for a range of potential activities within and outside the WSR corridor. Although guidance is tailored to the management of designated WSRs, it is also useful for managing other NPS rivers as well. In both cases, supplement the advice provided in this Reference Manual (RM) by seeking advice from subject-matter experts within and outside the NPS, as appropriate.

The WSRA directs river managing agencies to administer designated rivers to protect and enhance the WSR values that made it eligible for inclusion into the National WSR System (NWSRS): free-flowing character, water quality, and outstandingly remarkable values (ORVs). Each WSR must be administered in a manner that is consistent with its classification as wild, scenic, or recreational. The WSRA also provides protective measures for WSR values on congressionally-authorized 5(a) study rivers, certain rivers recommended for designation by a Governor under Section 2(a)(ii)³³, and for rivers found eligible under Section 5(d)(1). Rivers authorized for study under Section 5(a) receive protection for a period of three years from the date a study report is transmitted to Congress, regardless of study findings, unless a different time period is specified in legislation.³⁴ Rivers found eligible pursuant to an evaluation under Section 5(d)(1) must be managed to protect their free-flowing condition, water quality, and ORVs, as well as their preliminary classification, until a decision on suitability can be made. The same protection applies to rivers found suitable under Section 5(d)(1) until Congress designates the river or it is released for other uses.

The WSRA provides several measures to protect and enhance WSR values, most notably Section 7 and Section 10. The protection provided under Section 7 from harmful water resources projects and hydropower project works licensed by the Federal Energy Regulatory Commission (FERC) is described in detail in Chapter 4. The mandate to protect and enhance WSR values under [Section 10\(a\)](#) is described in this Chapter. Section 10(a) states the following:

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of

³³ If a river was authorized by Congress for study through Section 5(a), and the governor of a state(s) subsequently applies for designation through Section 2(a)(ii), that river is protected for one year following receipt of the application for designation to the Secretary of the Interior under WSRA Sections 7(b) on water resources projects and Section 12(a) on management policies.

³⁴ Congressionally-authorized 5(a) study rivers are also afforded the protections directed by WSRA Sections 7(b) on water resources projects, Section 8(b) on land disposition, Section 9(b) on mining and mineral leasing, and Section 12(a) on management policies.

these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archaeological, and scientific features...

The [NWSRS; Final Revised Guidelines for Eligibility, Classification and Management of River Areas](#), also known as the [1982 Interagency Guidelines](#) (NPS and USFS 1982),³⁵ interprets Section 10(a) as a non-degradation and enhancement policy for all designated river areas, regardless of classification. Each component will be managed to protect and enhance the values for which the river was designated, while providing for other activities and uses which do not adversely impact or degrade those values. River managers must therefore 1) protect a river's free-flowing condition, water quality, and ORVs, with a primary emphasis given to aesthetics, scenic, historic, archeologic, and scientific features; 2) identify opportunities to improve the baseline condition of river resources and values, and 3) provide for public recreation and other resource uses that do not diminish WSR values.

Typically, the baseline for evaluating impacts to free-flow, water quality, and ORVs is the condition on the date of designation. However, if river conditions have improved since the date of designation, the NPS will base management decisions upon the improved condition. Specific management strategies will vary according to a river's classification but will always be designed to protect and enhance the values of the river area.

3.1 MONITORING PROGRAMS

The overall purpose of monitoring WSRs is to develop scientifically sound information on the current status and long term trends in the function of river systems, and to determine how well current management practices are sustaining river-dependent resources and values, including free-flowing condition, water quality and ORVs. One of the most critical steps in designing a monitoring program is to clearly define the goals and objectives of the monitoring effort and to then lay out a plan to procure the information necessary to meet these objectives. Focus monitoring plans for WSRs on establishing a baseline, identifying trends in the resource condition for each WSR value, and evaluating progress in reaching management goals as established in the CRMP. An effective monitoring program provides data to evaluate progress toward the goal of a plan, but it is more than just repeated data collection. It is absolutely essential to understand why data are being collected and how data are intended to be used to inform future management decisions.

Monitoring plans should include monitoring protocols that contain sufficient detail to explain how data are to be collected, managed, and analyzed. Monitoring protocols are a key component of quality assurance and quality control for natural and cultural resource monitoring programs. Monitoring protocols are necessary to ensure that changes detected by monitoring are occurring in nature and not simply a result of measurements taken by different people or in slightly different ways. Finally, when developing a monitoring plan, consider the overall cost in terms of personnel, expertise, equipment and time, and strive to implement a monitoring plan that is sustainable over the long term.

³⁵47 FR 39454-39467, September 7, 1982

The basic steps involved in planning and designing an effective long-term monitoring plan for most WSR values are as follows:

1. Clearly define the goals and objectives of the monitoring plan.
2. Compile and summarize existing information.
3. Prioritize and select indicators that will be monitored to evaluate change.
4. Identify standards or thresholds that will be used to indicate change.
5. Develop an overall sampling design including the frequency of sampling and duration of monitoring to address specific needs.
6. Develop monitoring protocols including quality assurance protocols.
7. Establish data management, analysis, and reporting procedures. Ensure that data are entered into an appropriate database that is publicly accessible. Water quality data should be made available to state water quality agencies to ensure state water quality reporting and compliance required under the Clean Water Act includes data collected on WSRs.

3.2 MONITORING WILD AND SCENIC RIVER VALUES

An understanding of the health and condition of a WSR is essential to fulfilling the mandate to protect and enhance the values that led to a river's designation. Monitoring the hydrologic condition of a river, including streamflow, water quality and the aquatic ecosystems and habitats associated with a river, forms the basis for river management. Information compiled as part of the study and planning processes that describe streamflow, water quality and the condition of ORVs at the time of designation provides a baseline for evaluating change in resource condition in the future. Descriptions of resource integrity and the existence of any adverse conditions at the time of designation should be part of the development of CRMPs and should identify future monitoring needs.

Once a baseline has been established, long term monitoring is key to managing and understanding the health and condition of the natural and cultural values associated with each wild and scenic river. Long term monitoring should be sufficient to detect change in condition and to identify potential trends over time. Monitoring efforts conducted by NPS can be leveraged by coordinating with state and federal agencies, local "friends" groups, watershed networks, and other non-government organizations (NGOs), universities, and qualified citizen scientists to assist with data collection.

The NPS Inventory and Monitoring (I&M) Program consists of 32 regional monitoring networks whose primary goal is to collect, organize and integrate natural resource data into NPS planning and management. The NPS I&M Network and the Water Resources Division (WRD) can provide assistance in developing an appropriate monitoring program to protect and enhance a WSR's values.

3.2.1 Streamflow

Streamflow is an essential component of WSRs and is vital to maintaining ORVs that are flow dependent.³⁶ Streamflow characteristics important to the long term health and function of a river

³⁶ Examples of ORVs that may not require a specific streamflow are certain paleontologic or cultural resources.

include the frequency, magnitude, timing and duration of high and low flows, and the natural seasonal and inter-annual variability of flows, otherwise referred to as a river's flow regime. A river's flow regime can be considered a "master variable" that affects the stream form and function, distribution and abundance of aquatic species, and the health and integrity of aquatic ecosystems. Because of the direct relationship between streamflow and a river's ORVs, all WSRs should include some form of streamflow monitoring.

Valid and reliable baseline information is the foundation for river and flow-dependent resource management decisions and is essential to the development of successful strategies to protect and enhance WSR values. Complete baseline inventories and establish some level of ongoing monitoring of streamflow for every WSR, including those with no apparent water-related issues or conflicts. Where possible, integrate streamflow monitoring into the appropriate NPS regional monitoring network. Partnerships with local, state and federal agencies can also be helpful in gathering baseline information. In some cases, baseline information may already be available through the USGS or state agency monitoring programs.

There are many different methods to measure or estimate streamflow, but to be most useful, streamflow data collection and reporting should be standardized. Refer to the NPS I&M Network Standard Operating Procedures on the measurement, storage and reporting of streamflow information. Some methods measure streamflow directly, while others measure velocity and area of the channel to calculate streamflow. Some methods are better suited for low flows while others can handle a wide range of flows. The method chosen to measure streamflow depends upon several factors including the expected range of flows or size of the river, the desired accuracy and frequency of measurements, and the overall cost.

The measurement of streamflow can be used to develop relationships between streamflow and flow-dependent ORVs for a specific WSR. Methodologies for developing relationships can range from staff and expert opinions (e.g., flows necessary for boating) to complicated hydraulic models that link flows of a certain magnitude to available habitat (e.g., Instream Flow Incremental Methodology and Physical Habitat Simulation Models). The WRD can assist in determining the best strategy to use to quantify the streamflow necessary to support WSR values, and if necessary, to assert water right claims.

3.2.2 Water Quality

Water quality monitoring is used to characterize waters, detect trends, identify emerging problems, determine whether pollution control programs are working, and focus pollution control efforts where they are needed. Decisions on what should be monitored and the most appropriate protocols to follow for each individual WSR should be based on management goals and objectives identified in the CRMP.

WRD can provide assistance in establishing goals, identifying protocols and ensuring proper reporting and data quality assurance for water quality monitoring programs to ensure consistency, comparability, and accuracy of data. Also consult with the appropriate I&M Network staff to discuss water quality monitoring protocols and proper archival of data. In addition, methods for measuring and reporting water quality are well documented in USGS publications (see for example the [USGS Office of Water Quality](#) and the [USGS Office of Water](#)

[Data Coordination](#)). The level of future long-term monitoring that might be appropriate depends on potential threats or issues that have been identified in the CRMP or through subsequent planning documents.

Water quality can be affected by activities outside the WSR corridor, including both land use practices (past and present) and atmospheric deposition of contaminants. WSRs located in remote or wilderness areas may still be affected by airborne pollutants. Understanding these external influences on water quality may affect future management practices. Tailor the water quality monitoring program to the most significant of these threats to water quality. For example, grazing may affect coliform, turbidity, and temperature, while mining may contribute to heavy metal concentrations. Identify and closely track the impact of impaired water quality on ORVs such as recreation, fish, wildlife, and scenery or aesthetics.

3.2.3 Natural Resources

Natural resource monitoring is a major component of park and river stewardship. The overall purpose for natural resource monitoring is to determine the status and trend in the condition of selected resources to ensure that management responsibilities are being met. Monitoring data can be used to assess the effectiveness of management and restoration efforts, provide early warning of impending threats, and provide a basis for identifying and understanding change in complex natural systems. Monitoring data may help to determine what constitutes impairment and to identify the need to initiate or change management practices.

The I&M Program uses the term “vital signs” for species, habitats, landscapes, and abiotic factors that indicate the health of an ecosystem. Some examples of vital signs include water quality, freshwater invertebrates, birds, amphibians and reptiles, forest and woodland communities, and glacial features. The I&M Program is designed to provide site-specific information needed to identify and understand change in park ecosystems to determine whether observed changes are within natural levels of variability, or if they may be the result of unwanted human influences.

The NPS I&M Networks have developed several standard operating procedures for natural resource data collection, database management and data reporting. If any resource values are not already monitored as part of network monitoring efforts or the WSR/park unit involved does not have a monitoring plan for natural resources, coordinate with the appropriate NPS I&M network to establish monitoring standards and protocols for each natural resource-related WSR value. If the WSR is located within designated wilderness, consider combining indicators for wilderness character and WSR values, if appropriate.³⁷

3.2.4 Cultural Resources

NPS is the steward of many of our nation’s most important cultural resources, including archeological resources, cultural landscapes, and ethnographic resources. Rivers often played a vital role in the past settlement and use of an area and are frequently found as a central feature

³⁷ See [Keeping It Wild in the NPS: A User Guide to Integrate Wilderness Character into Park Planning, Management, and Monitoring](#) (NPS 2014a)

within a cultural landscape. Monitoring the condition of a river's important cultural resources is a necessary part of an effective WSR monitoring program and provides a means to evaluate the effectiveness of both short and long-term cultural resource protection measures.

Monitoring the condition of cultural resources associated with WSRs will be dependent on individual rivers and their associated resources and values. Each WSR should develop and implement a program to systematically inventory and monitor cultural resources and assess the overall environmental and human-caused effects to cultural resources, and to evaluate the adequacy of methods to identify and protect cultural resources. For assistance in developing and implementing a cultural resource monitoring plan, coordinate with the appropriate NPS Cultural Resources, Partnerships, and Science directorate contacts for your region or park, and State Historic Preservation Offices (SHPO) and Tribal Historic Preservation Offices (THPO).

3.2.5 Visitor Use Monitoring

Visitor use monitoring is an essential part of WSR management because it provides a strategy for managers to evaluate resource condition while providing visitors with high quality recreational experiences. As a component of a CRMP, river managers may develop a monitoring strategy, specifically related to protecting river's free-flowing condition, water quality, and ORVs. The Interagency Visitor Use Management Council (IVUMC) [Monitoring Guidebook](#) (IVUMC 2019) provides guidance on selecting indicators and establishing triggers for management actions, as well as providing guidance on developing and implementing a monitoring strategy.

3.2.6 Additional Monitoring Resources

For additional monitoring guidance, see the following resources:

- [Guidance for Designing an Integrated Monitoring Program. Natural Resource Report](#) (NPS 2012)
- [Monitoring the Condition of Natural Resources in US National Parks](#) (Fancy et. al., 2009) (See the section, "Steps in Monitoring Design")
- [NPS-75: Natural Resources Inventory and Monitoring Guideline](#) (NPS 2012c)
- [RM #77: Natural Resource Management](#) (NPS *in progress*)
- [Director's Order #28: Cultural Resource Management](#) (NPS 1998a)
- [NPS-28: Cultural Resource Management Guideline](#) (NPS 1998b)
- [Director's Order #47: Soundscape Preservation and Noise Management](#) (NPS 2000)
- [Director's Order #41: Wilderness Stewardship](#) (NPS 2013c)
- [RM #41: Wilderness Stewardship](#) (NPS 2013d)
- [US Forest Service Wilderness Character Monitoring Technical Guide](#) (USFS 2020)

3.3 RIVER CORRIDOR STEWARDSHIP AND BEST MANAGEMENT PRACTICES

General principles for resource protection and enhancement, as well as some specific BMPs for a range of development projects and resource protection issues, have been developed. They are broadly applicable to both federal and non-federal lands in designated river corridors, as well as

to rivers in Parks identified as eligible for potential Wild and Scenic designation. (See Chapter 2, Section 2.1.5.2 [Protective Management for Eligible Rivers](#)).

The Interagency Wild and Scenic Rivers Coordinating Council (IWSRCC) has developed protection principles that have been accepted by all four WSR-administering agencies:

- Identify and eliminate adverse impacts to WSR values, including activities that were occurring on the date of designation. Monitor and document successful management activities.
- Make protection approaches performance-based, focusing on desired long-term outcomes or desired future conditions. Rigid prescriptions such as numeric setback requirements applied to varying circumstances will not be as effective.
- Place emphasis on ecosystem process, resilience, and connectivity at watershed and landscape scales. Application of these strategies in resource management must be informed by scientific and scholarly research and established ecological knowledge.
- Coordinate early with project proponents and/or stakeholders, which can provide an opportunity to implement design changes that will best protect river resources. If there is a nexus to federal funding, and therefore an environmental planning and decision document, make the effort to ensure that the NPS is at the table early on and that agency recommendations are included in the process.

3.3.1 Instream Flow Protection

The WSRA recognizes the importance of instream flow protection to accomplish the purposes of WSR designation. Instream flow protection is the establishment of a legal right to streamflow that is enforceable against competing demands. Certain provisions of the WSRA establish a legal right to water for the purpose of protecting and enhancing WSR values, but how a federal agency enforces the legal right to water is not prescribed in the WSRA. The legal right to water is enforceable when that right has been adjudicated or recognized through an appropriate judicial or administrative process that satisfies certain criteria under established principles of law.

Protection of instream flows for WSRs requires some understanding of water law and the roles that states play in the administration of water. There are basically two types of water rights, and both may be important to protect instream flows for WSRs: federal reserved water rights and state-based water rights. Federal reserved water rights are a special class of water rights based on a series of historic Supreme Court decisions that determined that when Congress sets aside land or water from the public domain for a specific purpose, such as an Indian reservation or national park, a quantity of water is reserved in the amount necessary to fulfill that federal purpose.

State-based water rights are water rights established through state law. State-based water rights generally allow for the consumptive use of water for a particular beneficial purpose. Traditional beneficial purposes include irrigation, domestic, mining, and municipal uses and generally require a permit for the diversion of water at a particular location for a particular place of use. More recently, instream flows for fish, wildlife, recreation, and other *in situ* values have also been recognized as non-consumptive beneficial uses in some states. However, not all states

recognize non-consumptive beneficial uses, and not all states allow federal agencies to hold non-consumptive water rights.

Direction on state and federal jurisdiction over the waters of a WSR is found in Section 13 of the WSRA:

Section 13(b) (§1284(b))

The jurisdiction of the States and the United States over waters of any stream included in the national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act ... Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Section 13(c) (§1284(c))

Designation of any stream or portion thereof as a national wild, scenic, or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

Section 13(d) (§1284(d))

The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

This language, along with the legislative history of the WSRA, makes clear that Congress intended to create federal reserved water rights for WSRs. However, Congress provided limited direction on how federal reserved water rights for WSRs should be recognized or incorporated into state-based water administrative processes.

One way that federal reserved water rights can be recognized in states is through a state-based general stream adjudication that meets the criteria of the McCarran Amendment (43 U.S.C. 666). The McCarran Amendment provides a limited waiver of sovereign immunity that allows federal agencies to participate in certain state-based general stream adjudications. A McCarran type of proceeding is a judicial proceeding that determines all water rights on a river system or river basin and typically includes all claims for water, including federal, tribal, state and individual claims.

General stream adjudications are commonly initiated by states according to state needs and priorities. These proceedings typically require claimants to file claims with robust supporting evidence for specific uses, are both expensive and time consuming, and may take many years to be resolved. General stream adjudications that recognize federal reserved water rights are not always available to federal agencies, and may not meet the criteria described in the McCarran Amendment to make a binding determination of federal reserved water rights. In such instances, the river managing agency may seek alternative approaches for pursuing instream flow

protection. The only other means of recognizing federal reserved water rights is through federal court proceedings and litigation.

Where federal agencies are unable to acquire instream flow protections within state-based adjudications or administrative processes, and pursuing legal action in federal court is not desirable, other approaches for instream flow protection can be considered. One approach that NPS has successfully undertaken to resolve water rights issues in certain states is through state water right settlements or compacts. Other approaches for securing instream flow protection include scheduled releases as part of reservoir operations, endangered species flow recommendations, conservation techniques, and water right purchases from willing sellers. These approaches may provide opportunities for state and federal agencies to resolve complex and challenging issues through more cooperative approaches, but may be more difficult to enforce.

Protecting and enforcing instream flows to support WSR values is a complex legal area that requires expert technical and legal advice. Whenever an instream flow issue arises, consult NPS staff with water rights expertise in the NPS Water Resources Division (WRD) and if necessary, the Solicitor's Office and Department of Justice. The WRD can assist in developing studies to quantify the amount of water needed to support WSR values, file instream flow claims, and participate in general stream adjudications. For an example of a court decision that established a federal reserved water right for a wild and scenic river, see the decree for the Cache la Poudre WSR in [Appendix H: Example of a Court Decree for a Water Right](#).

Regardless of the approach that is ultimately undertaken to protect instream flows, long term protection often includes some instream flow monitoring, keeping track of water development on adjacent private lands, and working with state and local agencies to negotiate solutions that accommodate future water needs while still protecting WSR values. River managers are encouraged to keep track of water right applications filed within river basins where such uses may affect instream flows. Applications for water rights generally require a period of public notice in a local newspaper and provide opportunity for comment. If an application is determined to adversely affect flows, river managers may file an objection or protest to a specific application with the appropriate state agency. WRD can assist in evaluating applications and filing objections. The state agency may hold a hearing on the matter to decide whether to grant the application, and WRD can provide advice and assistance in these matters.

3.3.2 Water Quality Protection

Water quality is a fundamental value of all WSRs. The NPS must protect and enhance the water quality of WSRs through appropriate management actions. The EPA and U.S. Army Corps of Engineers (USACE) are the agencies with primary responsibility for establishing water quality standards for rivers pursuant to the Clean Water Act (CWA), regulating discharges, permitting dredge and fill activities, and enforcing federal water quality laws.

The EPA often delegates much of its regulatory authority to state agencies. Section 12(c) of the WSR Act directs WSR-administering agencies to cooperate with the EPA and state water pollution control agencies to eliminate or diminish water pollution. While state water quality classification sets the minimum threshold for water quality, strive to protect and enhance the water quality

conditions that were present on the date of designation, even if water quality is better than the minimum threshold established by state classification.

According to the CWA, rivers administered as part of national or state parks, as well as waters with exceptional ecological or recreational significance, qualify as Outstanding National Resource Waters (ONRWs) and they should receive the highest level of water quality protection. However, states have not uniformly recognized WSRs as ONRWs and the specific nature of protection provided by ONRW designation differs from state to state. River managers are encouraged to work with appropriate state agencies to ensure that WSRs are designated as ONRWs and that BMPs are employed within watersheds to maintain and improve water quality and associated benefits of WSRs.

NPS should also seek opportunities to develop partnerships with local agencies and organizations such as conservation districts and watershed groups to protect and enhance water quality. In addition, the USGS is a Federal non-regulatory science agency with water-quality monitoring, assessment, and research responsibilities that can provide additional guidance and assistance in understanding and addressing specific water quality concerns.

Work with local groups and governments to secure zoning, implement green infrastructure projects, and maintain healthy riparian areas to protect and enhance water quality. Zoning can be particularly effective, especially in areas where unregulated run-off results in water pollution. In situations where specific water quality problems have been identified, river managers may have many allies at the federal, state, and local level to help improve conditions. [*Water Quantity and Quality as Related to the Management of Wild & Scenic Rivers*](#) (IWSRCC 2003) describes a range of tools that may be helpful.

3.3.3 Scenic Resource Management

As previously noted, the NPS Visual Resources Program provides comprehensive inventory, planning, and technical assistance to help parks systematically identify and understand their visual resources so that they can develop credible protection strategies, best management practices, and collaborative approaches to work proactively with neighbors to protect shared values and treasured views for future generations.³⁸ The resources available through this program are expanding and provide tools for systematically documenting potential scenic ORVs during WSR studies and documenting baseline conditions for existing WSRs and study rivers. Such documentation is useful for comparing existing and baseline conditions, monitoring results to ensure that the WSR protect and enhance (non-degradation) standard is implemented.

The program has actively worked with NPS WSR staff in the Northeast Region to adapt inventory techniques to incorporate special river considerations in Partnership WSR Studies. River specific data has been added to the NPS Visual Resource Inventory Data sheet, such as including river-specific characteristics (e.g. width, depth, slope, discharge, substrate, water clarity, channel alterations (when describing river views)).

³⁸ Information on resources available from the [Visual Resources Program](#) is available for internal use

Good baseline information and a systematic robust approach is essential when evaluating the potential impacts of proposed development projects and making Section 7 determinations about effects on scenic ORVs. In the absence of NPS procedures, NPS relied on the BLM Visual Resource Management Process to evaluate high profile projects, such as the Saint Croix River Crossing project in Minnesota and Wisconsin in 2010.³⁹ However, the NPS Visual Resources Program is developing a Visual Impact Assessment process that correlates with the NPS inventory process. Contact the NPS Visual Resource Program for assistance and updates.

3.3.4 Cultural Resource Management

NPS, as steward for many of our most treasured and important cultural resources, is charged to preserve them for the enjoyment of present and future generations. NPS-28 Cultural Resource Management Guideline⁴⁰ identifies two important approaches to manage cultural resources and protect them from threats. The first is to have a positive caring attitude toward their protection. The other is to have a spirit of cooperation "...to form stewardship coalitions with local governments, professional organizations, state agencies, and nonprofit groups."

The key to protecting and enhancing cultural resource ORVs is to know what they are (see Appendix B [Cultural Resource Values](#)) and to use the research, planning, and stewardship tools available through the NPS Cultural Resource Program and partnerships. Best management practices for protecting and enhancing cultural resources are presented in [Appendix M](#). Regional and park cultural resource contacts can assist with implementing management guidelines and monitoring programs, using specialized information systems, planning documents, archives and administrative records, and using the full range of federal laws to protect cultural resources and access law enforcement resources. These contacts can also assist with developing partnerships to increase local involvement and a greater capacity to care for cultural resources, including the public and educational institutions. They can also support engaging descendent and traditionally associated communities to better understand the range of cultural river values.

3.3.5 Recreation Management

The WSRA directs that WSRs be protected so that they may be experienced and enjoyed by the public:

[Section 1\(b\)](#):

It is hereby declared to be the policy of the United States that certain selected rivers ...shall be protected for the benefit and enjoyment of present and future generations.

[Section 10\(a\)](#):

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting

³⁹ National Park Service (2010b). [Section 7\(a\) Saint Croix River Crossing](#)

⁴⁰ National Park Service (1998b). [NPS-28: Cultural Resource Management Guideline](#)

other uses that do not substantially interfere with public use and enjoyment of these values.

Regardless of whether recreation is an ORV, the WSRA acknowledges the importance of rivers and adjacent lands for public recreational use, and endeavors to protect the public use and enjoyment of designated rivers.

3.3.5.1 User Capacity

See Chapter 2, Section 2.2.1.2 [User Capacity](#) for a description and discussion of the WSRA's planning direction on addressing user capacity to ensure that WSR values, including recreation, are not degraded by inappropriate kinds and amounts of use. See [Steps to Address User Capacities for Wild and Scenic Rivers](#) (IWSRCC 2018) for detailed guidance on addressing user capacity.

3.3.5.2 Recreation Facilities

The [1982 Interagency Guidelines](#) (NPS and USFS 1982) provide direction as to the appropriate level of recreational development in WSRs:

***Basic Facilities:** Wild river areas will contain only the basic minimum facilities in keeping with the "essentially primitive" nature of the area. If facilities such as toilets and refuse containers are necessary, they will generally be located at access points or at a sufficient distance from the river bank to minimize their intrusive impact. In scenic and recreational river areas, simple comfort and convenience facilities such as toilets, shelters, fireplaces, picnic tables and refuse containers are appropriate. These, when placed within the river area, will be judiciously located to protect the values of popular areas from the impacts of public use.*

***Major Facilities:** Major public use facilities such as developed campgrounds, major visitor centers and administrative headquarters will, where feasible, be located outside the river area. If such facilities are necessary to provide for public use and/or to protect the river resource, and location outside the river area is infeasible, such facilities may be located within the river area provided they do not have an adverse effect on the values for which the river area was designated.*

As with all proposed developments in a WSR corridor, recreational facilities must be designed and sited to protect and, if possible, enhance WSR values, and must be consistent with the river segment's classification.

3.3.5.3 Additional Recreation Management Resources

For additional guidance regarding recreation management, see the following resources:

- [Northeast Region Commercial Use Authorization Website](#)
- [Alaska Region Concessions Website](#)

3.3.6 Fish and Wildlife Management

Designation as a WSR does not affect existing fish and wildlife management authorities. Section 13(a) of the WSR Act states the following on the subject:

Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife.

However, projects to build structures or manage vegetation for protecting and enhancing fish and/or wildlife habitat must be consistent with the river segment's character. Project proposals with the potential to affect the river's free-flowing condition must be evaluated as a water resources project.

3.3.7 Stream Channel Stabilization and Restoration

Rivers are dynamic systems with frequent exchange of water and sediment between river channels and their floodplains. River channels are constantly adjusting to accommodate a range of flows and sediment produced in their watersheds. Rivers accommodate changes in flow and sediment through changes in channel width, depth, slope and pattern. For example, the meanders in alluvial channels naturally migrate causing erosion of outside banks and development of point bars on inside bends. This process may occur incrementally or in dramatic steps following extreme weather events. Channel migration leads to a variety of bed forms, and enables plant succession, enhances biodiversity, and contributes to ecosystem vitality.

Many streambanks have been stabilized to protect streamside development such as roads, bridges and buildings. However, alteration of channel geometry in a reach or section of stream may have unintended downstream consequences. Hard engineering techniques using large rock and concrete that were routinely employed in the past, may result in adverse impacts to ecological processes and hydrologic function, and exacerbate downstream channel adjustment.

The science and practice of stream restoration has advanced and evolved with increased efforts to reverse the damage caused to rivers by streamside and upland development.⁴¹ Many rivers have been re-meandered or otherwise restored using more ecologically acceptable techniques such as bioengineering to stabilize channel margins. These techniques are designed to look and act naturally, allowing natural processes and future channel adjustment to occur.

Although most WSRs have largely been spared from streamside development, they still require management, protection and, when possible, enhancement of their WSR values. Changes to channel morphology should be expected to occur, whether due to normal channel evolution and adjustment as part of a river's dynamic state, or from disturbances due to climate change or activities in the river corridor or watershed. In most instances, particularly if due to non-anthropogenic causes, these channel changes should be allowed to progress naturally toward a new equilibrium.

⁴¹ The term "restoration" has various meanings. As used here, it refers to the restoration of self-sustaining ecological processes.

Often times, private landowners adjacent to WSRs may wish to undertake bank stabilization to avoid loss of property. Some useful suggestions for dealing with adjacent landowners can be found in the [Wild and Scenic Rivers Guide for Riverfront Property Owners](#).

Finally, there may be times when an active approach to stabilization or restoration may be preferable to passive recovery or necessary due to severe consequences or harm to the river itself. An example might be protecting a high-value structure threatened by channel evolution that cannot reasonably be relocated or protecting a streambank to ensure that contamination or pollution on adjacent lands does not reach the river. Consider the following in such instances:

- Recognize that streams can self-repair and sustain themselves with the removal of disturbances. Choose the lowest level of intervention necessary.
- Stabilization/restoration activities should have the overriding goal of reestablishing natural channel processes and enabling the stream to recover dynamic equilibrium and again function at a self-regulating level. Restoration should assist the recovery of ecological integrity.
- Recognize that stream channel restoration requires a holistic understanding of the structure and function of stream corridor ecosystems and the processes that shape them. Interdisciplinary expertise should be brought to bear, including expertise in aquatic and riparian ecology, hydrology and geomorphology, and hydraulic engineering.
- Restoration projects may be unsuccessful if they address only local symptoms without an understanding of the underlying watershed-scale or reach-scale causes.
- There are many publications describing bioengineering bank stabilization treatments and other restoration techniques. However, restoration design should be driven by an understanding of the processes that shape the physical characteristics of a stream, rather than by any particular technique. For example, site-scale bank erosion can be caused by toe erosion, scour, mass failure, subsurface entrainment, or channel avulsion. The appropriate remedy will be different in each of these cases.
- Where appropriate, bioengineering treatments can be used either independently or in combination with more traditional structural-based treatments to decrease streambank erosion, improve water quality and enhance riparian habitat.
- In all cases, including projects proposed by the NPS, complete Section 7 evaluations and determinations and ensure compliance with Section 106 of the National Historic Preservation Act, NEPA and other applicable laws before implementing stabilization projects.

For additional guidance related to stream channel stabilization and restoration, see the following resources:

- [Stream Habitat Restoration Guidelines](#) (Cramer 2012)
- [Stream Corridor Restoration: Principles, Processes, and Practices](#) (Federal Interagency Stream Restoration Working Group 1998)
- [Science Base and Tools for Evaluating Stream Engineering, Management, and Restoration Proposals](#) (NOAA 2012)
- [Living Streambanks: A Manual of Bioengineering Treatments for Colorado Streams](#) (Colorado Water Conservation Board, 2016)

- [Integrated Streambank Protection Guidelines](#) (Washington State Aquatic Habitat Guidelines Program 2003)
- [Director's Order #77-1: Wetlands Protection](#) (NPS 2002)
- [NPS Procedural Manual #77-1: Wetlands Protection](#) (NPS 2016)
- [Director's Order #77-2 Floodplain Management](#) (NPS 2003a)

3.3.8 River Access Site Design and Construction

River access sites provide a convenient way for the public to access and enjoy their WSRs. Access sites can vary greatly from primitive trails that only provide carry-in access to highly developed sites with concrete boat ramps, paved parking, information kiosks, vault toilets, changing rooms, and campsites. While the developed sites provide for improved recreational enjoyment of designated rivers, they must be designed and constructed to protect WSR values and classification.

In some cases, new river access sites or other site improvements can help protect WSR values. For instance, existing visitor impacts can be reduced by building carefully-designed facilities that direct use onto durable surfaces while discouraging visitors from impacting more fragile areas. In all cases, river access sites must be compatible with the river segments' classification. A highly developed site may be appropriate for a heavily used recreational river segment, but out of character for a wild river segment.

Some useful ideas and guidelines for appropriate design and development of recreational river access sites for carry-in watercraft are provided in [Prepare to Launch! Guidelines for Assessing, Designing, and Building Launch Sites for Carry-in Watercraft](#), (NPS and River Management Society 2014).

3.3.9 Bridge Construction, Removal, and Replacement

Design considerations for bridge construction, removal, and replacement projects can greatly influence the effects of the project on WSR values. Construction activities related to bridges that disturb flow or sediment below the OHWM, or that have potential to otherwise affect a river's free-flowing condition, water quality or ORVs, will trigger a WSRA Section 7 analysis. Generally, designs should seek to minimize the project footprint below the OHWM, use native materials for construction within the river channel, maximize hydraulic capacity, and avoid impacts to the river's free-flowing condition, water quality, ecological, recreational, cultural, and scenic values by reducing post-construction effects on natural channel processes.

Best management practices (BMPs) to protect water quality and aquatic habitat during bridge and culvert construction, removal, replacement, or refurbishing vary depending on the project scope, timing, project duration, and ORVs involved. However, there are several standard practices that can be implemented to avoid, reduce, or minimize impacts to WSR values.

Standard BMPs include scheduling to avoid sensitive biological periods; erosion, runoff and sediment control; channel restoration; and riparian revegetation. Measures may include specific monitoring and reporting requirements conducted by resource specialists. Interdisciplinary on-site planning meetings and project reviews with project planners and equipment operators is

strongly recommended to ensure all involved have a complete understanding of project requirements. Resource advisors or environmental inspectors familiar with WSR values and required avoidance/minimization measures should attend pre-construction meetings and should be on-site during construction.

Streams should be crossed at the location and time least damaging to fishery and aquatic organisms, and generally at right angles. Bridges that span the river channel are preferred over bridges with in-river piers. If in-stream piers are proposed, the project should not disrupt the free-flowing condition of the river. Bridges commonly serve as access points for river-based recreation. Ensure that replacement bridge designs and construction methods serve to protect and enhance access.

Baseline inventories of ORV-dependent aquatic and terrestrial resources (including natural, cultural, and recreational resources) are essential to inform the planning process. For areas supporting federally listed species, informal and/or formal consultation with the US Fish and Wildlife Service may be necessary, as well as consultation with the SHPO and THPO for cultural resources.

Include the project start date, construction sequencing/phasing, bridge dimensions, number of piers, location of staging areas and design features (e.g., decking, abutments, rail design, lighting, and signage) in project proposals, as well as hydrologic/hydraulic data and measures to avoid or minimize harm. Design charrettes and artist renderings or computer-generated schematics of bridge design options can be useful, particularly for projects that may have an impact to scenic and recreational values.

For complex projects or those that could have significant impacts, consider requesting technical assistance from the appropriate NPS regional and/or national support office (e.g., WRD hydrologists, Geologic Resources Division geologists, or engineers).

Refer to [Appendix I: Examples of Best Practices and Required Measures for Bridge Construction](#) for BMPs that are applicable to many bridge projects. Many of these were developed as an outcome of post-project reviews. The statements can be inserted into contracts or agreements associated with bridge projects.

For additional guidance related to bridge construction, removal, and replacement, see the following resources:

- [Section 7 examples involving bridge projects](#)
- Bridge design aesthetics
 - [Flexibility in Highway Design](#) (FHWA no date)
 - [Bridge Aesthetics Sourcebook: Practical Ideas for Short and Medium Span Bridges](#) (Transportation Research Board 2009)

3.3.10 Projects Subject to Section 4(f) of the Department of Transportation Act

Section 4(f) refers to the original section within the U.S. Department of Transportation Act of 1966 ([DOT Act](#)⁴²) (recodified in [49 U.S.C. Section 303\(c\)](#) and [23 U.S.C. Section 138](#)). The DOT Act was enacted to ensure that transportation plans and programs include measures to maintain or enhance the natural beauty of *publicly-owned public parks, recreation areas, and wildlife/waterfowl refuges and historic sites of local, state or national significance...*

WSRs may qualify as a Section 4(f) property, but designation of a river under the WSR Act does not invoke Section 4(f) in the absence of [significant Section 4\(f\) attributes and qualities](#). The Federal Highway Administration (FHWA) determines on a case-by-case basis whether Section 4(f) applies in consultation with the river-administering agency. For example, Section 4(f) may apply to reaches of designated WSRs that are publicly owned, open to the public and include recreation as a primary purpose, feature, attribute, or value. Where the CRMP does not identify specific uses or where there is no plan, the transportation agency must consult further with the river-administering agency to make a Section 4(f) determination. Privately owned lands in a WSR corridor are not subject to Section 4(f) except for historic/archeologic sites that are listed in the National Register of Historic Places (NRHP) or are eligible for listing.

A DOT agency (usually FHWA) cannot approve a transportation project or program requiring the use of Section 4(f) properties unless the following conditions apply:

- There is no feasible and prudent alternative to using that land; and the program or project includes all possible planning to minimize harm to the Section 4(f) property, OR
- The DOT agency determines that the use of the property will have a minimal impact, and the finding of the DOT agency has received concurrence from the river-administering agency (officials with jurisdiction).

Possible application of Section 4(f) is based on potential impacts, either by the permanent or temporary incorporation of land into a transportation facility or by proximity effects (e.g., noise, visual, atmospheric, or access) that could substantially impair protected public parks, recreation areas, wildlife/waterfowl refuges or historic sites. Examples of constructive use include noise, vibration, restricted access, and disturbance of wildlife. The regulation includes a detailed list of limitations that apply to this general definition.⁴³

Section 4(f) provides significant authority to the Department of Interior (DOI)/NPS to protect WSR Section 4(f) properties by ensuring DOI/NPS recommendations for avoidance alternatives and/or minimization techniques are considered during the planning process. While Section 4(f) compliance review is performed in coordination with the DOI/NPS for qualifying properties, the authority to administer and make Section 4(f) approvals ultimately resides with DOT. However, DOI/NPS concurrence on any DOT Section 4(f) compliance documents must clearly state DOI/NPS Section 4(f) approval is contingent upon a favorable Section WSR Act 7 determination for the same project. See Chapter 4: Section 4.9.4 [Department of Transportation/Federal](#)

⁴² Public Law 89-670

⁴³ See [23 CFR 774.15](#)

[Highway Administration](#) for information on coordinating WSR Section 7 and Section 4(f) responses.

Suggested BMPs for protecting WSR Section 4(f) resources are provided below:

- Clearly identify the historic properties, fish and wildlife resources, and recreational experiences that are important to the WSR in the CRMP or other management document, including any significant attributes related to the river's ORVs.
- Review [DOI's 4\(f\) Handbook](#) and [Section 4f Practitioner's Handbook](#) prepared by the American Association of State Highway and Transportation Officials (AASHTO). Understand FHWA definitions for "prudent," "feasible," "least overall harm," "use," "constructive use," and "*de minimis*."
- Meet with your NPS Regional Environmental Coordinator and outline a coordination process along with roles and responsibilities for complex NEPA documents involving Section 4(f) properties and/or Section 7 review.
- Consider a variety of methods to minimize harm. Some examples include changes in horizontal and vertical alignment; parking or access improvements; buffer zones; aesthetic design features such as tinted concrete, surface textures, or stone/brick facings; addition of recreational facilities; and improvements to water quality through water diversions from parking/road/bridge decks to filtration basins.
- Meet with DOT, particularly FHWA staff in your state(s) to discuss Section 4(f) applicability, identify the Section 4(f) review process, and determine how to coordinate the planning and compliance process when both WSR Section 7 and DOT Act Section 4(f) are involved.
- Meet with the state administering agencies and/or partners for WSRs designated under Section 2(a)(ii) of the WSR to discuss Section 4(f) applicability, WSR values, and the significance of the identified ORVs.
- Begin coordination with DOT/FHWA as early in the process as possible, particularly if Section 7 also is triggered.
- Carefully review all *de minimis* statements submitted by a DOT agency and ensure no other practicable opportunities are available to avoid use or to minimize harm before formally offering concurrence with a *de minimis* finding. Once NPS concurs, the agency cannot require additional measures to avoid/minimize harm.

3.3.11 Corridor Development

3.3.11.1 Energy, Communication, and Other Facilities

Developments that may be proposed within a WSR corridor include energy infrastructure (e.g., underground pipelines, overhead transmission lines, or wind turbines), communication towers, transportation facilities, water supply, waste disposal, and recreation and park infrastructure. If improperly designed, located, constructed, or maintained, any of these developments could harm designated WSR values. The cumulative impact of multiple actions can magnify adverse effects. Keep this in mind when undertaking any project and plan, design, and implement the project in a manner that protects and enhances WSR values. Early coordination with project sponsors (or in-park divisions) should occur on-site to discuss the proposal as early as possible in the planning

process. When planning for or reviewing corridor developments, consider the timing, degree, and intensity of direct, secondary, and cumulative impacts to WSR values and understand the effects on ecological systems, adjacent lands, aesthetics, and specific ORVs. This may require the collection of additional data. Discuss with project planners if there are other viable yet less-impacting alternatives. Ensure resource advisors or environmental inspectors are familiar with the WSR values and all required avoidance and minimization measures, that they attend pre-construction meetings, and are on-site during construction.

Section 13(g) of the WSRA addresses rights-of-way (ROWs) on park lands within the WSR corridor:

The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, that any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

Corridor development projects must be evaluated on a case-by-case basis, particularly as the design, scope, and protected values of different rivers vary. In every case, a project review in consultation with the Regional Lands Office is advised to ensure any issued ROWs are compatible with Section 10, Section 13, and other provisions of the WSRA. The NPS is not required to grant access if a proposed ROW cannot be conditioned to protect WSR values and classification.

Consider the following standard BMPs for corridor development projects:

- Determine whether a proposed ROW is consistent with protection and enhancement of WSR values, the river's classification, and the CRMP. Consider routing or locating the ROW outside the WSR boundary.
- Use the narrowest width ROW needed to facilitate construction and maintenance. Anticipate future needs to minimize additional intrusions. Consider co-locating or sharing ROWs for proposed utilities or facilities.
- Co-locate utility lines (e.g., electric and water) on existing bridge crossings. Use underground installation for all new utility lines except where new lines are to be placed on existing poles, towers, or bridges or where burying is proven to be infeasible because of geologic or other environmental constraints. If necessary, aerial crossings should be designed to accommodate safe recreational use of the river and to avoid streambank disturbance during installation or maintenance activities. Towers and poles should be removed when above-ground facilities are eliminated.
- Design/locate activities to take advantage of existing topography and vegetation; construct/maintain to protect against erosion and sedimentation of streams and related resources.
- Establish minimum setback and other siting guidelines for river protection.
- Minimize the removal of trees, shrubs, and other vegetation, particularly near the riverbank.

- Avoid/minimize impacts to wetlands or floodplains: install erosion-control devices to protect rivers from sediment during construction and inspect/maintain throughout the duration of the project. When possible, plan land clearing during drier seasons (depending on topography/location/scope).
- Set corridor low points of approach far enough landward of the water's edge to direct runoff to a vegetated area away from any stream.
- Sequence harmful activities to avoid sensitive seasons (i.e., breeding, nesting, spawning, or other vulnerable periods).
- Use construction materials that blend with the natural setting (e.g., use matching color, texture, and/or shape).
- Use bank stabilization materials that maintain and enhance the natural and aesthetic qualities of the river area. Use biodegradable materials such as burlap, jute netting, or blankets made from coconut fiber to hold vegetative plantings in conjunction with slope stabilization and other erosion and sedimentation control measures.
- Consider that post-construction measures may be needed to restore the natural appearance of the area, stabilize riverbanks, discourage off-road vehicle or other recreational use, or to restore fish and wildlife habitat.
- If revegetation is required, use native plant materials commonly found in the area and plant in a random fashion to avoid a plantation appearance.
- Restore site to as natural a condition as possible immediately following construction.
- Follow appropriate timing and methods when planting native vegetation to ensure maximum survival and growth of plant species (e.g., spring/fall). Manual watering may be required to establish plantings.
- Consider temporary or permanent relocation of fish and/or other aquatic organisms as part of mitigation for open-cut work in rivers.
- Consider installation of signs/interpretive exhibits or recreational access features as part of a mitigation package, where appropriate.
- Conduct Section 106 reviews to ensure coordination and communication with SHPOs and THPOs. Remember that consultation with states, tribes, local governments, and the public should be structured in such a way as to better understand the cultural importance of the river to traditionally associated communities in addition to identifying cultural resources that may be affected by the proposed energy infrastructure, communication, or other facility project.

3.3.11.2 Horizontal Directional Drilling

Horizontal directional drilling (HDD) is the preferred method for crossing stream channels with pipelines rather than open-cut or other construction techniques, which are strongly discouraged. Horizontal directional drilling also can be combined with micro-tunneling technology to simultaneously excavate the borehole and install the pipeline. Open-cut work should be avoided but when necessary, should be conducted during low-flow periods, should avoid sensitive habitat (e.g., mussel beds or fish spawning sites), and must meet all water quality standards for discharges. Additionally, compliance documents, including Section 7 documentation, should include enforceable provisions to return the river bed contours and materials to original condition and to ensure that the pipeline is operated, inspected, and maintained in accordance with state and federal regulations.

Because of the complexity of HDD projects in terms of technical requirements, resource impacts, and planning issues, particularly for big river crossings, it is strongly advised that river managers consult with oil and gas development specialists within the NPS Geologic Resources Division. These specialists are well-versed in the latest technology associated with HDD boring techniques, BMPs, and planning for blow-out (“frack-out”) and/or spill prevention and response. Reviewing approved environmental documents associated with similar projects in river systems may also be helpful.

Consider the following topics in planning documents for establishing avoidance and protection measures, as well as monitoring and contingency plans, for projects that involve HDD:

- Geology and soils (e.g., soil compaction, paleontological resources, archeological resources, landslide risk, storm water management procedures, temporary and permanent erosion, and sediment control measures)
- Inadvertent Discovery Plan for Cultural Resources
- Water resources (e.g., water withdrawal amounts and thresholds, water discharge associated with hydrostatic testing, equipment spills, energy dissipation and filters for water discharges, dewater activities, protection of ground water, storm water discharge, wetland and waterbody crossing and stabilization procedures, and spill prevention plans)
- Wildlife (e.g., nesting and spawning areas/time of year and intake screens and floats during withdrawal to prevent entrainment of aquatic life)
- Vegetation management (e.g., clearing guidelines, restoration and revegetation planning [size, species, survival], and weed/invasive species prevention)
- Soil handling procedures designed to preserve the integrity of the soil (e.g., topsoil segregation and decompaction)
- Refueling and waste management procedures
- Winter construction practices
- Air quality and noise abatement
- Commitments for spill response training exercises (i.e., who, what frequency, and time of year to include both winter and summer conditions)
- Location of storage facilities for sufficient equipment response to mitigate an unintended worst-case release
- Notification procedures in the event of a leak
- Accounting of any unexplained loss of drilling fluids (slurry), including quantity, timing and properties
- Monitoring plan for identifying "inadvertent return" of drilling fluids
- Contingency plan for addressing any losses in an expeditious manner

3.3.12 Protection of Wild and Scenic Rivers Values in Wilderness

Section 10(b) of the WSRA directs management of any portion of a wild and scenic river that is within wilderness, as established by or pursuant to the [Wilderness Act](#), shall be subject to the provisions of both Acts with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

3.3.13 Protection of Wild and Scenic River Values on Non-Federal Lands in the Wild and Scenic River Corridor

Standards and procedures for the protection of river-related resources on non-federal lands within WSR corridors are not well defined under the WSRSA⁴⁴. Consequently, this issue has been interpreted in different ways by agency staff and the public, creating a level of uncertainty and controversy in WSR planning and administration. Much of this controversy has been associated with apprehension about the use of federal land acquisition to protect river-related resources.

Section 6 of the WSRSA authorizes the use of federal acquisition and establishes limitations upon its use. However, federal land acquisition is often an inadequate or inappropriate tool for conserving resources located beyond existing federal lands. Congress never intended it to be the only tool available for the protection of land-based resources. Section 6 limits fee acquisition to an average of 100 acres per river mile, and condemnation cannot be used if 50 percent or more of the land within the boundaries is already in public (including state and local) ownership. State-owned lands can be acquired only through donation or exchange.

In addition to the statutory limitations, political and institutional realities discourage the use of federal land acquisition. The purchase process is frequently slow, expensive, and controversial. Funds available to agencies for land acquisition are extremely limited and are subject to annual fluctuations, making it difficult to implement long-term acquisition programs. In many parts of the country, the mere possibility of federal acquisition can result in a political decision not to pursue designation.

Furthermore, land acquisition is of limited utility in assuring the protection of many important river-related values, including resources influenced by land use outside the river corridor's boundaries (e.g., wildlife habitat, water quality, and scenery) and adequate flows, which are dependent on both land use and non-federal allocation decisions.

The additional measures needed to protect WSRs can best be provided through cooperation with state and local governments, landowners, and river-related NGOs in developing plans and agreements for activities inside and outside the designated boundaries. Section 10(e) of the WSRSA authorizes the NPS to enter into cooperative agreements for the protection of congressionally-designated rivers:

The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which adjoin State- or County-owned lands.

This section of the WSRSA recognizes the role of state and local governments in directing activities on non-federal lands within and adjacent to designated rivers, and the importance of protecting watersheds through partnerships. It encourages a federal-state partnership in the collaborative development and implementation of CRMPs.

Section 11(b)(1) extends this spirit of cooperation beyond WSRs:

⁴⁴ Some of this information is excerpted from [Protecting Resource Values on Non-Federal Lands](#) (IWSRCC 1996).

The Secretary of the Interior, the Secretary of Agriculture, or the head of any Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources...This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic Rivers System...

Rely on cooperative approaches to protect WSR values on non-federal lands. Available mechanisms range from voluntary measures and incentive programs to multi-party agreements to land use plans with or without regulatory measures. When selecting appropriate resource protection strategies, consider the nature of the resources to be protected, the threats to those resources, and the social context within which the protection strategy will be applied, including any concerns that it may raise within riverfront communities. Efforts that rely on voluntary measures or incentive programs will generate the least apprehension, but they will require diligent monitoring for compliance and often lack enforcement mechanisms.

3.3.13.1 Voluntary Measures

Voluntary measures are most effective in areas where landowners value their ability to serve as resource stewards. These types of attitudes usually require a good understanding of the effects of land use practices on natural resources. Through education and public programs, landowners can be encouraged to voluntarily implement BMPs that protect water quality, riparian functions, scenic values, and wildlife habitat. Examples of BMPs include maintaining a riparian buffer between lawns or cultivated fields and the river, fencing livestock out of the river, reducing the use of fertilizers and pesticides, and removal of invasive species.

3.3.13.2 Incentive Programs

Incentive programs can be used to encourage landowners to avoid potentially incompatible development. For example, reduced property taxes provide an incentive to keep agricultural or forest lands from being subdivided, and federal income tax deductions encourage landowners to donate conservation easements. The Agricultural Conservation Easement Program administered by the Natural Resources Conservation Service, and similar programs, were established to provide financial and technical assistance to help conserve agricultural lands, forests and wetlands for their related benefits.

3.3.13.3 Agreements

The NPS may enter into agreements with individuals or agencies to protect resources on non-federally owned land. Agreements can be used for a variety of purposes, including to agree on methods of resource protection, pro-rate costs between parties, share technical knowledge and skills, or coordinate policies. Agreements can be designed to provide assurances about the development and use of land. For example, an agreement could state that the government will not seek to purchase or condemn any land that is the subject of such an agreement and managed according to the agreed upon guidelines. One disadvantage to agreements is that they normally can be terminated on relatively short notice, which may not provide the continuity of protection desired.

3.3.13.4 Land Use Planning

Because of the potential for degradation associated with unplanned development and changes in land use, work with local jurisdictions in developing regulations and standards for zoning and private development. Options such as cluster development or transfer of development rights can allow for sustainable development while protecting river resources and corridor character. Cooperative land use planning efforts can take many forms, including area master plans, regional watershed management strategies, or even development of individual timber harvest plans. Before initiating a cooperative planning effort, carefully assess the current situation. This includes determining land ownership patterns; existing land uses and their effect, if any, on river resources; potential future land uses, including uses that might degrade resources or visitor experiences as well as those that might enhance them; and any lands that are a high priority for protection. The NPS may provide financial or technical assistance to review or develop ordinances, guidelines, or plans that may have an effect on protected WSR values.

3.3.13.5 State and Local Regulatory Measures

In general, regulatory approaches such as zoning work best in areas that already have relatively complex land use laws. This is the responsibility of state and local jurisdiction, not the NPS. However, in working with local partners to protect river values, NPS can offer technical assistance. Water quality, riparian function, scenery, and corridor character are some of the resource values that state and/or local regulatory measures can help protect. Examples of potentially useful regulatory measures include the following:

- River corridor protection zones
- Floodplain zoning
- Local wetland protection
- Aquifer or drink water protection areas
- Building setback requirements
- Septic system setback and percolation rate standards
- Storm water, sedimentation, and erosion control regulations
- Maximum slope requirements
- Water quality classification and discharge standards (e.g., Class A, non-degradation and/or outstanding resource water designation)
- Natural vegetation retention requirements
- Timber harvest restrictions
- Feedlot restrictions
- Site plan review requirements
- Allowable uses (e.g., agricultural, residential, or industrial)
- Minimum lot size and/or river frontage requirements
- Prescriptive landscape and/or structural design techniques to protect the visual character of lands visible from the river

3.3.13.6 Land Acquisition

In situations where the strategies discussed previously are inadequate to protect resources or to accomplish desired management objectives, acquisition of land or an interest in land may be the best option. Although used infrequently, the WSRRA does include authority to acquire a limited area of land and interests in land within the authorized boundaries of a designated river, and to acquire land that is partially outside the boundary of a designated river with the consent of the appropriate landowners.⁴⁵

As an alternative to federal acquisition, consider land or easement acquisition by partners such as land trusts, watershed organizations, and municipalities.

The term “acquisition” includes purchase of fee title, purchase of an easement, accepting a donation of land, or condemnation of fee title or an easement. For any purchase, appraisers determine market value based on comparable land sales. An easement is a partial interest in a property, resulting in restrictions on the deed that are binding on future owners. Use easements could permit some activities such as public river access, hiking, or picnicking. Scenic or conservation easements could restrict activities such as construction. Valuations are determined by current land appraisals performed with and without the easement provisions.

Condemnation is the process of taking private property under the power of eminent domain. It is the right of government, or even assignors such as a utility company, to take private property or to create an easement on private property for the greater good of the public. Condemnation should only be used as a last resort; however, there may be some circumstances where a condemnation proceeding can result in greater compensation than a willing seller approach.⁴⁶ State and federal rules and regulations are established to protect rights of the private property holder and ensure they get fair and just compensation for property being taken. This compensation includes loss of property and damages to the remaining property. Because of the extreme nature of condemnation, this type of action should be only undertaken with the concurrence and guidance from regional/Washington Support Office (WASO) Lands Program staff and the Solicitor’s Office.

Under [DOI’s policy](#) (DOI 1982) for use of the Land and Water Conservation Fund, agencies carrying out their responsibilities for land protection will do the following (to the extent consistent with statutory authorities):

- Identify what land or interest(s) in land need to be in federal ownership to achieve management purposes consistent with public objectives in the unit.
- Use, to the maximum extent practical, cost-effective alternatives to direct federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.
- Cooperate with landowners, other federal agencies, state and local governments, and the private sector to manage land for public use or protect it for resource conservation.

⁴⁵ For more information on federal acquisition under the WSRRA, see [A Compendium of Questions & Answers Relating to WSRs](#) (IWSRCC 2017).

⁴⁶ See [WSRs and the Use of Eminent Domain](#) (IWSRCC 1998c)

- Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure the socio-cultural impacts are considered and that the most outstanding areas are adequately managed.

Apart from the WSRA, a park unit's enabling legislation may limit the number of acres the NPS may own.

3.3.14 Commercial Visitor Services

Commercial visitor services can play a very useful role in helping the NPS carry out its mission, including conveying to visitors the special values of WSRs. Private operators can offer goods and services to park unit visitors which aren't provided by the NPS yet are necessary and appropriate for public use and enjoyment. These activities are reviewed and approved through either concession contracts or commercial use authorizations (CUAs), both of which can be used to address sustainable practices that protect WSR values.

3.3.14.1 Concession Contracts

The NPS generally issues concession contracts when there is a need to limit the number of operators or construct facilities in park units. A competitive process is used to solicit proposals from private businesses and to award concession contracts. After determining that a visitor service is necessary, appropriate, and feasible as a business opportunity, the NPS prepares a prospectus that outlines the requirements for operating the business. Interested businesses apply by submitting written proposals that respond to established criteria. Concession examples that may impact a WSR include food and beverage services or campground management.

3.3.14.2 Commercial Use Authorizations

The NPS generally uses a CUA when a service is appropriate for the area but there is no need to limit the number of service providers or construct facilities in park units. As a result, there is no need to employ a competitive system to award the authorization. A CUA allows suitable commercial services to park unit visitors in limited circumstances. The term of a CUA may not exceed two years and no preferential right of renewal or similar provisions for renewal is provided. Examples of CUAs include such services as boat launch and retrieval (e.g., canoe, kayak, or rafting); food vendor, guide (i.e., guided float or fishing trips), and transportation. Another example includes yurt, tent, or camping facility setup on public property. For additional information on commercial visitor services, see [Chapter 10: Commercial Visitor Services](#) (NPS 2006a) in [Management Policies 2006](#) (NPS 2006), and contact your regional CUA coordinator.

3.4 EDUCATION AND OUTREACH

Incorporate WSR messaging into the WSR's or park unit's overall interpretive program. Build education and outreach projects around the fundamental purposes for which the WSR was designated, for example, a [Junior River Ranger program](#). To maintain the integrity of these topics and remain consistent, develop a framework for outreach programs. A recommended framework is outlined below:

- **Purpose Statement:** The purpose statement summarizes the specific topic and goals of a program and provides an accurate, concrete understanding of what the program covers. It should be precise, concise, clear, and stated in terms of desired outcomes.
- **WSR Values:** Foundation statements, WSR values statements, and CRMPs describe the water quality, free flowing condition, and ORVs of the WSR that are to be protected and provide the information that guide interpretive messaging.
- **Interpretive Themes:** Interpretive themes are the primary messages about the river (i.e., the fundamental ideas, concepts, and inherent meanings) that should be readily apparent and accessible to all visitors. Depending on the complexity of the WSR's resources and the breadth of its offerings, each major theme may accommodate several concepts or subthemes that help interpreters delve deeper into the stories and resources. The storylines collected within these concepts illustrate the WSR's big themes in ways that invite people to have positive experiential, cognitive, emotional, and behavioral connections to the river.
- **Signage and Branding:** Signs should use the NWSRS logo to identify a river as part of that system as described in the [NPS signage specifications](#). Placement of signs should be consistent with 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](#) (NPS 2003b: and related supplementary materials, including [The NPS and its Partners: Graphic Identity Framework](#)).⁴⁷

For additional guidance related to education and outreach, see the following resources:

- [Owyhee Canyonlands Wilderness and WSR: Final Management Plan and Environmental Assessment](#) (BLM 2015)
- [Niobrara National Scenic River: Long Range Interpretive Plan](#) (NPS 2010a)
- [Saint Croix National Scenic Riverway: Long-Range Interpretive Plan](#) (NPS 2005):
- [Upper Delaware Scenic and Recreational River: Comprehensive Interpretive Plan](#) (NPS 1999)
- [Katmai National Park and Preserve, Aniakchak National Monument and Preserve, Alagnak Wild River: Long Range Interpretive Plan](#) (NPS 2009)
- [Wild and Scenic Junior Ranger, English](#) (NPS 2018)
- [Wild and Scenic Junior Ranger, Spanish](#) (NPS 2018)
- [Tips and Tools for Community Engagement on Rivers](#) (NPS 2018)

3.5 EMERGENCY RESPONSE

Floods, hurricanes, wildfires, earthquakes, and other natural and anthropogenic events can result in significant changes to stream channels. Over time, affected streams will regain a new dynamic equilibrium. However, when important human infrastructure such as roads, bridges, and rail lines have been damaged or are threatened, tremendous pressure may be brought to bear on a WSR manager to allow immediate and perhaps inappropriate response, such as

⁴⁷ Also see [Director's Order #52A: Communicating the NPS Mission](#) (NPS 2001) and [Director's Order #52B: Graphic Design Standards](#) (NPS 2012a)

channelizing, snagging, or heavily armoring a migrating, aggrading, or eroding channel. Develop strategies to address emergency response and to avoid after-the-fact Section 7 determinations. See Chapter 4: Section 4.10 [Emergencies and After-the-Fact Permits](#).

The NPS is participating in the IWSRCC effort to develop a white paper addressing transportation and infrastructure projects within the vicinity of WSRs and emergency response. This paper will emphasize the importance of having an emergency response plan, and how to respond in a manner that ensures life/safety goals while preserving and protecting WSR values.

3.6 CLIMATE CHANGE CONSIDERATIONS

Preserving a WSR's present or desired conditions into the future in the face of climate change presents a challenge for river managers. In the past, a river manager might have looked to historical conditions as an indication of expected or desired conditions in the future. However, considering today's changing climate, the past is no longer necessarily a good indicator of the future. Climate change will have some level of impact on the nation's free-flowing rivers and their associated values, but the specific nature and extent of impact is uncertain given the capabilities of today's predictive models and will vary by geographic region. Anticipate possible changes in any or all aspects of a river's flow regime, including magnitude, frequency, duration, timing and rate of change, and associated changes in channel morphology and aquatic habitat.

The [Climate Change Response Strategy](#) (NPS 2010) lists several goals pertinent to WSR planning and management:

- Goal 1: Use best available scientific data and knowledge to inform decision making about climate change.
- Goal 5: Incorporate climate change considerations and responses in all levels of NPS planning.
- Goal 6: Implement adaptation strategies that promote ecosystem resilience and enhance restoration, conservation, and preservation of park resources.
- Goal 7: Develop, prioritize, and implement management strategies to preserve climate-sensitive cultural resources.

It is important to understand the range of possible climate futures based on credible science and to plan and manage WSRs with that understanding. New tools and resources have been developed to assist managers in their planning activities. Three of these resources are presented below:

- Climate Change Scenario Planning: Scenario planning is a tool adopted by NPS to plan and manage park resources under the uncertainty of a changing climate. Scenario planning is a "living process" designed to support management decisions under situations of high uncertainty and lack of control. Scenario planning is not a technique for predicting the most probable future. Rather, the objective is to develop and test decisions under a variety of plausible futures. In 2013, NPS completed a handbook on climate change scenario planning ([Using Scenarios to Explore Climate Change: A Handbook for](#)

[Practitioners](#) [NPS 2013b]) that provides guidance and references for those with some experience in scenario planning.

- **Climate-Smart Conservation:** The National Wildlife Federation (NWF) has prepared guidance on adapting to climate change that is being taught on a national scale by the NWF ([Climate Smart Conservation: Putting Adaptation Principles into Practice](#) [Stein et al. 2014]). *Climate-Smart Conservation* helps to answer the question, “What should we be doing differently considering climate change, and what actions continue to make sense?” The *Climate-Smart Conservation* guidance describes a seven-step, iterative process for integrating concepts and tools of climate-smart conservation into existing work.
- In 2014, NPS signed a policy memorandum on responding to climate change and its potential effects on cultural resources. The NPS Climate Change Response Program prepared [The Cultural Resources Climate Change Strategy](#) to address the need for a framework to address climate change response for cultural resources.

Understanding the range of plausible climate futures and related influences on free-flowing rivers will help guide thoughtful discussions from a landscape perspective during efforts such as Section 7 evaluations or development of CRMPs. Seen through the lens of plausible climate scenarios, it may be apparent that a given water resources project may jeopardize a river’s protected values. Or it may be evident that continuing certain river management prescriptions in the CRMP is an unwise expenditure of time and resources given possible climate futures. In some cases, entirely new management approaches may be prudent.

Management strategies that consider climate change may include activities that promote resilience or “rebound” capacity for the free-flowing river system, such as removing or minimizing other anthropogenic stressors or restoring degraded riparian habitat. Scenarios enable managers to make better informed decisions regarding what level of risk they are willing to take with future recommendations and investments. This process is sometimes referred to as “wind tunnel” testing.

The impacts of a changing climate cannot be adequately assessed in isolation. Climate change is part of a broader context including many other environmental stressors such as development, air and water pollution, and increased withdrawals from freshwater aquifers. Some changes may occur in a relatively predictable way, while others may involve unexpected tipping points leading to unexpected and significant effects. These tipping points are hard to predict and there are many uncertainties associated with understanding or predicting future conditions.

In all cases, responsibly managing WSRs requires learning from the past while simultaneously anticipating plausible and sometimes unprecedented future conditions. This may include revisiting management goals or plans periodically since these typically describe expectations based on historic conditions or outdated climate change information. New research is constantly updating our knowledge of future climate conditions.⁴⁸

⁴⁸ See [What We Know: The Reality, Risks, and Response to Climate Change](#) (American Association for the Advancement of Science 2014)

4 PROTECTION FROM WATER RESOURCES PROJECTS AND HYDROPOWER PROJECT WORKS - SECTION 7

With the passage of the WSRA, Congress declared 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.*” While the WSRA provides several important measures to protect and enhance the values for which rivers are added to the NWSRS, none is more significant than the restrictions imposed by Section 7 of the WSRA on water resources projects (e.g., dams, diversions, riprap, channelization, and other construction projects or activities that affect free-flowing condition) and on FERC licensed hydropower project works. This key provision directs federal agencies to protect the free-flowing condition and other values of designated rivers and congressionally authorized study rivers.

This chapter provides the statutory background for Section 7 of the WSRA, defines key terms, discusses when the need for a Section 7 evaluation document is triggered, the evaluation standard to be used, how to do an evaluation and make a determination, and suggests some best practices for coordination with other agencies and laws.

For additional information on implementing Section 7, refer to [Director’s Order #46: WSRs](#) (NPS 2015) and [Wild and Scenic Rivers Act: Section 7](#) (IWSRCC 2004). These documents fully describe the standards and procedures that are used in evaluating the effects of proposed water resources projects and in determining where hydropower projects licensed by FERC can be located with respect to WSR corridors. See suggested links to related IWSRCC technical reports, example evaluations, determination transmittal letters, and other resources throughout this chapter.

4.1 STATUTORY BACKGROUND

[Section 7\(a\)](#) of the WSRA states the following:

The Federal Power Commission [FERC] shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no 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, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values

present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System.

Section 7(a) explicitly prohibits FERC from licensing the construction of any new dam, water conduit, reservoir, powerhouse, transmission line, or other [FERC hydropower project works](#) on or directly affecting a designated river segment. The NPS makes the determination of whether a proposed FERC project is on or directly affecting a segment for all WSRs it manages directly or in partnership, and on most state-administered components of the NWSRS,⁴⁹ except where an interagency memorandum of understanding (MOU) specifies otherwise.

Section 7(a) also provides each river designated into the NWSRS with permanent protection from federally licensed or assisted dams,⁵⁰ diversions, channelization, or other water resources projects that would have a direct and adverse effect on its free-flowing condition, water quality, or [ORVs](#), or for projects upstream, downstream, or on a tributary upstream of the lateral boundary of designated segments, that would invade or unreasonably diminish the segment's fish, wildlife, scenic, or recreational resources.

The NPS conducts a Section 7 evaluation to analyze the effect of a proposed water resources project on a WSR. Federal actions may not proceed unless the NPS (when NPS is the lead federal-administering agency for the purposes of Section 7) 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 Chapter 4 Section 4.3 [Evaluation Standards](#)). Typically, the baseline for evaluating impacts to protected river resources is the condition on the date of designation. However, if river conditions have improved since the date of designation, the NPS will base Section 7 determinations upon the enhanced condition.^{51, 52}

[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. Section 7(b) provides protection from FERC hydropower and water resources projects for three years from the date the study report is transmitted to Congress, regardless of the report's findings with respect to the study river's eligibility and suitability for designation. If a governor later recommends designation under Section 2(a)(ii) of a previously authorized 5(a) study river, Section 7(b) protections apply for one year from the date the application is received by the Secretary of the Interior.

Agency-identified 5(d)(1) study rivers found eligible or suitable for the NWSRS through NPS planning processes are not afforded Section 7 protections from proposed hydroelectric facilities

⁴⁹ The BLM has responsibility for the Wallowa WSR in Oregon, which is state-administered.

⁵⁰ In addition to FERC-licensed hydropower dams, other dams are also covered such as those constructed or assisted by Bureau of Reclamation, Tennessee Valley Authority, U.S. Army Corps of Engineers (USACE), or Natural Resources Conservation Service.

⁵¹ Section 10 of the WSRA directs that these resources values be protected and enhanced, and the [1982 Interagency Guidelines](#) (NPS and USFS 1982) interpret Section 10 as creating a non-degradation and enhancement policy.

⁵² See Section 4.11 in [Director's Order #46: WSRs](#).

or federally-assisted water resources projects. However, the NPS must, within its other authorities, protect the values that make the river eligible or suitable, and manage the area according to its preliminary classification as described in [Management Policies 2006](#) (NPS 2006). Section 4.3.4 states that “[n]o management actions may be taken that could adversely affect the values that qualify a river for inclusion in the NWSRS.”

This may involve conducting an analysis of the potential effects of a proposed project on the river’s free-flowing characteristics and other identified values. If a river is listed in the Nationwide Rivers Inventory (NRI), the federal agency involved with actions that could affect the segment’s eligibility or suitability for designation must attempt to avoid or mitigate adverse effects as part of its environmental review process and consult with the NPS if the proposed project would preclude inclusion in the NWSRS or lower the river’s classification (e.g., from scenic to recreational). (See Chapter 2, Section 2.1.1.3 [River Classification](#)).

4.2 ACTIVITIES THAT TRIGGER A SECTION 7 EVALUATION

A Section 7 evaluation is triggered if a proposal consists of one of the following:

- Hydropower project works licensed by FERC under Part 1 of the Federal Power Act (FPA) that is on or directly affects a designated river or 5(a) study river⁵³
- A federally assisted water resources project on a designated river or 5(a) study river
- A FERC-licensed hydropower project or federally assisted water resources project located upstream/downstream or on a tributary of a designated river or 5(a) study river

For a graphic illustration of the projects that require a Section 7 evaluation and the specific evaluation standard to be used, see the [Section 7 flowchart](#) (NPS 2017).⁵⁴ Section 7 may be triggered regardless of a WSR’s classification as wild, scenic, or recreational. There is no provision in the WSRA that suggests certain types of water resources projects are exempt from review or subject to different standards because of classification.

Projects triggering Section 7 review must be evaluated regardless of their National Environmental Policy Act (NEPA) pathway. A pathway resulting in a categorical exclusion does not eliminate the need for a full Section 7 analysis. However, the process of preparing a Section 7 determination is not considered a federal action that triggers NEPA. In all cases, the federal agency assisting the action is responsible for meeting NEPA environmental review requirements.

4.3 EVALUATION STANDARDS

Implementation of Section 7 requires the application of rigorous and consistent interagency evaluation procedures to protect river resources. The NPS may not implement or consent to implementation of a water resources project constructed or assisted by another federal agency if the impacts of such a project are found to exceed the threshold of the appropriate evaluation

⁵³ Or 2(a)(ii) candidate river for a year after the governor’s application if the river was subject to a 5(a) study in the past. This applies to all 3 triggers.

⁵⁴ Also see the Section 7 flowchart on the [Regulatory and Permitting Information Desktop Toolkit \(RAPID\) website](#) for FERC Hydropower Projects.

standard. In addition, NPS may not accept mitigation to allow a project to proceed, since the original intent of the WSRA was to provide mitigation for dams and other river development.

Section 7 identifies four different standards that are to be used for a Section 7 evaluation, depending on the circumstances. Section 7(a) addresses the standards to be used for designated rivers, while 7(b) addresses standards for 5(a) study rivers and 2(a)(ii) candidate rivers that previously had been subject to a 5(a) study (referred to in this chapter as “certain 2(a)(ii) candidate rivers”). The four standards are

1. “On or directly affecting”
2. “Direct and adverse effect”
3. “Invade or and unreasonably diminish”
4. “Invade or diminish”

These terms are not explicitly defined in the WSRA or by the river-administering agencies. A single definition of the evaluation standards would oversimplify the rigor necessary in making a Section 7 determination and would not adequately reflect the inherent variation in condition and trend of resource values to be protected on a specific river.

Apply the standards of Section 7 in relation to the intent of the WSRA. It is the NPS’s responsibility to explain the factors and evaluation process used to reach any conclusion. Base such evaluations upon science, law, policy, and professional judgement. Use an interdisciplinary team approach in defining issues, gathering data, and analyzing effects. Seek expertise as needed from park staff, specialists from other NPS offices, and other individuals or entities with pertinent knowledge.

The correct standard to apply depends upon the type of project (FERC hydroelectric project works or water resources project), the river’s status (designated or otherwise), and the location of the project (within or outside of the corridor).

4.3.1 On or Directly Affecting

The “on or directly affecting” standard applies to FERC hydropower project proposals on designated rivers, 5(a) study rivers, and certain 2(a)(ii) candidate rivers. Under the FPA, FERC is prohibited from licensing the construction of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works if the project is “*on or directly affecting*” a designated river, 5(a) study river, or certain 2(a)(ii) candidate rivers.

The IWSRCC interprets this standard as prohibiting FERC-licensed project works anywhere within a WSR designated or study corridor, including tributaries within the corridor, as well as uplands. It has not recommended applying the “directly affecting” provision to project features such as powerlines, water lines, and access roads that are located outside of the river corridor. In situations where FERC-licensed project works are located outside the river corridor but are judged to “directly affect” a WSR, consult with the NPS WSR Steering Committee and Solicitor’s Office. This may be especially relevant for rivers where there is no established boundary such as many 2(a)(ii) and PWSRs. It may also be applicable in cases where a

designated boundary is very narrow on one side of a river to accommodate wider boundaries in other areas to protect WSR values.

Other facilities authorized by FERC, such as interstate power transmission lines or natural gas pipelines, are not regulated under Part 1 of the FPA and are not prohibited outright. However, if such facilities involve construction below the OHWM, they would be analyzed as “water resources projects” under one of the three evaluation standards below.

Although FERC hydropower projects are generally prohibited in designated or 5(a) study river corridors, there are some special cases, especially with relicensing and mitigating the ongoing impacts of existing FERC projects that predate WSR designation.⁵⁵ Hydropower issues and policies can be complex. For guidance, contact the NPS Hydropower Assistance Program and/or WSR Steering Committee.

4.3.2 Direct and Adverse

The direct and adverse standard applies to federal water resources projects proposed on designated rivers, 5(a) study rivers, and certain 2(a)(ii) candidate rivers, and may also apply to the relicensing of FERC hydropower projects that predate designation. Federal agencies may not assist by loan, grant, license, permit, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which a river was designated. The WSR values applicable to this standard are free-flowing condition, water quality, and each identified ORV.

This standard is more permissive than the outright prohibition on FERC hydropower project works. Because each river’s values are unique and the project scope will vary, use science and professional judgement to determine if the degree of direct and adverse effect associated with the project is of such significance that it would degrade the value(s) that caused the river to be included in the NWSRS.

The standard does not allow for any balancing of impacts to WSR values (e.g., improving the condition of one ORV as a tradeoff for accepting an adverse effect on another). Similarly, adverse effects cannot be made acceptable through mitigation or compensation that improves some other resource value or characteristic without eliminating the adverse effect. An adverse effect determination relative to any river value prevents the federal-assisting action from proceeding, unless Congress takes additional steps to authorize the project.⁵⁶

4.3.3 Invade or Unreasonably Diminish

The invade or unreasonably diminish standard applies to proposed federal water resources projects and proposed new (or relicensed with a change in footprint or operations) FERC-licensed hydropower projects located outside a designated river corridor. Projects outside a designated river corridor are those located upstream, downstream, or on a tributary to a designated river. Such proposed water resource projects cannot be federally approved or assisted

⁵⁵ The IWSRCC has long-held that such projects should be evaluated under the direct and adverse standard.

⁵⁶ Section 7 enables Department heads to petition Congress to intervene and allow a project to move forward. This has occurred, but rarely.

if they would invade the river area or unreasonably diminish the river's scenic, recreational, fish, or wildlife values present on the date of designation. Note that this evaluation standard considers effects only upon these four WSR values, rather than upon a river's identified ORVs.

“Invade” means to encroach or intrude upon the protected river. “Unreasonably diminish” means that some minimal amount of impact to scenic, recreational, or fish and wildlife values may be tolerated as long as the impact is reasonable and does not invade the river area. The determination of what constitutes unreasonable diminishment cannot be pre-defined and must rely upon professional judgement considering site-specific resource conditions and trends.⁵⁷

Water resources projects with the potential to invade or diminish scenic, recreational, or fish and wildlife values typically include dams (including backwater associated with a downstream impoundment that invades a previously free-flowing WSR segment), upstream diversion structures, rip-rap and other forms of bank hardening immediately upstream or downstream of the WSR, and other water resources projects that are visible from the river.

4.3.4 Invade or Diminish

The invade and diminish standard applies to federal water resources project proposals and proposed new (or relicensed with a change in footprint or operations) FERC-licensed hydropower projects located outside 5(a) study river corridors or certain 2(a)(ii) candidate river corridors, but not to projects located outside a designated river corridor. Proposed water resources projects located upstream, downstream, or on a tributary to a 5(a)-study river cannot be approved if they would “*invade the river area or diminish*” the river's scenic, recreational, or fish and wildlife values present on the date of designation.

This standard is nearly identical to the standard for projects outside of designated corridors except that the word “diminish” is unqualified. Removing the word “unreasonably” provides greater protection during the congressionally-authorized study period or 2(a)(ii) evaluation period to help ensure that WSR values are not compromised, potentially precluding designation.

4.4 CONDUCTING THE EVALUATION

Procedures to apply the different evaluation standards, questions to consider in a typical analysis, and a suggested outline for an evaluation report are described in Appendices C, D, and E of [Wild and Scenic Rivers Act: Section 7](#) (IWSRCC 2004) which have been adopted by the NPS.

A Section 7 evaluation analyzes the effects of a proposed FERC hydropower or federally assisted water resources project on a designated, study, and 2(a)(ii) candidate river in a systematic manner and determines whether the project is approved. To be legally defensible, the evaluation process must be consistent and rigorous enough to support the determination.

In conducting the evaluation, use information contained in NEPA documents related to the project prepared by other agencies. To assess project effects, the FERC hydropower or water resources project proposal must be described in sufficient detail. The federal assisting-agency

⁵⁷ See Section 4.1.1 in [Director's Order #46: WSRs](#).

and/or project proponent is responsible for providing the necessary information and fully disclosing the effects under NEPA.

The depth of analysis necessary to reach a determination of whether to allow a project to proceed will depend on several factors, including the project scope, complexity, and magnitude of impacts; the project timing and duration; and the direct, indirect, and cumulative impacts to WSR values.

In addition to the procedures recommended in [Wild and Scenic Rivers Act: Section 7](#) (IWSRCC 2004), do the following in all NPS Section 7 evaluations:

- Describe what the evaluation is in response to (e.g., US Army Corps of Engineers [USACE] 404 Permit Notice, or Federal Highway Administration [FHWA] request), and indicate the date the application/request was received.
- State the river's WSR status and briefly summarize the purpose of the WSRA: to protect the river from negative effects of water resource projects and FERC hydropower project works on free flow, water quality, and the protected resource values.
- Clearly describe NPS's authority to review the project under Section 7.
- Describe the elements of the project that trigger Section 7 by meeting the definition of FERC hydropower project works or a federally-assisted water resources project, and which evaluation standard will be applied.
- Describe how the various project elements would directly, indirectly, or cumulatively affect each of the individual protected values in terms of timing, duration, and intensity of impact.
- Draw a clear and concise conclusion of impact for each protected river value under the standard being applied (i.e., is the threshold exceeded or not).
- Provide a list of preparers for the document, particularly for evaluations that are complex, controversial, or otherwise subject to challenge. Include all team members by name, title/office, and area of expertise.
- Include a statement that the project proponent shall consult with NPS and receive approval prior to implementing any proposed changes made subsequent to a favorable Section 7 determination before the work proceeds.
- Provide a list of special protective measures or provisions that are required for the project (See [Appendix I](#) for examples of required measures).

4.5 DOCUMENTING THE DETERMINATION

When documenting the determination findings, prepare your statement as exemplified below:

Pursuant to Section 7(a) of the Wild and Scenic Rivers Act, the NPS has determined, on behalf of the Secretary of the Interior, that this project will not [insert appropriate standard] on the free-flowing character, water quality, or [insert each ORV] of the [insert name of the WSR].

Clearly indicate if the project may move forward or not, or if more information is needed to make a determination.⁵⁸ This can be accomplished by inserting a header (approval/denial) with a signature line for appropriate signature/title of approving official(s). Have the determination signed by the appropriate NPS authority (see Section [4.7 Signature Authorities](#)). Ensure that the administrative record (AR) for each Section 7 determination contains pertinent documentation, including the data used to support the decision.⁵⁹ A copy of the final determination must be maintained on file.⁶⁰

4.6 TRANSMITTAL LETTER

Typically, a final Section 7 package comprises a cover letter briefly describing the project, the agency's jurisdiction, the analysis process, and a conclusion with the findings of the determination. Attachments include the actual evaluation and determination. In some cases, it may be appropriate to include supporting documentation by reference only, such as when these materials are part of the AR and should be retained. However, they can be made available upon request.

Once completed, send the Section 7 package (i.e., cover letter, evaluation, and determination) to the federal assisting agency. As a courtesy, and if permissible, send a copy of the package to other key stakeholders in the process, but only if the primary communication is to the federal assisting agency and the NPS agreed to this protocol early in the project planning process.

4.7 SIGNATURE AUTHORITIES

As delegated by the Secretary of the Interior, the Director of the NPS has ultimate authority for implementing Section 7 of the WSR on rivers that are part of the National Park System, NPS PWSRs, most state-administered 2(a)(ii) designated rivers, and congressionally-authorized 5(a) study rivers where the NPS is the lead agency. [Director's Order #46: WSRs](#) delegates authority for all responsibilities under the WSR, including signatory authority for Section 7 determinations, to regional directors. Section 7 signature authority may be further delegated to park superintendents or regional staff by the regional director. Elevate projects that are determined to not be consistent with the relevant evaluation standard to the regional or NPS director for decision-making. Following are the specific NPS responsibilities for each type of WSR.

⁵⁸ Even when the WSR-administering agency has issued a negative determination (thus prohibiting the federally assisted water resources project), Section 7 enables Department heads to petition Congress to intervene and allow a project to move forward. Alternatively, Congress may act independently and move a project forward, notwithstanding the WSR. This has occurred, but rarely.

⁵⁹ Also see [WSR Publications: Example Section 7 Determinations](#) and [Introduction to IWSRCC WSR Section 7 Examples](#) (IWSRCC 2008)

⁶⁰ Detail on where records will be maintained is provided in [Director's Order #11D: Records and Electronic Information Management](#).

4.7.1 Wild and Scenic Rivers Within the National Park System

These WSRs are congressionally-designated under Section 3(a) of the Act and are administered solely by the NPS or jointly⁶¹ with another federal agency, flow wholly or partly within the boundaries of existing park units or were designated as separate “stand alone” park units. They are a part of both the National Park System and the NWSRS.⁶² Superintendents must review all proposed water resources projects, regardless if they are proposed by an outside entity or by the NPS. Superintendents are responsible for implementation of Section 7 and may be delegated signature authority for Section 7 documents.

4.7.2 Partnership Wild and Scenic Rivers

Determining the impacts of federally-assisted water resources projects on PWSRs is an NPS responsibility delegated by the Secretary of the Interior. This responsibility may not be re-delegated to any other entity, regardless of the degree to which the entity shares other management functions. Regional river managers are responsible for implementing Section 7 and may be delegated signature authority for Section 7 documents.

4.7.3 State-Administered Wild and Scenic Rivers

Strive to maintain effective working relationships with the state administrator on 2(a)(ii) rivers. However, the NPS is responsible for implementing Section 7(a) on most state-administered WSRs⁶³ despite the WSRA’s stipulation that such rivers be administered at no expense to the federal government. This responsibility may not be delegated to any non-federal entity. Signature authority may be delegated to superintendents or to regional river managers.

4.7.4 River Parks with Enabling Legislation Similar to the Wild and Scenic Rivers Act

Some rivers within selected park units have specific management responsibilities prescribed by Congress that are similar to the requirements described in the WSRA.⁶⁴ In each of these cases, the individual park unit’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 unit’s enabling legislation has special provisions associated with the particular river or an ongoing project. The 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, implement the WSR-like provisions in a comparable fashion, consistent

⁶¹ When a WSR is jointly managed by the NPS and another federal agency because the river flows through multiple jurisdictions, specific management responsibilities will be determined by the enabling legislation for the WSR and/or by agreement between the agencies.

⁶² [WSRA Section 10\(c\)](#)

⁶³ In California, a [MOU](#) has been developed for northern California 2(a)(ii) WSRs. While the NPS has (by default) the lead with all Section 7 evaluations on the northern California rivers involved, the MOU defines lead roles for the USFS and BLM when the river flows through lands within their jurisdiction.

⁶⁴ 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. See Wild and Scenic River – Like River Legislation for the WSR-like language in each of these designations.

with the rivers' enabling legislation. In such instances, evaluate federally-assisted water resources projects within the identified river, as well as upstream, downstream, and on any tributaries to the river before federal actions can be approved. Federal assistance may only be provided if it has been determined in writing by the NPS that the proposed project would not violate the park's legislation (see [Appendix J: Wild and Scenic River - Like River Legislation](#)). In most instances, prepare the federal water resources project reviews and determinations in accordance with the requirements of Section 7(a) of the WSRA. Be familiar with the specific requirements of the WSRA and the park unit's enabling legislation to fully understand the context for preparing water resources project determinations. Superintendents may elevate a proposed project to the regional director or director if the project is of particular concern or likely to be controversial. Early coordination with the Solicitor's Office is recommended.

4.7.5 Congressionally-Authorized Study Rivers

During the study and for three additional years after the study has been transmitted for congressional consideration, regardless of the study's eligibility and suitability findings, congressionally-authorized study rivers are afforded protection from the adverse impacts of FERC hydropower and federally-assisted water resources development projects under Section 7(b) of the WSRA. Rivers that have been authorized for congressional study and later recommended by a governor for designation by the Secretary of the Interior receive one year of protection under Section 7(b)(1). During these periods, the NPS is responsible for implementing the provisions in accordance with the standards set forth under Section 7(b). Signature authority delegated to the regional director may be re-delegated to appropriate regional staff.

4.8 RECORDS MANAGEMENT FOR SECTION 7 DETERMINATIONS

The NPS is required to maintain proper records for each Section 7 determination. Proper records management may include a project or decision file, and if necessary, an administrative record.⁶⁵ The decision file contains the information and correspondence used to come to a Section 7 determination and provides an organized and complete record for response to Freedom of Information Act requests and/or litigation. A decision file is not the same thing as an administrative record. An administrative record (AR) has a specific meaning under the Administrative Procedures Act: it is the record prepared after litigation is initiated. The Department of Interior (DOI) provides guidance on standardized procedures for compiling a decision file, and if necessary, an administrative record for judicial review.

If a Section 7 determination results in litigation, a complete record will be invaluable to defending the NPS's position as well as helping the NPS staffer recall the specifics of the case. It is important to keep all relevant documentation as part of the decision file, particularly any information or data used to support the decision. Relevant documentation includes both electronic and hard copies of all correspondence, transcripts or notes from phone calls that

⁶⁵ See [Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making](#)

discuss requests for additional information or project details, cited documents and reports that have been summarized or incorporated by reference, and other substantive documents.⁶⁶

4.9 CONSULTATION AND COORDINATION

Effective implementation of Section 7 responsibilities requires consultation between the NPS and other federal agencies assisting in the construction of a project. Knowledge of the authorities and roles of federal assisting agencies and early consultation with them will aid in the review process, promote opportunities for partnerships in WSR protection, and help avoid unnecessary costs and delays associated with project proposals that are unacceptable under Section 7. Work with the appropriate parties to ensure the Section 7 process is initiated at the earliest possible opportunity. There are ongoing efforts to streamline environmental review procedures.⁶⁷ Be sure to contact the NPS WSR Program Lead for the latest information when beginning a major new Section 7 evaluation.

Coordinate Section 7 evaluations with the requirements of other laws and regulations applicable to each FERC hydropower project or federal water resources project, such as USACE Section 404 permitting, FERC project licensing, NEPA, Department of Transportation (DOT) Act, and FHWA requirements including Section 4(f), National Historic Preservation Act (NHPA), and others. Synchronize Section 7 evaluations with other environmental reviews to the extent feasible. Be pro-active in this coordination by identifying principle contacts and developing close working relationships with federal assisting agency staff, particularly regional and district USACE staff (Section 404 Clean Water Act [CWA] permits and Section 10 Rivers and Harbors Act⁶⁸ permits), USFWS (Fish and Wildlife Coordination Act, Endangered Species Act, and other statutes), National Marine Fisheries Service (Endangered Species Act), and the FHWA-DOT Division Office for each state. Other potential assisting agencies are the Bureau of Reclamation, Environmental Protection Agency, Farm Services Agency, Federal Emergency Management Agency, Natural Resources Conservation Service, Rural Development, and the U.S. Coast Guard. For background information on these agencies, see [Implementing the WSRA: Authorities and Roles of Key Federal Agencies](#). (IWSRCC 1999a).⁶⁹

⁶⁶ See [Director's Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-Making](#) and [Director's Order #11D: Records and Electronic Information Management](#)

⁶⁷ There are deadlines with associated financial penalties for tardy Section 7 determinations on certain Department of Transportation (DOT) projects. [Section 1306 of the Moving Ahead for Progress in the 21st Century \(MAP-21\) Act](#) (23 USC 139(h)(6); 126 Stat. 405, 535-36) establishes deadlines for WSRA Section 7 determinations for highway projects, public transportation capital projects, or multimodal projects that also require the preparation of an environmental impact statement or an environmental assessment under FHWA's/Federal Transit Administration's NEPA procedures. Financial penalties for tardy Section 7 determinations are substantial: \$10,000/week or \$20,000/week, depending on the cost of the project. For detailed information about the penalties, the 180-day timeline for Section 7 (and other approvals), including procedures for ensuring that NPS has all needed information to complete its review before the 180-day timeframe starts, dispute procedures, etc., see [MAP-21 Section 1306 Financial Penalties Questions & Answers](#).

⁶⁸ 33 USC 403

⁶⁹Note: The IWSRCC is working to update this paper. Check with the NPS WSR Program lead for current information.

4.9.1 United States Army Corps of Engineers

One of the most common triggers for Section 7 determinations is USACE permit applications for dredge and fill activities under Section 404 of the CWA. Typical projects requiring USACE permits include bank stabilization, dredge and fill associated with bridge construction, and construction of boat ramps and docks, as well as a wide variety of watershed/fish habitat restoration and enhancement projects. The USACE process requires a written determination from the river-administering agency for such projects.

An application for an USACE permit serves as an application for both Section 404 (CWA) and Section 10 (River and Harbors Act) permits.⁷⁰ Section 404 permits are required for projects in what the CWA defines as “Waters of the United States.” These waters include rivers, streams, creeks, intermittent tributaries, natural ponds, prairie potholes, impoundments, lakes, and wetlands. Section 10 of the Rivers and Harbors Act requires that regulated activities conducted below the OHWM of navigable waters of the United States be approved and permitted by the USACE. The scope of the USACE jurisdiction pursuant to these regulatory authorities is defined at [33 CFR 328](#) and [33 CFR 329](#).

The USACE uses nationwide permits (NWP)⁷¹ for authorizing a multitude of smaller projects in stream channels. These small projects can include recreational facilities, outfall and intake structures, navigation markers, and structures needed by utilities. For these projects, a separate permit is not needed from the USACE. However, the project proponent must notify the USACE that they are operating under an NWP. If the USACE approves use of the NWP for the proposed activity, then a list of terms and conditions applies to protect river environments.⁷²

Activities authorized by an NWP must still receive a written determination from the WSR-administering agency that the activity will not adversely affect the river, unless the activity is specifically exempted by the CWA, such as farming and silvicultural practices.

The USACE’s NWP General Condition 16 - WSRs states the following:

“(a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

“(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management

⁷⁰ See [USACE Section 404/Section 10 Permits](#)

⁷¹ See an explanation of [USACE Nationwide Permits](#)

⁷² The USACE reviews and updates these permits every 5 years; the most recent update was done in 2017. The IWSRCC strives to comment on USACE revisions to ensure WSR interests are adequately addressed.

responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: <http://www.rivers.gov/>.⁷³

General Condition 16 requires pre-construction notifications for any nationwide permitted activity within WSRs. The “written determination” described under NWP General Condition 16 is the Section 7 determination.

4.9.2 Federal Energy Regulatory Commission

The FPA gives FERC exclusive authority to issue original and new licenses (relicensing) for non-federal water power projects. FERC hydropower projects are subject to Section 7 prohibitions on project works that are on or directly affecting designated or study WSR corridors. Upstream, downstream, and tributary FERC hydropower projects require Section 7 evaluation. FERC also regulates interstate oil and gas pipelines and interstate electricity transmission.⁷⁴ These developments also are subject to Section 7 review if they involve construction below the OHWM on a designated or study WSR. The river-administering agency has the responsibility for making Section 7 determinations.

For hydropower projects, FERC issues preliminary permits (reserves a site to investigate project feasibility but does not authorize construction), licenses (original and new/relicense), and/or exemptions.⁷⁵ Generally, FERC will guide applicants to avoid building original hydropower projects on or directly affecting designated or study WSRs. However, issues related to Section 7 of the WSRA for the relicensing and mitigation of existing hydropower projects can become very complex. Coordinate early in the process with NPS program leads for hydropower project effects on WSRs.

For hydropower proceedings, participate at key steps throughout the FERC hydropower permitting process to help ensure that information necessary to complete the Section 7 determination is available. Urge the FERC license applicant to gather the necessary data for

⁷³ [2012 Nationwide Permits, Conditions, District Engineer’s Decision, Further Information, and Definitions](#) (USACE 2017)

⁷⁴ FERC has limited authority over interstate electricity transmission. FERC does not have the authority to regulate transmission line construction. This authority rests with the individual States or State Public Utility Commissions. However, FERC can provide financial incentives to energy companies to propose and build transmission lines. It does this by allowing the companies to charge market-based rates to use the transmission system. FERC also has limited authority to site interstate electric transmission facilities if certain conditions have been met under Section 1221 of the [Energy Policy Act](#) of 2005.

⁷⁵ See the [RAPID Toolkit website](#) for information on the consultation process and applicable standards. FERC uses the term ‘original’ to refer to brand new licenses, for projects authorized for the first time. They use the term ‘new’ to refer to relicensing existing facilities.

NPS' Section 7 determination when the applicant is putting together its proposed study plan and assist in that process. The suite of studies to develop a license application and the associated NEPA analysis should include a description of how the project's proposed action and alternatives will affect the WSR values associated with the relevant Section 7 standard.

Work to identify issues of concern early in the process and prepare a preliminary Section 7 determination as soon as practical based on information included in the final license application and draft environmental documents. These documents should include an environmental analysis of alternative operating regimes and/or mitigation measures. Reserve the right to re-evaluate any preliminary Section 7 determination in the event the alternatives considered in the final environmental analysis modify the project, or otherwise create impacts not previously addressed. The final Section 7 determination will be completed after the final NEPA analysis is complete and a preferred alternative is identified.

For rivers determined eligible or suitable for potential inclusion in the NWSRS through agency planning processes (Section 5(d)(1) of the WSRA), ensure that FERC is aware of the status of these rivers in its response to preliminary permits and license or exemption applications. Listing on the NRI or identification as an eligible/suitable river through agency study processes does not prohibit FERC from licensing a project. However, under [Section 10\(a\)\(2\)\(A\)](#) of the FPA, FERC is required to consider the extent to which a project is consistent with federal or state comprehensive plans. The NRI is listed as a comprehensive plan and FERC must take care to avoid or mitigate impacts to rivers listed on the NRI and consult with the NPS on project effects.

4.9.3 National Environmental Policy Act Requirements

Water resources projects in the vicinity of WSRs and assisted by a federal agency are subject to both the WSRA Section 7 evaluation and the NEPA process. For designated rivers and congressionally-authorized study rivers, the Section 7 analysis should be completed as a separate analysis and appended to the NEPA document. The river administering agency is responsible for conducting the Section 7 analysis and making a determination in accordance with the WSRA. Although a separate environmental document is not required for the Section 7 determination, the river administering agency may use information prepared as part of the NEPA analysis. The Section 7 analysis and final written determination is completed by the river managing agency. Responsibility for engaging the NPS in the NEPA process lies with the project proponent.

Scoping notices for environmental review often provide an opportunity for early engagement in the planning process. NPS may provide input to a NEPA analysis during public notice periods that identifies the relationship of the project to a protected river and highlights the need for a Section 7 determination. This may alert project proponents at an early stage whether their project can proceed without violating the WSRA.

The NEPA analysis should include a description of how the project's proposed action and alternatives will affect the WSR values associated with the relevant Section 7 standard. If a proposed project is located below the OHWM of a designated WSR area and is determined to have a "direct and adverse" effect, or if a proposed project situated below, above, or on a tributary to a designated river area will "invade the area or unreasonably diminish" the values of

the Wild and Scenic River, the project cannot continue, except in rare circumstances where Congress provides specific authorization.

The water resources project must be described in sufficient detail for the NPS to assess its temporary and permanent effects, including timing and duration of disturbance, equipment necessary, and staging areas. Additional studies and/or information may be requested if it is necessary for the evaluation. Requests should be made in writing from the federal assisting agency. Attend on-site meetings and follow up with written correspondence to document decisions made, information requested, and information shared. Projects must demonstrate that they meet WSRA standards. Providing necessary information and fully disclosing effects under NEPA is the responsibility of the assisting agency and/or the project applicant. Additional guidance is available from the IWSRCC about working on transportation and infrastructure projects. See reference to transportation landing page or Transportation FAQ.

For more complex projects such as transportation corridors and bridge crossings, it may be desirable to provide the project proponent with a preliminary list of NPS concerns, which enables the project proponents to understand areas that may require additional attention to ensure consistency with the requirements of Section 7. The FHWA Red Book contains guidance related to synchronizing and coordinating environmental reviews. Contact your WSR SC representative for guidance on integrating WSRA requirements. Such coordination can help to establish and maintain positive working relationships. However, exercise caution. Once a position is put forth by the NPS, even if it is draft and the intent is non-binding, it can be misconstrued and could be subject to future litigation. Avoid making conclusions that may not be supported by those with signatory authority. Avoid making any conclusions in draft Section 7 evaluation documents shared with federal assisting agencies. Provide a written statement clearly maintaining that 1) NPS comments have been provided as early technical assistance, 2) comments do not necessarily represent a formal response or approval on the part of the NPS, and 3) the project cannot be authorized until a Section 7 determination has been rendered with an affirmative finding.

Since a Section 7 determination is not a proposed federal action, the NPS is not required to conduct a separate NEPA analysis and decision regarding its Section 7 determination. However, when a water resources project is initiated by the NPS, the NPS is responsible for the decision under NEPA and the determination under the appropriate standard of Section 7.

4.9.4 Department of Transportation/Federal Highway Administration

Section 4(f) refers to the original section of the [1966 DOT Act](#) that places restrictions on the use of publicly-owned parks, recreation areas, wildlife/waterfowl refuges, and historic sites of local, state, or national significance for transportation projects. Section 4(f) requires FHWA to consider these resources in the planning phase of major transportation projects.

Most NPS managed WSRs meet the definition of publicly-owned parks and recreations areas that fall under the protective provisions of Section 4(f). For these WSRs, the FHWA often in coordination with state DOTs, is required to seek concurrence from the river administering agency to ensure that a proposed transportation project's "Section 4(f) use" is in compliance with standards specified in the DOT Act. See Chapter 3, Section 3.3.10 [Projects Subject to Section 4\(f\) of the Department of Transportation Act](#) for more information on Section 4(f) applicability,

the definition of “use” of Section 4(f) properties, and the standards that transportation projects affecting Section 4(f) properties must meet.

Section 4(f) provides significant authority to the NPS to protect qualifying lands within WSRs and affords the NPS an opportunity to participate in project planning through a consultation process, which enables the NPS to provide recommendations for avoidance and/or minimization of impacts. Early NPS coordination with DOT is essential to identify avoidance alternatives and/or measures to minimize harm.

Integrating Section 4(f) requirements into the NPS Section 7 process requires strategic planning, particularly for larger projects that contain multiple Section 4(f) resources that the NPS may be commenting on (usually within a single NEPA document). Importantly, until the NPS Section 7 analysis has been completed and impacts of the water resources project are fully understood, the NPS cannot provide concurrence to the FHWA Section 4(f) statement associated with the proposed water resources project. Because of the complexities associated with FHWA planning and funding cycles, and the various environmental regulations that are in play (e.g., NEPA, Section 4[f], WSRA), it is essential that early coordination occurs between the transportation agencies and the appropriate NPS Regional office to allow the planning processes for the agencies to move forward without costly delays. In some cases, when full Section 4(f) concurrence is the anticipated outcome based on discussions with FHWA, a provisional concurrence letter may be provided, which outlines required avoidance and minimization actions that would likely result in a favorable Section 4(f) statement and favorable Section 7 determination. The final Section 4(f) statement would then be provided once the final Section 7 determination is issued. Most often, this would be included as part of the lead agency’s NEPA document.

4.9.5 National Historic Preservation Act

Federal agencies will typically be working with the river-administering agency to address WSRA Section 7 requirements at the same time as they are complying with other environmental and cultural resource requirements, including Section 106 of the NHPA. During such situations, work collaboratively to seek solutions that fully address the mandate of both the WSRA and the NHPA. Given the potential for overlap and differences between WSRA Section 7 requirements and those of the NHPA Section 106 process, see [Appendix K: Section 7 Coordination - National Historic Preservation Act](#) for recommendations on integrating reviews. Relying on the Section 106 process to evaluate direct and adverse effects to WSR values may not be adequate for the proper administration of the WSRA.

The NHPA and other cultural resource preservation laws provide tools to protect cultural ORVs in conjunction with WSRA Section 7. Take note on how these laws apply to cultural resources near a designated or study WSR because the laws have different geographic scopes, jurisdictions over the types of cultural resources they protect, and protection standards, plus different entities make the decisions.

- **Geographic scope:** Section 7 of the WSRA applies to FERC-licensed hydropower projects located anywhere within the WSR corridor, federally-assisted water resources projects located below the OHWM on designated WSRs, and along congressionally-

authorized study and Section 2(a)(ii) candidate river segments. Section 7 provisions to protect values from the impacts of projects located upstream, downstream, and on tributaries of designated or study segments do not apply to cultural values because they are not one of the four named resources in this section of the WSRA. Section 106 of the NHPA applies to federal undertakings, regardless of location. Thus, Section 106 is broadly applicable within designated and congressional study WSR corridors, both on uplands and below the OHWM.

- **Types of cultural resources protected:** Section 7 of the WSRA protects river-related cultural resources that are rare, unique, or exemplary on a regional or national scale and identified as ORVs. Examples of resources that may be identified as contributing to cultural resource ORVs and thus protected under Section 7 are bridges that qualify for listing in the NRHP, archeological sites and districts, historic districts, traditional cultural properties, and river-related structures associated with a cultural interpretive theme such as logging history. Section 106 of the NHPA and other cultural resources preservation laws protect a broader array of cultural resources including those that are not river-related, or otherwise identified as ORVs.
- **Standards:** Section 7 of the WSRA has the potential to stop a federally-assisted water resources project because direct and adverse effects on WSR values must be avoided or eliminated. Section 106 of the NHPA allows a wider range of treatment options (e.g., avoidance, minimization, and mitigation), covers a wider range of federal undertakings, and addresses a wider range of potential adverse effects on historic properties. The NHPA addresses direct or indirect effects on any of the characteristics of a historic property that qualify it for inclusion in the NRHP (not limited to ORVs) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. A higher standard of care applies to National Historic Landmarks under [Section 110\(f\)](#) of the NHPA⁷⁶
- **Decision Makers:** Determinations under Section 7 of the WSRA are the responsibility of the Secretaries of Interior or Agriculture, as delegated to one of the four river-administering agencies. In contrast, under NHPA, the lead federal agency makes decisions in consultation with the SHPO and THPO, Native American tribes, Native Hawaiian Organizations, other interested parties, and the Advisory Council on Historic Preservation. For the National Park Service, the Agency Official responsible for Section 106 compliance is the park superintendent. Under Section 7 of the WSRA, the applicable WSR-administering agency may recommend measures to eliminate adverse effects, and the assisting or authorizing agency may submit revised plans for consideration. Under the NHPA, when the Agency Official has found that an undertaking may adversely affect historic properties, it must develop and consider alternatives or measures to avoid, minimize, or mitigate such effects, in consultation with the SHPO and THPO and interested parties.

⁷⁶ [36 CFR 800.10\(a\)](#) provides additional clarity to the statutory requirements of Section 110(f) of NHPA, which requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any national historic landmark that may be directly and adversely affected by an undertaking, including consultation with the Regional Office of the NPS in resolving the adverse effects. Also see the entire text of [36 CFR 800](#).

4.9.6 Section 10(c) Compatibility Determination for Park Units

[Section 10\(c\)](#) of the WSRA states the following:

*Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the NPS shall become a part of the national park system . . . The lands involved shall be subject to the provisions of this Act and the Act under which the national park system...is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply.*⁷⁷

Compliance for water resources projects on designated rivers which are also units of the National Park System must include a compatibility determination, pursuant to the Section 10(c) of the WSRA. Park units must address proposals in terms of compatibility with Section 7 of the WSRA as well as the NPS's Organic Act of 1916, National Parks Omnibus Management Act of 1998, [Management Policies 2006](#), [Wilderness Act of 1964](#), and the park unit's enabling legislation and/or General Management Plan. The compatibility determination can be issued as a memo to the file, an appendix to a NEPA document, or within the Section 7 determination. It may be a short statement indicating the project, pursuant to Section 10(c) of the WSRA, is compatible with all other laws and policies to which the NPS is subject, or it may be more detailed, depending on the nature of the project. An example of a compatibility determination prepared as a memorandum to the file is provided in [Appendix L: Compatibility Determination Example](#).

4.10 EMERGENCIES AND AFTER-THE-FACT PERMITS

4.10.1 Emergency Projects

Occasionally, the NPS receives a request for an emergency or expedited Section 7 review because of an accident or natural disaster affecting a designated or study WSR. A Section 7 determination is required for any project that meets the criteria of a federally-assisted water resources project regardless of whether the project is the result of a human-caused accident such as an illicit discharge of drilling fluid, or the result of a natural disaster such as a flood that triggers the need for emergency bank stabilization or bridge repairs. Although a determination must be made according to established protocols, the determination process can occur concurrently and expeditiously to meet an urgent need. The format and extent of the determination in the event of an emergency may be concise, but every element of the evaluation process must be included in the final determination.

Respond as quickly as possible in emergency situations where federal assistance is involved in a project subject to Section 7 of the WSRA. In other emergency situations, federal assistance may not be triggered during the event and, therefore, Section 7 would not apply. For example, under USACE rules, emergency maintenance of recently damaged infrastructure when there would be no modification changing the character, scope, or size of the original fill design is exempt from Section 404 of the CWA and would thus not require a federal permit.⁷⁸ Where emergency

⁷⁷ WSRA Section 10(b) has similar direction for WSRs within designated wilderness areas.

⁷⁸ [33 CFR 323.4\(a\)\(2\)](#)

situations can be anticipated (e.g., where frequent flood occurrences destabilize roads near a river and relocating the road is impractical), advance planning may be done to determine how a project could be carried out without having a direct and adverse effect on the values for which the river was designated.

There may be rare instances where a determination cannot be made within the compressed timeframes of an active and severe emergency situation. In these situations, and at the discretion of the NPS, it may be necessary to provide a determination after a response to a natural disaster has been implemented. The Section 7 determination would be made in conjunction with any retroactive actions from the USACE and/or other federal agencies.

4.10.2 After-the-Fact 404 Permits

In the event that a water resources project is constructed without the appropriate permit and in violation of Section 404 of the CWA, the USACE may provide an “after-the-fact” permit as part of an enforcement action. This type of permitting action is still subject to a Section 7 determination and represents an opportunity for the NPS to ensure that a project is consistent with the purposes of the WSR. When asked to review an after-the-fact permit, evaluate the project under the appropriate Section 7 evaluation standard. If the project is not consistent with Section 7, notify the ACOE that it cannot issue an after-the-fact permit. In such cases, pursue appropriate action(s), up to and including removal of the unpermitted project, to bring the project into compliance.

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<https://www.rivers.gov/wsr50/files/jr-ranger-wild-and-scenic-river-flyer-spanish.pdf> Wild and Scenic Junior River Ranger (Spanish version)

<https://www.nps.gov/subjects/scenicviews/best-practices.htm> Visual Resources Program: Scenic Views Best Practices

<http://npshistory.com/> NPS History eLibrary

<https://www.nps.gov/orgs/1651/doingbusinesswithus.htm> Northeast Region Commercial Use Authorization

<https://www.nps.gov/orgs/1912/plan-your-visit.htm> Map of NPS Wild and Scenic Rivers

<https://irma.nps.gov/DataStore/Reference/Profile/2251863> NPS Data Store Eligible Suitable Rivers Database

<https://www.nps.gov/maps/full.html?mapId=6bff5f25-1445-46ba-b12a-0d3dacb3b5b0> Map of Eligible Suitable Rivers within NPS boundaries

<https://irma.nps.gov/DataStore/Reference/Profile/2243882> NPS Data Store: WSR boundary database

<https://parkplanning.nps.gov/document.cfm?parkID=68&projectID=31397&documentID=76752> Snake River Headwaters WSR Planning Project (sample in PEPC that includes planning documents and final boundary maps)

https://environment.transportation.org/pdf/programs/practitioners_handbook10.pdf Center for Environmental Excellence by AASHTO: Practitioner's Handbooks

<https://www.usace.army.mil/Media/Fact-Sheets/Fact-Sheet-Article-View/Article/1043655/nationwide-permit-reissuance/> USACE Nationwide Permit Reissuance

<https://acwi.gov/owdc.html> USGS Office of Water Data Coordination

<https://water.usgs.gov/owq/hot.html> USGS Office of Water Quality

<https://openei.org/wiki/RAPID/Roadmap/17-FD-b> Regulatory and Permitting Information Desktop Toolkit (RAPID) website: FERC-WSRs (17 FD-b)

<https://www.nps.gov/im/index.htm> NPS Inventory & Monitoring Program

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<https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm> Nationwide Rivers Inventory

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<https://www.nps.gov/pwsr> Partnership Wild & Scenic Rivers

<https://www.nps.gov/wsr> NPS Wild and Scenic Rivers

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<https://www.rivers.gov/publications.php> Section 7 examples involving bridge projects

<https://www.rivers.gov/publications.php> WSR Publications: Example Section 7 Determinations

<https://www.rivers.gov/study.php> Wild & Scenic River Studies

https://www.usgs.gov/science/mission-areas/water?qt-mission_areas_12_landing_page_t=0#qt-mission_areas_12_landing_page_t USGS Water Resources Division

<https://www.nps.gov/fpi/Section110.html> Section 110(f) of the NHPA

<https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> National Register of Historic Places Program fundamentals.

https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf National Register Bulletin: How to Apply the National Register Criteria

<http://www.nwp.usace.army.mil/Missions/Regulatory/Nationwide.aspx> USACE Regional and Programmatic General Permits

[NPS Wild and Scenic Rivers Planning Documents Eligibility and Suitability Studies](#) NPS results from the 90-4 initiative (internal only)

[Archive of CRMPs, Studies and Values](#) WSR CRMP, Study, and Values reports completed by the NPS (internal only)

[Wild and Scenic Rivers CRMPs Spreadsheet](#) Spreadsheet with list of designated rivers and links to CRMPs

[Land Resources Division Land Protection Methods](#) Land Protection Methods (internal only)

[Park Planning and Special Studies](#) Special studies guidance documents (internal only)

[Example of Legislative Support Data Package - North Cascades](#) Skagit River in NOCA (Example showing information typically included in 5(d)(1) legislative proposals) (internal only)

[Project Closeout for Comprehensive River Management Plans](#) Project close-out checklist (applies to all plans and studies)

[Partner Graphic Identity Framework](#) The NPS and its Partners: Graphic Identity Framework

5.3 LEGISLATION/REGULATIONS

[16 USC 803 \(a\)\(2\)\(A\)](#) Section 10(a) of the Federal Power Act

[16 U.S.C. 1131-1136](#) National Wilderness Preservation System

[16 USC 1271 - 1287](#) US Code Title 16 Chapter 28 §1271-1287 (2017)

[16 U.S.C. 1271](#) Section 1(b) of the WSRA

[16 USC 1273\(a\)\(ii\)](#) Section 2(a)(ii) of the WSRA

[16 USC 1273\(b\)](#) Section 2(b) of the WSRA

[16 USC 1274\(d\)\(1\)](#) Section 3(d)(1) of the WSRA

[16 USC 1275\(a\)](#) Section 4(a) of the WSRA

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[16 USC 1285\(b\)](#) Section 15 of the WSRA

[23 CFR 774.15](#) Constructive Use Determinations

[23 USC 139\(h\)\(6\)](#); [126 Stat. 405, 535-36](#) Section 1306 of the Moving Ahead for Progress in the 21st Century Act

[33 CFR 323.4\(a\)\(2\)](#) Discharges not requiring permits

[33 CFR 328](#) Definitions of Waters of the United States

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[36 CFR 800](#) Protection of Historic Properties

[36 CFR 800.10\(a\)](#) Statutory requirements of Section 110(f) of NHPA

[Public Law 88-577](#) Wilderness Act (September 3, 1964)

[Public Law 89-670](#) DOT Act (October 15, 1966)

[Public Law 90-542](#) Wild and Scenic Rivers Act (October 2, 1968)

[Public Law 109-58](#) Energy Policy Act of 2005 (August 8, 2005)

5.4 FLOWCHARTS

[Section 7 Flowchart](#) (October 2017)

6 ABBREVIATIONS AND GLOSSARY

6.1 ABBREVIATIONS

<u>Abbreviation</u>	<u>Definition</u>
AASHTO	American Association of State Highway and Transportation Officials
AR	Administrative Record
BLM	Bureau of Land Management
BMP	Best Management Practice
CRMP	Comprehensive River Management Plan
CUA	Commercial Use Authorization
CWA	Clean Water Act
DOI	Department of the Interior
DOT	Department of Transportation
DSC	Denver Service Center
EA	Environmental Assessment
EPA	Environmental Protection Agency
eTIC	Electronic Technical Information Center
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
FPA	Federal Power Act
FR	Federal Register
HDD	Horizontal Directional Drilling
I&M	Inventory and Monitoring
IDT	Interdisciplinary Team
IVUMC	Interagency Visitor Use Management Council
IWSRCC	Interagency Wild and Scenic Rivers Coordinating Council
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NGO	Non-government Organization
NHPA	National Historic Protection Act
NLC	National Leadership Council
NOA	Notice of Availability
NPS	National Park Service
NRHP	National Register of Historic Places
NRI	Nationwide Rivers Inventory
NWF	National Wildlife Federation
NWP	Nationwide Permit
NWSRS	National Wild and Scenic Rivers System
OHWM	Ordinary High Water Mark
OLCA	Office of Legislative and Congressional Affairs
ONRW	Outstanding National Resource Water
ORV	Outstandingly Remarkable Value
PCE	Partnerships and Civic Engagement
PEPC	Planning, Environment, and Public Comment

<u>Abbreviation</u>	<u>Definition</u>
AASHTO	American Association of State Highway and Transportation Officials
PMIS	NPS Program Management Information System
PPSS	Park Planning and Special Studies
PWSR	Partnership Wild and Scenic River
RM	Reference Manual
ROD	Record of Decision
RTCA	Rivers, Trails, and Conservation Assistance
SC	Steering Committee
SHPO	State Historic Preservation Officer
SRS	Special Resource Study
THPO	Tribal Historic Preservation Officer
TLFO	Total Cost of Facility Ownership
USACE	U.S. Army Corps of Engineers
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WASO	Washington Support Office
WRD	Water Resources Division
WSR	Wild and Scenic River
WSRA	Wild and Scenic Rivers Act

6.2 GLOSSARY

Federal Assistance: Any assistance by an authorizing agency before, during or after construction. Such assistance may include, but is not limited to: a license, permit, preliminary permit, or other authorization granted by the FERC (both hydropower and non-hydropower); a license, permit or other authorization granted by the Army Corps of Engineers, Department of the Army, pursuant to the Rivers and Harbors Act and Section 404 of the Clean Water Act (CWA) ([36 CFR 297.3](#)).⁷⁹ Assistance also includes federal funding of projects such as state highway proposals Note: this includes projects initiated or approved by the NPS on NPS lands and waters it manages.

FERC Hydropower Project Works: The FPA defines “project works” as “the physical structures of a project” (16 USC 796(11)). A ‘project’ means the “complete unit of improvement or development, consisting of a power house, all water conduits, all dams and appurtenant works and structures (including navigation structures) ..., and all storage, diverting, or forebay reservoirs directly connected..., the primary line or lines transmitting power ... to the point of junction with the distribution system or with the interconnected primary transmission system, all miscellaneous structures used and useful..., and all water-rights, rights-of-way (ROWS), ditches, dams, reservoirs, lands, or interest in lands the use and occupancy of which are necessary or appropriate in the maintenance and operation of such unit.” (16 USC 796(12)). FERC may consider as ‘project works’ measures not used for power generation, but necessary to meet

⁷⁹ In 2008, a federal district court held (in a case involving the St. Croix WSR) that these “Department of Agriculture regulations govern the implementation of WSRA requirements.” *Sierra Club N. Star Chapter v. Peters*, CV 07 2593, 2008 U.S. Dist. LEXIS 39966 (D. Minn. May 15, 2008)

project purposes such as habitat restoration (e.g. gravel augmentation, placement of large wood) and recreation enhancements (e.g. access, campground improvements).

Foundation Document: A formal statement of a park’s core mission that provides basic guidance for planning and management decisions.

Free-flowing: Defined in the WSRA at Section 16(b) as “existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the NWSRS shall not automatically bar its consideration for such inclusion...” (16 U.S.C. 1287(b)). Note that free- “free-flowing” is not defined as maintaining completely natural hydrologic cycles in a river system, or maintaining a specific volume of water in a stream. Instead, free-flowing means that whatever flow is in the channel is not impeded by man-made structures such as dams, artificial channels, diversions, or construction projects that obstruct flow.

Invade: Encroach or intrude upon (e.g., raise water level, backing water into the river corridor).

Ordinary High Water Mark (OHWM): An interpretation of the term waterway under Section 16(b) of the WSRA. Generally, the applicability of Section 7 is limited to the area below the OHWM of the river. OHWM is defined in 33 CFR Part 328.3(e) as “...that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.” The lowest potential boundary of the OHWM in a given river is within the active channel, especially in deeply incised systems. The highest potential upper boundary of the OHWM may be on the valley flat or floodplain outside of the active channel in locations where these features are inundated in more years than not. See the 2016 USACE publication, *Synthesizing the Scientific Foundation for OHWN Delineation in Fluvial Systems*.⁸⁰ Other terms used to denote a similar, but not identical, concept include “bed and banks”, “bankfull discharge”, and “active channel”.

Outstandingly Remarkable Values (ORV): 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.

River Corridor: A river and the adjacent area within the boundaries⁸¹ of a designated river, or a river and the adjacent area generally within one quarter mile of the banks of a congressionally-authorized study river. This includes portions of undesignated tributaries within the corridor.

Section 7 Evaluation: A Section 7 evaluation determines whether FERC-licensed hydropower project works would be located on or directly affecting a WSR, and analyzes the effects of proposed federally-assisted water resources projects on WSRs. Federal actions may not proceed

⁸⁰ [Wohl et. al., 2016](#)

⁸¹ Note that some Partnership Wild and Scenic Rivers and State-administered Rivers do not have established lateral boundaries.

unless the NPS has determined in writing that the proposed project fully meets the requirements of the WSRA.

Section 7 Determination: The official finding of a Section 7 evaluation. The finding either approves or prohibits a project based on the appropriate evaluation standard. A determination is usually documented as the last section of a Section 7 evaluation and is also transmitted in a memo or letter to the federal assisting agency.

Water Resources Project: Construction of developments (including emergency repairs) that would affect the free-flowing characteristics of a designated WSR, Section 5(a) study river, or Section 2(a)(ii) recommended area. Water resources projects located below the OHWM of the river always are subject to WSR agency Section 7 review. Examples of water resources projects include, but are not limited to: bank stabilization/revetments; bridges (e.g., abutments, piers, approaches); channelization; channel restoration; culverts; dams and dam removal; dredging or excavation; fish habitat/passage restoration or enhancement; gravel mining, in-channel transmission towers; levees; pipelines; recreation facilities like boat ramps and fishing piers; water diversions/wells; and activities that are authorized under Section 404 of the CWA by the US Army Corps of Engineers (USACE), Department of the Army, or Section 10 of the Rivers and Harbors Act.

Wild and scenic river: A river and the adjacent area within the boundaries of a component of the NWSRS pursuant to section 3(a) or 2(a)(ii) of the WSRA.

WSR-administering Agency: One of the four federal land management agencies that may be charged with administration of a component of the NWSRS. These agencies are the BLM, NPS, USFWS, and USFS.⁸²

WSR Values: The values for which a river is designated or congressionally-authorized for study. These are defined in the WSRA at Section 1(b) as the river's free-flowing condition, water quality, and ORVs.

⁸² Rivers designated by Secretarial action under WSRA Section 2(a)(ii) are administered by a State agency with limited NPS responsibilities, such as for Section 7.

7 APPENDICES

This Appendix contains materials developed expressly for the purpose of clarifying the guidance contained in this Reference Manual (RM). The materials include more-detailed discussion of topics raised in the RM, model documentation, blank forms, and lists of WSR info specifically related to NPS.

List of Appendices:

- [Appendix A: NPS Wild and Scenic River Program River Responsibilities](#)
- [Appendix B: Identifying Wild and Scenic River Values on Designated Rivers](#)
- [Appendix C: List of Eligible Rivers and Nationwide Rivers Inventory by Park](#)
- [Appendix D: Legislative Support Data Package Sample](#)
- [Appendix E: Section 2\(a\)\(ii\) Sample Materials \(under development\)](#)
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- [Appendix K: Section 7 Coordination - National Historic Preservation Act](#)
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APPENDIX A: NPS WILD AND SCENIC RIVERS – MARCH 2019

The following list of rivers, arranged by region in alphabetical order, are under the purview of the NPS Wild and Scenic Rivers Program and include the categories described in DO #46:

- Wild and Scenic Rivers within the National Park System (WSR – NPS)
- Partnership Wild and Scenic Rivers (Partnership)
- State-administered Wild and Scenic Rivers (State administered)
- River Parks with Enabling Legislation Similar to the WSRA (Wild and scenic like)
- Congressionally-Authorized Studies (Study)

RIVER	PARK UNIT	CATEGORY
Alaska Region		
Alagnak River (AK)	Katmai National Park and Preserve	WSR – NPS
Alatna River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
Aniakchak River (AK)	Katmai National Park and Preserve	WSR – NPS
Charley River (AK)	Yukon - Charley Rivers National Preserve	WSR – NPS
Chilikadrotna River (AK)	Lake Clark National Park and Preserve	WSR – NPS
John River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
Kobuk River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
Mulchatna River (AK)	Lake Clark National Park and Preserve	WSR – NPS
North Fork of the Koyukuk River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
Noatak River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
	Noatak National Preserve	
Salmon River (AK)	Kobuk Valley National Park	WSR – NPS
Tinayguk River (AK)	Gates of the Arctic National Park and Preserve	WSR – NPS
Tlikakila River (AK)	Lake Clark National Park and Preserve	WSR – NPS
Intermountain Region		

RIVER	PARK UNIT	CATEGORY
Cache la Poudre River (CO)	Rocky Mountain National Park	WSR – NPS
Flathead River (MT)	Glacier National Park	WSR – NPS
Rio Grande River (TX)	Rio Grande Wild and Scenic River	WSR – NPS
	Big Bend National Park	
Snake Headwaters (WY)	Yellowstone National Park	WSR – NPS
	Grand Teton National Park	
Virgin River (UT)	Zion National Park	WSR – NPS
Midwest Region		
Big and Little Darby Creeks (OH)		State administered
Buffalo River (AR)	Buffalo National River	Wild and scenic-like
Cossatot River (AR)		State administered
Current and Jacks Fork Rivers (MO)	Ozark National Scenic Riverways	Wild and scenic-like
Little Beaver River (OH)		State administered
Little Miami River (OH)		State administered
Middle Fork Vermillion River (IL)		State administered
Missouri River (NE, SD)	Missouri National Recreational River	WSR – NPS
Niobrara River (NE)	Niobrara National Scenic River	WSR – NPS
Saint Croix River (WI, MN)	Saint Croix National Scenic Riverway	WSR – NPS; Lower portion state administered
Wolf River (WI)		WSR – NPS (Tribe administered)

RIVER	PARK UNIT	CATEGORY
Northeast Region		
Allagash Wilderness Waterway (ME)		State administered
Bluestone River (WV)	Bluestone National Scenic River	WSR – NPS
	New River Gorge National River	
Eightmile River (CT)		Partnership
Gauley River (WV)	Gauley River National Recreation Area	Wild and scenic-like
	New River Gorge National River	
Great Egg Harbor River (NJ)	Great Egg Harbor River	Partnership
Lamprey River (NH)		Partnership
Lower Delaware River (NJ, PA)		Partnership
Lower Farmington River And Salmon Brook (CT)		Partnership
Maurice River (NJ)		Partnership
Middle Delaware River (NJ, PA)	Delaware Water Gap National Recreation Area	WSR – NPS
Musconetcong River (NJ)		Partnership
Nashua, Squannacook, and Nissitissit Rivers (NH, MA)		Partnership
New River Gorge (WV)	New River Gorge National River	Wild and scenic-like
Sudbury, Assabet, Concord River (MA)		Partnership
Taunton River (MA)		Partnership
Upper Delaware River (NY, PA)	Upper Delaware Scenic and Recreational River	WSR – NPS
Upper Missisquoi and Trout Rivers (VT)		Partnership
West Branch of the Farmington River (CT)		Partnership

RIVER	PARK UNIT	CATEGORY
Westfield River (MA)		State administered/ Partnership
White Clay Creek (PA, DE)		Partnership
Wood-Pawcatuck Watershed (CT, RI)		Partnership
York River (ME)		Study
Pacific West Region		
Lower American River (CA)		State administered
Eel River (CA)		State administered
Kern River (CA)	Sequoia and Kings Canyon National Parks	WSR – NPS
Kings River (CA)	Sequoia and Kings Canyon National Parks	WSR – NPS
Klamath River (CA)	Redwood National and State Parks	State administered
Merced River (CA)	Yosemite National Park	WSR – NPS
River Styx (OR)	Oregon Caves National Monument and Preserve	WSR – NPS
Smith River (CA)	Redwood National and State Parks	State administered
Surprise Canyon Creek (CA)	Death Valley National Park	WSR - NPS
Trinity River (CA)		State administered
Tuolumne River (CA)	Yosemite National Park	WSR – NPS
Southeast Region		
Big South Fork Cumberland River (KY, TN)	Big South Fork National River and Recreation Area	Wild and scenic-like
Chattahoochee River (GA)	Chattahoochee River National Recreation Area	Wild and scenic-like
Little River Canyon (AL)	Little River Canyon National Preserve	Wild and scenic-like
Loxahatchee River (FL)		State administered
Lumber River (NC)		State administered

RIVER	PARK UNIT	CATEGORY
New River (NC)		State administered
Obed River (TN)	Obed Wild and Scenic River	WSR – NPS
Wekiva River (FL)		Partnership

APPENDIX B: IDENTIFYING WILD AND SCENIC RIVER VALUES ON DESIGNATED RIVERS

1. WSR Values Statements

A detailed description of a river's free-flowing condition, water quality, and outstandingly remarkable values (ORVs) based on sound and credible scientific information and combined with professional judgement is essential for the protection and enhancement of a river's WSR values. The NPS has developed a workshop framework for describing WSR values and documenting the findings in a WSR values statement.

The preparation of a WSR values statement is a focused planning process that aids managers in understanding what is truly special about their river and provides documentation of the resource conditions at the time of designation. The final document is analogous to a park's foundation document. The WSR values statement serves as a basis for all management plans in a designated river's planning portfolio, including its comprehensive river management plan (CRMP). Since the preparation of a WSR values statement is not a proposed major federal action, it does not trigger NEPA.

A WSR values statement is needed to accomplish the following planning and management actions, many of which are mandatory for WSR management:

- Prepare a CRMP
- Establish boundaries
- Develop a land acquisition plan
- Make determinations under Section 7(a)
- Develop a resource monitoring plan
- Address user capacity
- Pursue a federal reserved water right
- Grant easements or rights-of-way affecting the WSR
- Manage mining or mineral leasing within the river's boundaries
- Lease land acquired within the wild and scenic river area

2. WSR Values Workshop

The NPS has developed a WSR values workshop guide¹ that culminates in the development of a WSR values statement. The workshop guide was developed to better define ORVs for a CRMP or foundation document. However, this same process can be used to define WSR values for the eligibility phase of a 5(a) study, 2(a)(ii) study, or a 5(d) assessment.

The workshop has four primary parts:

- **Pre-workshop preparation:** research and assess the history of the river's designation, river-related resources, proposed segment or segments, and proposed ORVs.

¹ See the [Wild and Scenic Rivers Values Workshop, Participant's Guide](#) (NPS 2016)

- ORV workshop: identify and articulate a river's ORVs, free-flowing condition, and water quality, as well as resource-related issues and a list of key stakeholders.
- Post-workshop document production: produce an ORV report and WSR values statement
- Publish and share: provide the results of this work to the public

Pre-workshop Preparation

Preparation begins about two months before the workshop. The managing park unit should contact their region for assistance in this effort; planners from the Denver Service Center (DSC) can be a resource to help support or coordinate the effort.

Once the planning team (park/region/DSC) has been identified, work should begin on compiling a history of the river and its proposed designation. Useful documents may include early land or resource management plans and inventories, relevant legislation, resource studies, and area histories. The planning team should synthesize this information, highlight where potential ORVs are discussed, and produce a scoping report/synopsis of this work to use in briefing the workshop's participants.

The park should form an interdisciplinary team (IDT) that best represents expertise on the known resources and uses of the river under consideration. A typical IDT may include resource experts (fisheries, hydrology, cultural, etc.), operations staff (rangers), facilities staff, and park management (the superintendent or their delegate). In some cases, it may make sense to invite experts or stakeholders from outside the NPS to participate, such as resource experts working for other federal or state agencies or academia, or local residents with pertinent knowledge of the resource.²

In advance of the workshop, participants should complete a series of technical specialist report forms³ and share these with each another. The reports provide an organized method to collect, review, and summarize as much background information as possible about known or potential ORVs, free-flowing condition, and water quality. Working on these reports in advance of the workshop gives specialists an opportunity to review existing documentation and articulate their own understanding of the rivers' values. This allows for much more in-depth and productive discussions during the workshop.

As part of the pre-workshop preparation, a description of potential ORVs should be prepared. The ORVs for a designated river can include scenery, recreation, geology, fish, wildlife, prehistory, history, or other values such as hydrology, paleontology, and botany resources. To be assessed as outstandingly remarkable, a value must be river-related, and must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. The determination that a river area contains one or more ORVs is a professional judgement on the part of the park's interdisciplinary team, based on objective, scientific analysis and the best available information.

² Be aware of potential FACA triggers if people outside the government are invited to participate but it's not an openly advertised public meeting.

³ See "Examples of ORV Evaluations" starting on page 20 of the [Participant's Guide](#) (NPS 2016)

Park staff, working with river planners, can often create an initial list of potential ORVs based upon preliminary discussions prior to the workshop. While this should not preclude additional ORVs from emerging during the workshop, creating the list can be a useful step in establishing the scope and focus of the ORV process. For example, if it is established that a river is known to not have any significant populations of fish or key aquatic habitat, it would make little sense to take “fish” through the workshop process as a potential ORV. For additional detail on making ORV determinations, see Chapter 2, Section 2.1.1.1 [Outstandingly Remarkable Values](#).

The planning team and the park IDT should also discuss how the river should be divided into segments for ORV analysis. Typically, there are differences in types and levels of development along a river, including physical characteristics, resource distribution, or human use that may indicate logical breaks between segments. Neighboring or adjacent segments may or may not have the same classification (i.e., wild, scenic, or recreational). Dividing a river into segments based on classification as part of the ORV analysis may ultimately make the ORVs more robust by tying them to a specific geographic location within a river’s corridor.

ORV Workshop

The purpose of the ORV workshop is to bring together the IDT (i.e., resource experts) and project planners to define the ORVs, free-flowing condition, and water quality of the WSR; evaluate and describe each ORV by river segment; identify river-related issues; and identify key stakeholders. At the end of the workshop, initial drafts of each of these components should be completed.

The workshop should begin with an overview of the WSRA, with emphasis on the importance of ORVs to river management. With this shared understanding of the legal context, the IDT can review the scoping materials produced by the planning team and then engage in a structured general discussion about the resources and values of the river

After the overview, the IDT should review the proposed river segments and confirm that they make sense, then review the proposed ORV categories. Best practices regarding ORV identification and articulation should be discussed at this point. The IDT should then break up into smaller groups with each assigned an ORV category. Each group will develop a broad statement that describes their assigned ORV. The IDT should then reconvene as a large group and report out their broad ORV statement, and discuss the statements as a group, refining as needed.

The small groups should then re-form to fine-tune the broad ORV statements as they specifically apply to each segment. The result will be segment-specific ORV statements that describe where on the river the ORVs are present, along with more specificity as to why they are rare, unique, or exemplary.

In addition to ORVs, the free-flowing condition and water quality of the rivers are integral to their designated status, and all three must be protected and enhanced. Hence, descriptions of free-flowing condition and water quality are included in the WSR values statement to document the baseline condition at the time of designation. Detailed guidance for documenting WSR water

quantity and quality can be found in [Water Quantity and Quality as Related to the Management of Wild & Scenic Rivers](#) (IWSRCC 2003).

The WSRA defines free-flowing as “existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” As part of this WSR review process, describe the following:

- The river channel’s structure and condition
- Any modifications of the river that impede free-flow (e.g. riprap)
- Any existing developments or facilities that affect free-flow
- The hydrologic character of the river, using available historic data to characterize flow regimes.

To characterize the baseline water quality condition of the river, consider chemical, physical, and biological conditions, as well as variations between seasons and during storm events and droughts. In addition, identify any river reaches in the water quality section of the WSR values statement where following applies:

- Violate water quality standards
- Are on the state 303d impairment list
- Are designated as outstanding waters

Record the locations of any USGS or other state/federal water quality stations. Also capture trends regarding water quality in the WSR values statement, and use those as measures to monitor any changes against baseline conditions. Discuss and document existing or potential threats to water quality.

The final phase of a WSR values statement workshop is a brainstorming session to identify and articulate river-related management issues, as well as key stakeholders. A comprehensive list of issues will help river managers identify and prioritize future management efforts. Sort issues into both broad and site-specific issues; the latter should be located on a map. Generate a list of stakeholders and partners and continuously updated to ensure both managers and stakeholders have an opportunity to engage in future management efforts.

Post-Workshop Document Production

Upon the conclusion of the workshop, a report will be prepared that summarizes the information presented at the workshop, describes the evaluation process and criteria used to determine ORVs by river segment, and presents the results of the evaluation. Workshop participants should have an opportunity to review the report and offer refinements to the content. The planning team will then finalize the workshop report and use the content to draft the WSR values statement.

The WSR values statement will not typically include the tables, meeting notes, and background information found in the workshop report. Instead, the values statement focuses on communicating the findings of the workshop: the articulated ORVs, free-flowing condition description, water quality narrative, river-related issues, and key stakeholders.

Publish and Share

The WSR values statement is the document that will be shared with the public. Best practice includes review by river managers and regional office staff, prior to release to the public. There is some discretion available as to how the document is rolled out, but a best practice is to mirror the public involvement process currently employed for Foundation Documents.

3. Special Considerations for Scenic and Cultural Outstandingly Remarkable Values***Scenic Resource Values***

The [NPS Visual Resources Program](#) (VRP) provides assistance to parks in identifying scenic values and developing plans to protect and manage these resources. The VRP has developed a systematic process to identify scenic values and their importance to the NPS visitor experience through a process known as a Visual Resource Inventory (VRI). The systematic approach to view description ensures that scenic resources are considered in similar ways. The VRP can provide assistance to parks in conducting a VRI and understanding these resources so that parks can develop credible protection strategies, best management practices, and collaborative approaches with partners to protect shared values and treasured views for future generations.

The VRI includes a procedure for assessing both the scenic quality and the view importance. The scenic quality assessment identifies and describes visible elements of the viewed landscape and rates the quality of the view. The view importance assessment identifies and describes key attributes of the viewpoint, the viewed landscape and the viewers themselves, as well as the importance of the view to the visitor experience. Because historic and cultural resources are often essential to the scenic experience of NPS visitors, the view importance rating includes historic and cultural elements and values, as well as the value of the viewpoint and viewed landscape to NPS interpretive goals and visitor experience.

The VRP has actively worked with NPS WSR staff in the Northeast Region to adapt scenic and visual resource inventory techniques to incorporate special river considerations in Partnership WSR Studies. Data forms that identify river specific characteristics, including river width, depth, slope, discharge, substrate, water clarity, and channel alterations, have been added to the NPS VRI to help describe river views.

Cultural Resources Values

Historic and cultural resources are one of the many special characteristics associated with designated wild and scenic rivers. Cultural resource preservation laws and cultural resource management practices used throughout the nation provide a helpful classification framework for identifying resources that should be considered as historic and/or cultural ORVs. Public efforts to protect cultural resources in the U.S. have evolved over the years and now encompass an increasing array of resources. In many instances, the language used in various laws and regulations has been replaced by new terminology and new ways of framing and understanding the significance of cultural resources. ‘Cultural resources’ is the preferred term and includes historic and pre-contact (formerly referred to as prehistoric) resources. NPS is working with the IWSRCC to update guidance on this topic.

NPS Management Policies (2006) separate cultural resources into five categories to assist in the development of management and protection plans: archeological resources, structures, ethnographic resources, cultural landscapes and museum objects. These categories, defined below, should be used when identifying cultural ORVs.

Archeological Resources

Archeological resources are the remains of past human activity. They are the static remains of once dynamic cultural processes (Binford 1977), and thus have the potential to provide information on our past. Archeological resources can be ancient and date to thousands of years ago or they can be more recent and relate to more contemporary societies (DO 28: 8). They can include the buried remains of an ancient American Indian village along a river or the remnants of conflict within a battlefield. Note that archeological resources may also include submerged cultural resources. The careful and rigorous studies of these remains by archeologists create records and documents that are also considered archeological resources.

Structures

Structures are “material assemblies that extend the limits of human capability” (DO 28: 8). They include bridges and roads, buildings, monuments and earthen mounds, canal locks and cliff dwellings. Consistent with *NPS Management Policies 2006*, structures can be historic or pre-contact in age (e.g., prior to European contact with American Indians) and can include both pre-contact and historic architecture and cultural landscapes.

Ethnographic Resources

Ethnographic resources are natural and cultural resources important to traditionally associated people (DO 28: 9). *NPS Management Policies* (2006) define ‘traditionally associated peoples’ as communities that are park neighbors or actually live within a park that have been associated with the park for two generations or more (40 years) and whose interest in park resources began prior to park establishment. This definition can be broadened to include designated rivers, for the purpose of identifying cultural ORVs. Ethnographic resources are important in maintaining and preserving traditional ways of life, customs, and beliefs. Clay traditionally used in pottery making may be an ethnographic resource, as may other natural resources including certain types of plants and animals. These resources are valued by traditionally associated peoples and may be tangible or intangible. Intangible resources can include traditional beliefs, oral histories, and stories associated with a particular tangible location or natural resource, such as a river, mountain, or canyon. Thus, the river itself, or specific resources such as wild rice or sturgeon that contribute to traditional beliefs, oral histories, and stories, may contribute to the Cultural ORV. Sacred Sites and Traditional Cultural Properties are included in this category.

Cultural Landscapes

A cultural landscape is a geographic area that includes cultural and natural resources associated with an historic event, activity, person, or group of people. It can be a human expression of visual and spatial relationships that can include grand estates, farmlands, public gardens and parks, college campuses, cemeteries, scenic highways, and industrial sites. A river valley or

river segment may be a cultural landscape. Cultural Landscapes are defined in DO 28 as “a reflection of human adaptation and use of natural resources and is often expressed in the way land is organized and divided, patterns of settlement, land use systems of circulation, and the types of structures that are built. The character of a cultural landscape is defined both by physical materials, such as roads, buildings, walls, and vegetation, and by use reflecting cultural values and traditions.” Categories of cultural landscapes include historic designed landscapes; historic vernacular landscapes; historic sites (such as battlefields or presidential homes), and ethnographic landscapes.

Museum Objects

Museum collections include materials pertinent to archeology, ethnography, history and natural history (NPS Policy 28, Chapter 9, page 137). Archeological collections include artifacts, specimens, and associated records. Ethnographic collections consist of objects associated with contemporary cultures and the records that document their collection and study. Historical collections encompass diverse materials made or used by cultures with a written tradition up to the present time. Historic objects relate to the people, activities, and events associated with a park's mission, themes, and history. Natural history collections contain biological, geological, paleontological, and environmental specimens and their associated records, including records of flora and fauna, land forming processes, and fossil plants and animals.

Although museum collections would generally not be identified as cultural ORVs, they may be helpful for the information and context they provide to better understand the history of an area and the events or natural processes that occurred there. Natural and cultural objects and their associated records provide baseline information about an area and serve as a scientific and historical documentation of a park's cultural resources. These objects may provide visitors with a better understanding of the activities and people that are part of a river's cultural significance. This category of cultural resources is extremely important for research and long-term stewardship of resources.

General Criteria for Cultural ORVs

The National Historic Preservation Act (NHPA) provides a starting point for identifying significant cultural resources by identifying whether a resource is eligible for or listed in the National Register for Historic Places (NR).⁴ To qualify for listing in the NR, cultural resources must meet specific criteria and possess sufficient integrity.⁵ Although the NR provides a rich source of information on cultural resources that may contribute to cultural ORVs, there are some limitations:

- ORVs must be river-related and the NR may include listings or eligible resources located within a WSR river corridor that are not river-related.
- ORVs must be significant at a national or regional scale, based on an appropriate area of comparison; the NR may include listings or eligible resources that may not meet this threshold, such as listings of state or local significance. In some cases, the NR

⁴ See the [NR Program Fundamentals](#).

⁵ See the NR Bulletin: [How to Apply the NR Criteria](#) for guidance.

information may not be adequate to determine the relative significance. Consultation with the SHPOs and THPOs and other experts can help identify cultural ORVs.

Where possible, follow established practices and procedures in identifying cultural ORVs to avoid criticism that ORV definitions are too subjective and lack a rigorous analysis of comparative value. The criteria used to identify cultural ORVs require considerable judgment by technical specialists with in-depth knowledge of the designated river. Establish a team of technical specialists with particular understanding of the river under investigation, such as cultural resource managers, State and Tribal Historic Preservation Officers, academic experts, and representatives from local historical societies, cultural museums, and tribes. Consider the people who have depended upon the river and the related notable or significant historic and pre-contact features or attractions within the region. Ensure that there is a good source of documentation about cultural resources in a geographic area when defining the region of significance.

Note that some of the elements used to identify cultural ORVs have been identified separately as either historic or cultural ORVs for many rivers. However, best practice is to group these resources together as cultural ORVs, consistent with preferred NPS terminology. To determine whether a resource meets the criteria for a cultural ORV, consider the following criteria:

- Significance
 - Regionally or nationally significant occupation and use (e.g., pre-contact sites, ceremonial areas, fishing areas, sacred religious sites),
 - Sites or features associated with a significant event, an exceptionally important person, or a cultural activity of the past (e.g., major river crossing site, exceptional examples of architecture from a significant period of history, early settlement)
- Current use
 - Ethnographic resources (such as Traditional Cultural Properties) that are significant to Native American populations or other ethnic groups today are recognized as having high value
- Site integrity
 - Sites that are unmodified and retain their original character (e.g., important sites or river crossings; features that are in excellent condition)
- Education and interpretation opportunities
 - Sites with exceptional human-interest value(s)
 - Sites of national or regional importance for interpreting both pre- and post-contact periods of time.
- Listings and eligibilities under cultural resources protection laws.
 - Sites or features currently listed in, or eligible for listing in, NR, particularly in abundance such as Archeological Districts and Cultural Landscapes, and National Historic Landmarks are of high value. By definition, National Historic Landmarks are nationally significant.
 - Not all NR listed/eligible resources will qualify as contributing to a cultural ORV, but will still be afforded protections under cultural and historic resource protection laws such as the National Historic Preservation Act and the Archeological Resources Protection Act.

When defining cultural values, keep in mind that cultural ORVs are usually not defined in terms of a single site or structure, and are not simply a list of places. Rather they are often defined in terms of locations that are important for a cultural resources story. That story doesn't disappear or get rendered unimportant just because the original structure associated with it is no longer there. For example, if a flood takes out a historic mill building, the cultural ORV is not destroyed. See [*Wild and Scenic Rivers Values Workshop, Participant's Guide*](#) (NPS 2016) for some examples of cultural ORV statements and eligibility criteria.

APPENDIX C: LIST OF ELIGIBLE RIVERS AND NATIONWIDE RIVERS INVENTORY BY PARK

The following list (dated October 3rd, 2017) includes all rivers within park unit boundaries from the Eligible Suitable Wild and Scenic River Database and the Nationwide Rivers Inventory (NRI). These rivers are subject to protective management requirements, as directed by the WSRA Section 5(d)(1) and restated and implemented through policy directives including NPS's 2006 Management Policies, Sections 2.3.1.9 and 4.3.4 and Director's Order #46, Sections 4.6.3 and 4.6.4. (See Section [2.1.5.2 Protective Management for Eligible Rivers](#) in this RM for clarification). Many entries in this list reflect both the mainstem and their related tributaries. As rivers become designated, they will be removed from this candidate list. As additional rivers are studied for eligibility and suitability they will be added to this list. Therefore, this list is subject to alterations.

Rivers in the Eligible Suitable Wild and Scenic River database have been assessed by each individual Park Unit, which documented the findings in a variety of studies over many years. Some of these rivers were initially included in the NRI, but now have additional findings. For more information on eligible/suitable rivers or to view the Eligible Suitable Wild and Scenic River Database, see the Eligible and Suitable page on the [NPS Eligible and Suitable website](#). To provide updated information from new studies and plans, contact your regional WSR SC representative or the database steward/reference owner.¹

Rivers drawn from the NRI are believed to possess one or more Outstandingly Remarkable Values judged to be at least regionally significant. NRI rivers are thus considered potential candidates for inclusion. For more details on a river segment, see the Nationwide Rivers Inventory on the [NPS Nationwide Rivers Inventory website](#).

¹ For information about updates to the Eligible Suitable Database see the [NPS Data Store](#).

Alaska Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Aniakchak National Monument NM & PRES</i>	Cinder River	26	Eligible	Wild	Yes	Wildlife
	Main Creek	17	Eligible	Wild	Yes	Recreational
	Meshik River	24	Eligible	Wild	Yes	Recreational, Wildlife, Cultural
	Espenberg River	10	Eligible	Recreational	Yes	Recreational
<i>Bering Land Bridge NP & PRES</i>	Good Hope River	441	Eligible	Wild	Yes	Recreational, Geologic, Wildlife, Cultural
	Kuzitrin River	259	Eligible	Wild	Yes	Geologic
	Noxapaga River	270	Eligible	Wild	Yes	Geologic, Historic
	Nugnugaluktuk River	311	Eligible	Wild	Yes	Wildlife, Historic, Cultural
	Serpentine River	127	Eligible	Wild	Yes	Scenic
<i>Denali NP & PRES</i>	Nenana River	1	Eligible	Recreational	No	Recreational
<i>Gates of The Arctic NP & PRES</i>	Anaktuvuk River	37	Eligible	Wild	Yes	Fish, Wildlife
	Chandler River	32	Eligible	Wild	Yes	Fish, Wildlife
	Ernie Creek	16	Eligible	Wild	Yes	Geologic
	Etivluk River, East Fork	20	Eligible	Wild	Yes	Scenic, Recreational, Wildlife, Archeological
	Itkillik River	41	Eligible	Wild	Yes	Archeological
	Killik River	73	Eligible	Wild	Yes	Wildlife, Archeological
	Kugrak River	22	Eligible	Wild	Yes	Geologic
	Nigu River	27	Eligible	Wild	Yes	Scenic, Recreational, Archeological
Reed River	40	Eligible	Wild	Yes	Geologic, Botany	
<i>Glacier Bay NP & PRES</i>	Alsek River	34	Eligible	Wild	Yes	Scenic, Recreational
<i>Katmai NP & Preserve</i>	American Creek	39	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Big River	21	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Hallo Creek	9	Eligible	Wild	Yes	Scenic, Fish, Wildlife
	Headwaters Creek	20	Eligible	Wild & Scenic	Yes	Scenic, Fish, Wildlife
	Katmai River	48	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Historic

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
	Kulik River	2	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife
	Moraine Creek	38	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Naknek River	8	Eligible	Scenic	Yes	Recreational, Wildlife, Historic, Cultural
	Savonoski River	96	Eligible	Wild	Yes	Geologic, Fish, Wildlife, Historic, Archeological
	Swikshak River	11	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife, Archeological
	Ukak River	48	Eligible	Wild	Yes	Scenic, Geologic, Wildlife, Historic
<i>Kenai Fjords NP</i>	Addison Creek	3	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Bear Glacier River	7	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Delight Creek	4	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Desire Creek	3	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife
	Nuka River	11	Eligible	Wild	Yes	Scenic, Fish, Wildlife, Historic
	Resurrection River	7	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Fish, Wildlife
<i>Klondike Gold Rush NHP</i>	Skagway River, North Fork	< 1	Eligible	Recreational	Yes	Historic
	Taiya River	17	Eligible	Wild & Recreational	Yes	Historic
<i>Lake Clark NP & PRES</i>	Chilligan River	17	Eligible	Wild	No	Scenic
	Chokotonk River	23	Eligible	Wild	Yes	Scenic
	Crescent River	40	Eligible	Wild	Yes	Scenic
	Kijik River	23	Eligible	Wild	Yes	Cultural
	Neacola River	25	Eligible	Wild	Yes	Scenic
	Necons River	45	Eligible	Wild	Yes	Scenic
	Red River	5	Eligible	Wild	Yes	Scenic
	Stony River	35	Eligible	Wild	Yes	Scenic
	Tanalian River	20	Eligible	Wild	Yes	Scenic
	Tazimina River and Lakes	57	Eligible	Wild	Yes	Scenic, Recreational, Fish
	Telaquana River	44	Eligible	Wild	Yes	Scenic, Cultural, Archeological
	West Glacier Creek	32	Eligible	Wild	Yes	Fish, Wildlife
	Middle Glacier Creek	7	Eligible	Wild	Yes	Wildlife
East Glacier Creek	11	Eligible	Wild	Yes	Unknown ⁴	
<i>Noatak N PRES</i>	Kelly River	56	Eligible	Wild	Yes	Recreational, Fish, Traditional Cultural Use

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Wrangell - St Elias NP & PRES</i>	Beaver Creek	37	Eligible	Wild & Scenic	Yes	Scenic
	Bremner River	100	Eligible	Wild	Yes	Scenic, Wildlife
	Chisana River	47	Eligible	Wild	Yes	Scenic, Wildlife, Historic, Cultural
	Chitina River	320	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Historic
	Copper River	72	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife
	Nabesna River	31	Eligible	Wild	Yes	Scenic, Wildlife, Historic
	White River	33	Eligible	Wild	Yes	Geologic, Historic
<i>Yukon - Charley Rivers N PRES</i>	Seventymile River	26	Eligible	Wild	Yes	Geologic, Wildlife, Archeological
	Yukon River	180	Eligible	Wild & Scenic	Yes	Geologic, Fish, Wildlife, Historic, Biodiversity

Intermountain Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	Outstandingly Remarkable Values	Second Park
<i>Arches NP</i>	Courthouse Wash	12	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Cultural	
	Salt Wash	7	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
<i>Bent's Old Fort NHS</i>	Arkansas River	3	Eligible	Recreational	Yes	Historic, Recreational	
<i>Big Bend NP</i>	Terlingua Creek	5		Unknown	Yes	Scenic, Geologic	
<i>Big Thicket N PRES</i>	Menard Creek	26	Eligible	Recreational	No	Wildlife	
	Neches River	240	Eligible	Scenic & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Cultural	
<i>Bighorn Canyon NRA</i>	Black Canyon Creek	4	Eligible	Wild	Yes	Geologic, Fish, Wildlife	
	Shoshoni River	4	Eligible	Unknown	Yes	Wildlife	
<i>Black Canyon of the Gunnison NM</i>	Gunnison River	14	Suitable	Wild	Yes	Scenic, Recreational, Fish, Wildlife	
<i>Canyonlands NP</i>	Horseshoe Canyon (Barrier Creek)	4	Eligible	Wild	Yes	Recreational, Wildlife, Cultural	

Park Unit	River Name	Miles in Park	Status	Classification	NRI	Outstandingly Remarkable Values	Second Park
	Salt Creek	10	Eligible	Unknown	Yes	Recreational, Geologic, Wildlife, Cultural	
	Colorado River	92	Eligible	Wild	Yes	Scenic, Geologic, Fish, Wildlife, Historic, Cultural	<i>Glen Canyon NRA</i>
<i>Capitol Reef NP</i>	Fremont River	13	Eligible	Wild & Recreational	Yes	Scenic, Recreational, Geologic, Historic, Cultural, Botany	
	Pleasant Creek	7	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Historic, Cultural	
	Halls Creek	41	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Historic, Cultural	<i>Glen Canyon NRA</i>
<i>Curecanti NRA</i>	Blue Creek	2	Eligible	Wild	Yes	Scenic	
	Coal Creek	< 1	Eligible	Wild	Yes	Scenic, Fish, Wildlife	
	Curecanti Creek	1	Eligible	Scenic	Yes	Scenic, Fish, Wildlife	
	Gunnison River, Lake Fork	1	Eligible	Recreational	Yes	Scenic, Recreational, Fish, Wildlife, Historic	
	West Elk Creek	< 1	Eligible	Wild	Yes	Scenic, Wildlife	
<i>Dinosaur NM</i>	Yampa River	93	Suitable	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural, Archeological	
<i>Gila Cliff Dwellings NM</i>	Gila River, West Fork	1	Eligible	Recreational	No	Scenic, Historic	
<i>Glen Canyon NRA</i>	Bowns Canyon Creek	6	Eligible	Scenic	Yes	Scenic, Geologic, Wildlife, Cultural	
	Colorado River	3	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural, Hydrology, Geomorphology, Ecology, Vegetation	<i>Grand Canyon NP</i>
	Colorado River	53	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural	<i>Canyonlands NP</i>
	Dirty Devil River	23	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural	
	Escalante River	182	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Cultural	
	Halls Creek	9	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Historic, Cultural	<i>Capitol Reef NP</i>

Park Unit	River Name	Miles in Park	Status	Classification	NRI	Outstandingly Remarkable Values	Second Park
	Llewellyn Creek	8	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural	
	Moqui Canyon Creek	5	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural	
	Reflection Canyon Creek	3	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural	
	San Juan River	111	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural	
	Trachyte Creek	3	Eligible	Scenic	Yes	Scenic, Recreational, Geologic, Wildlife	
	White Canyon Creek	10	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Historic, Cultural	<i>Natural Bridges NM</i>
<i>Grand Canyon NP</i>	Colorado River	415	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Cultural, Hydrology, Geomorphology, Ecology, Vegetation, Fish, and Historic	<i>Glen Canyon NRA</i>
<i>Great Sand Dunes NP & PRES</i>	Big Spring Creek	10	Suitable	Scenic	No	Scenic, Recreational, Wildlife, Cultural, Hydrology	
	Deadman Creek	7	Suitable	Wild	No	Scenic, Recreational, Biodiversity	
	Mosca Creek	39	Suitable	Wild & Scenic	No	Scenic, Recreational, Fish, Wildlife, Historic, Cultural	
	Sand Creek	31	Suitable	Wild	No	Scenic, Recreational, Wildlife, Historic, Botany	
<i>Lyndon B Johnson NHP</i>	Pedernales River	< 1		Unknown	Yes	Scenic, Recreational, Wildlife, Historic	
<i>Natural Bridges NM</i>	White Canyon Creek ²	8	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Wildlife, Historic, Cultural	<i>Glen Canyon NRA</i>
<i>Pecos NHP</i>	Pecos River	3		Unknown	Yes	Scenic, Recreational, Fish	
<i>Petrified Forest NP</i>	Puerco River	2	Eligible	Scenic	No	Historic, Cultural, Archeological, Biological	
<i>Rocky Mountain NP</i>	Big Thompson River	15	Eligible	Wild & Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Big Thompson River, North Fork	8	Eligible	Wild	Yes	Scenic, Recreational, Fish	

Park Unit	River Name	Miles in Park	Status	Classification	NRI	Outstandingly Remarkable Values	Second Park
	Colorado River	23	Eligible	Scenic & Recreational	Yes	Scenic, Recreational, Wildlife, Historic	
	Fall River	8	Eligible	Wild	Yes	Scenic, Recreational, Wildlife	
	North St. Vrain Creek	9	Eligible	Wild & Scenic	Yes	Fish, Wildlife	
<i>Timpanogos Cave NM</i>	American Fork Creek	1	Eligible	Recreational	No	Scenic, Recreational	
<i>Yellowstone NP</i>	Yellowstone River	85	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural	
	Bechler River	17	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Falls River	29	Eligible	Wild	Yes	Recreational, Fish, Wildlife	
	Firehole River	32	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Historic	
	Gallatin River	27	Eligible	Wild	Yes	Scenic, Geologic, Fish, Wildlife	
	Lamar River	48	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Fish, Wildlife, Historic, Cultural, Archeological, Paleontological	
	Madison River	21	Eligible	Scenic	Yes	Scenic, Geologic, Fish, Wildlife, Historic	
	Slough Creek	18	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Fish, Wildlife	
	Soda Butte Creek	18	Eligible	Scenic	Yes	Scenic, Geologic, Historic	
	Gibbon River	35	Eligible	Wild & Scenic	Yes	Scenic, Geologic, Wildlife, Historic	
	Gardner River	30	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Fish, Wildlife, Historic, Archeological	
<i>Zion NP</i>	Camp Creek	4	Eligible	Wild & Recreational	Yes	Recreational	
	Coalpits Wash	15	Eligible	Wild	Yes	Recreational	

Midwest Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Agate Fossil Beds NM</i>	Niobrara River	11	Eligible	Scenic	Yes	Scenic, Geologic, Fish, Wildlife, Cultural
<i>Badlands NP</i>	White River	2		Unknown	Yes	Scenic, Geologic, Cultural
<i>Buffalo NR</i>	Buffalo River	143		Scenic & Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic
<i>Cumberland Gap NHP</i>	Cumberland River, Martins Fork	5		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
	Shillalah Creek	4		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Cuyahoga Valley NP</i>	Cuyahoga River	8	Eligible	Unknown	Yes	Scenic, Recreational, Fish
<i>Effigy Mounds NM</i>	Yellow River	4	Suitable	Scenic	Yes	Scenic, Recreational, Geologic, Wildlife, Historic, Cultural
<i>Grand Portage NM</i>	Pigeon River	< 1	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Cultural
<i>Knife River Indian Villages NHS</i>	Missouri River	< 1	Eligible	Unknown	Yes	Scenic, Recreational, Fish, Wildlife, Cultural
<i>Mammoth Cave NP</i>	Green River	32		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Mississippi NRR</i>	Crow River	< 1		Unknown	Yes	None
	Mississippi River	34	Eligible	Unknown	Yes	Scenic, Recreational, Geologic, Wildlife, Historic
<i>Niobrara NSR</i>	Long Pine Creek	1	Eligible	Unknown	Yes	Fish
<i>North Country NST</i>	Great Miami River	< 1		Unknown	Yes	Scenic, Recreational, Historic, Cultural
	Loramie Creek	< 1		Unknown	Yes	Recreational, Historic, Cultural
	White River, South Branch	< 1		Recreational	Yes	Scenic, Recreational, Fish
<i>Ozark NSR</i>	Current River	135	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Pictured Rocks NL</i>	Miners River	7	Eligible	Scenic	Yes	Scenic, Geologic, Fish
	Mosquito River	6	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish
<i>Saint Croix NSR</i>	Lower Tamarack River	< 1		Unknown	Yes	Scenic
	Sand Creek	< 1		Unknown	Yes	Scenic

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Sleeping Bear Dunes NL</i>	Crystal River	3	Eligible	Recreational	Yes	Scenic, Recreational, Geologic, Wildlife
	Platte River	4	Eligible	Recreational	Yes	Recreational, Geologic, Fish, Archeological
<i>Theodore Roosevelt NP</i>	Little Missouri River	22	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Historic, Cultural, Ecological

National Capital Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Rock Creek Park</i>	Rock Creek	6		Unknown	Yes	Recreational, Historic

Northeast Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Appalachian NST</i>	City Stream (Walloomsac Brook)	< 1		Recreational	Yes	Wildlife
	Craig Creek	< 1		Unknown	Yes	Recreational, Geologic, Historic, Cultural
	Goose Creek	< 1		Unknown	Yes	Recreational, Historic, Cultural
	Housatonic River	< 1		Unknown	Yes	Geologic, Fish
	Katahdin Stream	2	Eligible	Unknown	Yes	Recreational
	Kennebec River	< 1		Unknown	Yes	Scenic, Recreational, Hydrology
	Ottauquechee River	< 1		Unknown	Yes	Recreational
	Peabody River	< 1		Unknown	Yes	Hydrology, Undeveloped/Remote
	Pemigewasset River	< 1	Eligible	Scenic & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Rare Plants, Hydrology
	Pemigewasset River, North Fork East Branch	2			Wild	Yes
Penobscot River, West Branch	< 1	Eligible	Wild & Scenic	Yes	Fish, Wildlife	
Pleasant River, West Branch	5	Eligible		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Historic, Ecological, Undeveloped

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
	Saco River	1		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Botany
	Stony Creek	< 1		Unknown	Yes	Geologic, Undeveloped/Remote
	Tye River	< 1		Unknown	Yes	Botany
	Wallkill River	< 1		Unknown	Yes	Hydrology, Botany
	White River	< 1		Unknown	Yes	Scenic, Recreational, Fish, Historic
	Winhall River	< 1		Unknown	Yes	Scenic, Recreational
<i>Appomattox Court House NHP</i>	Appomattox River	2	Eligible	Unknown	Yes	Scenic, Historic
<i>Cape Cod NS</i>	Pamet River	2		Unknown	Yes	Hydrology
<i>Chesapeake & Ohio Canal NHP</i>	Potomac River	12		Recreational & Unknown	Yes	Scenic, Recreational, Geologic, Fish, Historic, Cultural, Archeological, Hydrology
<i>First State NHP</i>	Brandywine Creek	< 1		Unknown	Yes	Recreational, Historic, Cultural
<i>Hopewell Furnace NHS</i>	French Creek	< 1		Unknown	Yes	Recreational, Wildlife, Historic
<i>Katahdin Woods and Waters NM</i>	Seboeis River	5		Unknown	Yes	Geologic, Wild
<i>Manassas NBP</i>	Bull Run	5		Unknown	Yes	Historic
<i>Martin Van Buren NHS</i>	Kinderhook Creek	< 1		Unknown	Yes	Recreational, Fish, Historic
<i>New River Gorge NR</i>	New River	53	Eligible	Scenic	Yes	Scenic, Recreational
<i>Shenandoah NP</i>	Hazel River	5		Unknown	Yes	Recreational, Geologic, Historic
	Rapidan River	4		Unknown	Yes	Recreational
	Rush River	1		Unknown	Yes	Recreational

Pacific West Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs	Second Park
<i>Devils Postpile NM</i>	San Joaquin River, Middle Fork	2	Suitable	Wild, Scenic, & Recreational	Yes	Scenic, Recreational, Geologic, Biodiversity	
<i>Great Basin NP</i>	Big Wash, South Fork	5		Wild	Yes	Fish	
<i>Golden Gate NRA</i>	Olema Creek	3	Eligible	Scenic	Yes	Scenic, Fish	<i>Point Reyes NS</i>
	Redwood Creek	3	Eligible	Wild	No	Scenic, Recreational, Fish	<i>Muir Woods NM</i>
<i>Haleakala NP</i>	Ohe'o Gulch	2		Unknown	Yes	Scenic, Recreational	
<i>John Day Fossil Beds NM</i>	John Day River	8		Unknown	Yes	Scenic, Recreational, Geologic, Fish	
<i>Kalaupapa NHP</i>	Waihānau Stream	4	Eligible	Unknown	No	Cultural	
	Waikolu Stream	4	Eligible	Wild	Yes	Scenic, Fish, Wildlife, Historic, Cultural	
<i>Kings Canyon NP</i>	San Joaquin River, South Fork	11	Suitable	Wild	Yes	Scenic, Recreational, Geologic	
<i>Lake Chelan NRA</i>	Stehekin River	142	Eligible	Wild, Scenic, & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural	<i>North Cascades NP</i>
<i>Lake Mead NRA</i>	Virgin River	5		Recreational	Yes	Scenic, Geologic, Fish, Wildlife	
<i>Lassen Volcanic NP</i>	Mill Creek	6		Wild & Scenic	Yes	Scenic, Fish, Historic, Cultural	
<i>Mount Rainier NP</i>	Carbon River	10	Eligible	Wild & Scenic	Yes	Scenic, Recreational	
	Cowlitz River	22	Eligible	Wild & Scenic	Yes	Scenic, Geologic, Wildlife	
	Nisqually River	13		Unknown	Yes	Scenic, Geologic	
	White River	14		Scenic	Yes	Recreational, Fish, Wildlife, Historic	
	White River, West Fork	8	Eligible	Wild	Yes	Scenic, Geologic, Wildlife, Remote/Wilderness	
<i>Muir Woods NM</i>	Redwood Creek	1	Eligible	Wild	No	Scenic, Recreational, Fish	<i>Golden Gate NRA</i>
<i>North Cascades NP</i>	Baker River	11	Eligible	Wild	Yes	Scenic, Geologic, Fish, Wildlife	
	Big Beaver Creek	8		Wild	Yes	Scenic, Recreational, Geologic, Wildlife	<i>Ross Lake NRA</i>
	Chilliwack River	15	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs	Second Park
	Noisy Creek	3		Wild	Yes	Scenic, Recreational, Geologic, Wildlife	
	Nooksack River, North Fork	2	Eligible	Wild	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Ruby Creek	1	Eligible	Scenic	Yes	Scenic, Recreational, Fish	
	Silesia Creek	4		Wild	Yes	Scenic, Recreational, Geologic, Wildlife	
	Stehekin River	252	Eligible	Wild, Scenic, & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural	Lake Chelan NRA
	Thunder Creek	23	Eligible	Wild	Yes	Scenic, Recreational, Geologic	Ross Lake NRA
Olympic NP	Bogachiel River	321	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife	
	Calawah River, South Fork	167	Eligible	Wild	Yes	Scenic	
	Dosewallips River	148	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Duckabush River	95	Eligible	Wild	Yes	Scenic, Geologic, Fish, Wildlife	
	Elwha River	586	Eligible	Wild & Recreational	Yes	Scenic, Recreational, Fish, Wildlife, Historic, Prehistoric Resources	
	Gray Wolf River	98	Eligible	Wild	Yes	Scenic, Recreational	
	Hoh River	457	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Ozette River	5	Eligible	Wild	Yes	Scenic, Fish, Wildlife, Cultural	
	Queets River	481	Eligible	Wild	Yes	Scenic, Recreational, Fish, Wildlife	
	Quinault River	414	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife	
	Royal Creek	22	Eligible	Wild	Yes	Scenic, Recreational, Geologic	
	Skokomish River, North Fork	126	Eligible	Wild	Yes	Scenic, Geologic, Fish, Wildlife	
	Skokomish River, South Fork	1	Eligible	Wild	No	Scenic	

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs	Second Park
	Sol Duc River	273	Eligible	Scenic	Yes	Scenic, Recreational, Fish, Wildlife	
<i>Oregon Caves NM and Preserve</i>	(Upper) Cave Creek	< 1	Eligible	Scenic	No	Ecologic	
	Lake Creek	1	Eligible	Recreational	No	Ecologic, Geologic	
<i>Point Reyes NS</i>	Olema Creek	8	Eligible	Scenic	Yes	Scenic, Fish	<i>Golden Gate NRA</i>
<i>Redwood NP</i>	Redwood Creek	19	Eligible	Scenic	Yes	Scenic	
<i>Ross Lake NRA</i>	Big Beaver Creek	8		Wild	Yes	Scenic, Recreational, Geologic, Wildlife	<i>North Cascades NP</i>
	Skagit River	33	Suitable	Wild & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural	
	Thunder Creek	5	Eligible	Wild	Yes	Scenic, Recreational, Geologic	<i>North Cascades NP</i>
<i>Santa Monica Mountains NRA</i>	Big Sycamore River	10	Eligible	Unknown	Yes	Fish, Wildlife	
<i>Sequoia NP</i>	Kaweah River	34	Suitable	Wild & Recreational	Yes	Scenic, Recreational, Geologic, Historic, Cultural	
	Kaweah River, East Fork	14	Suitable	Wild & Recreational	No	Scenic, Recreational, Geologic	
	Kaweah River, South Fork	12	Suitable	Wild	No	Scenic, Geologic	
<i>Yosemite NP</i>	Tuolumne River, Middle Fork	18	Eligible	Wild	Yes	Unknown ⁴	
	Tuolumne River, South Fork	15	Eligible	Wild	Yes	Scenic, Recreational, Cultural	

Southeast Region

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
<i>Appalachian NST</i>	Chattahoochee River	< 1		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
	Nantahala River	< 1		Recreational	Yes	Scenic, Recreational, Geologic, Wildlife, Historic, Cultural
<i>Big South Fork NRR</i>	Cumberland River, Big South Fork	80		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
	Rock Creek	3		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Blue Ridge PKWY</i>	Linville River	14		Wild, Scenic, & Recreational	Yes	Scenic, Geologic
	French Broad River	4		Scenic, Recreational, & Unknown	Yes	Scenic, Recreational, Geologic, Fish, Historic, Cultural, Archeological
<i>Chattahoochee River NRA</i>	Sope Creek	< 1		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Congaree NP</i>	Cedar Creek	18		Scenic, Recreational, & Unknown	Yes	Unknown ⁴
	Congaree River	3		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Great Smoky Mountains NP</i>	Anthony Creek	30		Unknown	Yes	Scenic, Recreational, Geologic, Wildlife
	Little Pigeon River, West Prong	10		Unknown	Yes	Scenic, Recreational, Geologic
	Little Pigeon River, Middle Prong	8		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
	Oconaluftee River	9		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
<i>Horseshoe Bend NMP</i>	Tallapoosa River	4		Wild & Unknown	Yes	Scenic, Recreational, Fish, Wildlife, Historic, Cultural
<i>Little River Canyon N PRES</i>	Little River	27	Eligible	Wild & Scenic	Yes	Scenic, Recreational, Geologic, Fish, Wildlife
<i>Natchez Trace PKWY & NST</i>	Bayou Pierre	< 1		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural
	Buffalo River	< 1		Scenic & Recreational	Yes	Scenic, Recreational, Geologic, Fish, Wildlife

Park Unit	River Name	Miles in Park	Status	Classification	NRI	ORVs
	Cypress Creek	< 1		Scenic & Unknown	Yes	Scenic, Recreational, Geologic, Wildlife, Historic
<i>Obed WSR</i>	White Creek	< 1		Unknown	Yes	Scenic, Recreational, Fish
<i>Ocmulgee NM</i>	Ocmulgee River	< 1		Unknown	Yes	Scenic, Recreational, Geologic, Fish, Wildlife, Historic, Cultural

¹River segments flow through multiple Park Units. See column Other Park for other unit. Refer to other unit for details on remaining segment.

Abbreviations for National Park System Areas

Abbreviation	Definition
NBP	National Battlefield Park
NHP	National Historic Park
NHS	National Historic Site
NL	National Lakeshore
NM	National Monument
NM & PRES	National Monument and Preserve
NMP	National Military Park
NP	National Park
NP & PRES	National Park and Preserve
N PRES	National Preserve
NSR	National Scenic River
NR	National River
NRA	National Recreation Area
NRRA	National River and Recreation Area
NS	National Seashore
NSR	National Scenic River/Riverway
NST	National Scenic Trail
PKWY	Parkway
PKWY & NST	Parkway and National Scenic Trail
WSR	Wild & Scenic River

APPENDIX D: LEGISLATIVE SUPPORT DATA PACKAGE SAMPLE

Park or Program Name: North Cascades National Park Service Complex

Region: Pacific West Region

Staff Contact: Karen Taylor-Goodrich, Superintendent, North Cascades National Park Service Complex

Phone #: (360) 854-7305

Indicate Type of Proposal

- New Areas (includes new area studies)
- Boundary Adjustments and Land Exchanges
- Development and Land Acquisition Ceiling Increases
- General Authorities and Designated Area Authorities
- Special Designations, Partnerships, and Other Authorities

Requirements for Proposal

1. Explanation of the proposal

Explain what the proposal entails and what is trying to be accomplished.

The National Park Service is proposing to designate the uppermost free-flowing segment of the Skagit River and two of its major tributaries as wild and scenic rivers under the Wild and Scenic Rivers Act. This designation would classify 11 miles of the Skagit River, from Gorge Powerhouse to the boundary of Ross Lake National Recreation Area, as “Recreational”. Newhalem Creek (a total of 9 miles) would be classified as “Wild” from its headwaters to upstream of the diversion dam at river mile one and “Recreational” from river mile one to its confluence with the Skagit River; and Goodell Creek (a total of 12.7 miles) would be classified as “Wild” from its headwaters to river mile 0.5 and “Recreational” from river mile 0.5 to its confluence with the Skagit River. These designations would fulfill guidance provided by the 2012 *General Management Plan for Ross Lake National Recreation Area*, which specifically provides for these proposals.

2. Justification for each element in the proposal

According to the *Skagit Wild and Scenic River Eligibility and Suitability Study* (attached), these running waters are eligible for designation based upon their free-flowing conditions and outstandingly remarkable values (including fish, wildlife, geology, history and prehistory, recreation, and scenery) and based upon analysis, public comments, and consultation with partners and tribes.

The Skagit River, from the boundary of Ross Lake National Recreation Area downstream to Sedro-Woolley, and its main tributaries (the Cascade, Suiattle, and Sauk) are already designated

as wild and scenic rivers and are administered by the Mount Baker-Snoqualmie National Forest. A wild and scenic designation for the uppermost segment of the free-flowing Skagit River would complete the Skagit Wild and Scenic River System from Sedro-Woolley up to the start of the Skagit Hydroelectric Project at the Gorge Powerhouse, providing an opportunity for holistic watershed management. This uppermost reach of the Skagit River was not designated previously because a dam was proposed for the area. This dam is no longer proposed.

Designation of Goodell Creek and Newhalem Creek would protect two significant tributaries to the Skagit River. These tributaries possess several outstandingly significant values including fish, wildlife, geology, history and prehistory, and scenery.

3. Pertinent existing authorities

Cite existing authorities related to the proposal and describe additional need.

The NPS has no authority to designate Wild and Scenic Rivers. Designation would require either an Act of Congress or approval from the Secretary of the Interior following an application by the governor of Washington State.

4. Congressional interest

Describe any support for the proposal from either the local delegation or other member(s) of Congress, and indicate if the local delegation has been contacted.

Congressmen Doc Hastings and Rick Larson, Congresswoman Cathy McMorris Rodgers, and Senators Maria Cantwell and Patty Murray were briefed on this proposal in December 2011 via the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement*.

Several other agencies and non-profits are pursuing wild and scenic river designation for the Nooksack River and Illabot Creek. The Nooksack River is the next major drainage north of the Skagit River. Illabot Creek is a tributary to the Skagit River, downstream of the reach presently proposed for designation. Unlike the Skagit River, Goodell and Newhalem Creeks, these systems are not within a unit of the National Park System so they are presently unprotected and threatened by human activities such as logging and agriculture.

The willingness of the local congressional delegation to consider these systems for designation suggests that the timing may be right to include this proposal, which would not be a controversial addition.

5. Previous or pending legislation

Describe any prior legislative activity and indicate any changes.

No prior legislative activity has occurred in relation to this proposal and no pending legislation exists that would impact this proposal.

6. Positions of area landowners concerning the proposal

Describe the position(s) and indicate if they have been notified of the intent of the proposal (if appropriate).

The segment of the Skagit River that would be impacted by this proposal is located entirely within Ross Lake National Recreation Area, which is managed by the NPS. The majority – 79 percent of the lands within the likely wild and scenic boundary – is owned by the NPS and the other 21 percent are owned by Seattle City Light, a publically owned utility that operates three hydroelectric dams in Ross Lake National Recreation Area under FERC license #553.

Washington State Department of Transportation also has a right-of-way for the North Cascades Scenic Highway, located within this corridor. Goodell and Newhalem Creek corridors are nearly entirely owned by the NPS. Since the Skagit River is navigable, Washington State also asserts jurisdiction and ownership over approximately 480 acres of the bed of the Skagit River below the ordinary high water mark. No changes are proposed in land ownership under this proposal.

Seattle City Light (SCL) wrote a letter to North Cascades National Park Service Complex concerning this proposal in April 2008. Although this letter raised concerns about potential effects on current SCL operations (i.e. boating and obtaining approval for land use activities on or near the river corridor), the relicensing of the hydroelectric dams that they operate, and any potential future proposals by SCL to expand the Skagit transmission line corridor, SCL voiced general support for this proposal. “SCL is generally supportive of designating this section of the river under the Act,” and “SCL commends the NPS for taking the steps to further protect the values of the Skagit River upstream of Bacon Creek.”

Washington State Department of Transportation (WSDOT) also wrote a comment letter to the park in September 2010 indicating their support for this proposal. “WSDOT believes that the proposed Wild and Scenic River designation is consistent with [WSDOT's environmental goal as articulated in the agency's Strategic Plan].” “If this segment of the Skagit River and its two largest tributaries receive federal Wild and Scenic River designation, WSDOT will look forward to participating in the subsequent development of the management plan for the river.”

In the fall 2008, the NPS released a summary newsletter (attached) and held two public workshops on the preliminary findings of the *Skagit Wild and Scenic River Study*. Several members of the general public as well as representatives from organizations and agencies such as American Rivers, American Whitewater, Blue Sky Outfitters, Downstream River Runners, League of Northwest Whitewater Racers, Washington Kayak Club, North Cascades Conservancy Council, U.S. Forest Service, The Nature Conservancy, National Parks Conservation Association, The Wilderness Society, North Cascade Institute, and Seattle City Light attended these public workshops. The NPS also met independently with the Upper Skagit Tribe and the two other land managers in the river corridor, SCL and WSDOT.

In addition to comments received during public workshops and agency meetings, 46 individuals, businesses, government agencies and/or tribes submitted written responses in the form of letters, e-mails, newsletter questionnaires, and comments submitted on the NPS Planning, Environment, and Public Comment (PEPC) website. While a few agencies/neighbors expressed concerns that related to the effects of Wild and Scenic River (WSR) designation on existing operations or potential new projects in the river corridor, most other organizations and members of the public voiced their support of the designation, citing permanent protection of the Outstandingly Remarkable Values of these exceptional river systems, completion of the Skagit WSR designation from Sedro-Woolley to the Skagit Hydroelectric Project and opportunities for

holistic watershed management, and prevention of new hydropower facilities and dams in this stretch of the Skagit River.

Area landowners were also notified of this proposal via the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement* which included publication of the Notice of Availability in the *Federal Register* (vol. 76, n. 242, p.78252) on December 16, 2011, direct mailings, press releases, social media postings, and website information. Upon closure of the 30-day public review process on January 17, 2012, the NPS received 11 comments on the final document via email and the PEPC website. None of these comments were from local landowners, and none concerned this proposal.

7. Position(s) of State and Local Governments toward the proposal

Describe the position(s) and indicate if they have been notified of the intent of the proposal (if appropriate).

Positions from Seattle City Light (local government) and Washington State Department of Transportation (state government) are listed under Question #6 above as these entities are also landowners within the project area.

State and local governments were notified of this proposal in fall 2008 via a summary newsletter and two public workshops on the preliminary findings of the *Skagit Wild and Scenic River Study* and again in December 2011 via the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement*. State and local governments that received notification include:

- All State Representatives and Senators from Districts 12, 39, and 42 in Washington State
- *Cities:* Concrete, Sedro-Woolley, Mt. Vernon, Anacortes, Ferndale, Winthrop, Seattle
- *Counties:* Skagit, Whatcom, Chelan
- *State Departments of:* Transportation, Tourism, Parks, Ecology, Fish and Wildlife, Natural Resources, Archeology and Historic Preservation
- University of Washington
- British Columbia Ministry of Environment

(See response to Question #6 above.)

8. Position(s) of other federal agencies

Describe the position(s) and indicate if they have been notified of the intent of the proposal (if appropriate).

North Cascades National Park Service Complex has not received any comments or communication from other federal agencies pertaining to this issue. However, it is noteworthy that the U.S. Forest Service manages the Skagit River downstream of Ross Lake National Recreation Area which is already federally designated as the Skagit Wild and Scenic River system under the Wild and Scenic Rivers Act. This proposal will therefore promote cohesive management along the Skagit River between the U.S. Forest Service and the National Park Service.

Federal agencies were notified of this proposal in fall 2008 via a summary newsletter and two public workshops on the preliminary findings of the *Skagit Wild and Scenic River Study* and again in December 2011 via the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement*. Federal agencies that received notification include:

- Aldo Leopold Wilderness Research Institute
- National Park Service: Olympic National Park and San Juan Island National Historic Park
- National Oceanic and Atmospheric Administration
- Skagit Environmental Endowment Commission
- United States Army Corps of Engineers
- United States Bureau of Land Management
- United States Department of Justice
- United States Department of Transportation, Federal Highway Administration
- United States Environmental Protection Agency
- United States Federal Energy Regulatory Commission
- United States Fish and Wildlife Service
- United States Forest Service: Mount Baker-Snoqualmie National Forest and Okanogan-Wenatchee National Forest
- United States Geological Survey

(See response to Question #6 above.)

9. Position(s) of pertinent public organizations/professional associations

Describe the position(s) and indicate if they have been notified of the intent of the proposal (if appropriate).

The National Parks Conservation Association, Wilderness Society, American Rivers, American Whitewater, the U.S. Wildwater National Team, North Cascades Conservation Council, Skagit Audubon Society, League of Northwest Whitewater Racers, Washington Kayak Club, and Codorus Wildwater Club all voiced support for this proposal through written comment letters submitted to the park between 2008 and 2011.

These and other pertinent public organizations/professional associations were notified of this proposal in fall 2008 via a summary newsletter and two public workshops on the preliminary findings of the *Skagit Wild and Scenic River Study* and again in December 2011 via the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement*. (See response to Question #6 above.)

10. Media coverage/resources

Describe any media coverage on the issue and include briefing statements, clips, op-eds, or press-releases.

The press release, as well as an accompanying newsletter, announcing the public release of the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement* and describing this proposed legislative action is attached.

This specific proposal has not received media coverage, most likely due to lack of any real or perceived controversy.

11. Summary of costs

Provide a brief cost summary of the proposal.

No costs are associated with this legislative proposal.

12. Impact on area's budget

Describe the impact of the proposal on the budget of the existing area (if applicable). Generally discuss the current condition of the area's inventory of buildings, as well as other resource and land protection priorities, and how those priorities would be impacted by the proposed legislation. Include information on the cost of additional personnel needed to implement the proposal.

North Cascades National Park Service Complex does not anticipate any impacts to the budget from this proposal. The proposal does not change the policies, regulations, or resource/land protection priorities of North Cascades National Park Service Complex, and no additional personnel are needed to implement the proposal.

13. Existing or proposed agreements

Describe any existing agreements that are related to the proposal.

There are no agreements associated with this proposal.

14. Broad marketing strategy

Suggest approaches that should be taken to market the proposal.

Minimal marketing would be needed to create support for this proposal given the wide support it received during development of the *Ross Lake National Recreation Area General Management Plan*. Instead, outreach to the local congressional delegation would be advised, with the goal of including this proposal as part of the legislation currently under consideration for S. 383, which would amend the Wild and Scenic Rivers Act to designate a specified segment of the Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System.

15. Generic authority potential

Describe the potential for the authority you are seeking to be applied to other parks, designated areas, or programs.

There is no potential for this authority to apply to other parks, designated areas, or programs.

BACKGROUND**16. Existing area fact sheet**

Discuss area or place where the designation, partnership, or other event would occur and provide pertinent background information.

The headwaters of the Skagit River lie in British Columbia, Canada, in the North Cascades Mountains. The Skagit River then flows approximately 150 miles before it empties into Puget Sound. Abundant glaciers in the surrounding jagged peaks provide stable flows that help make it the only Puget Sound tributary to host all native species of anadromous fish and attracts one of the highest concentrations of wintering bald eagles in the lower 48 states. It is the largest river draining into the Puget Sound and the third largest river on the west coast of the contiguous states. The entire Skagit River Watershed Basin covers 3100 square miles; it provides 20 percent of the flows into Puget Sound.

The entire segment of the Skagit River that would be affected by WSR designation is located within Ross Lake National Recreation Area (NRA) which is the most accessible part of the North Cascades National Park Service Complex. This NPS unit protects 116,798 acres of public land and is the corridor for scenic Washington State Route 20, also known as the North Cascades Highway. It includes three reservoirs along the Skagit River: Ross Lake, Diablo Lake, and Gorge Lake which also serve as water gateways to more remote areas. Ringed by mountains and glaciers, 69 percent of Ross Lake NRA is part of the federally designated Stephen Mather Wilderness established in 1988 with another 4 percent as potential wilderness. The Pyramid Lake and Big Beaver Research Natural Areas are located within Ross Lake NRA and were designated for their prime natural resources and processes. Ross Lake NRA offers many outdoor recreation opportunities along the upper reaches of the Skagit River and between the north and south units of North Cascades National Park.

Visitation to Ross Lake NRA is seasonal in nature, with 82 percent of all visits occurring in June through September. Between 1991 and 2003 visitation to Ross Lake NRA averaged about 337,000 people per year and fluctuated between a high of 425,000 people in 1998 and a low of 273,000 in 2000. These visitor use numbers were estimated using numerous traffic counters, campground and visitor center counts collected by park staff, backcountry camping counts collected from the backcountry permit database, and reporting by partners and concessioners.

This legislative proposal is included within the *Ross Lake National Recreation Area Final General Management Plan and Environmental Impact Statement* that was released in December 2011 (Record of Decision signed March 21, 2012). Based on the findings of the Skagit Wild and Scenic River Eligibility and Suitability Study, this plan states that the NPS will recommend Congressional legislation for wild and scenic river designation of the Skagit River from Gorge Powerhouse downstream to the boundary of Ross Lake NRA, Goodell Creek, and Newhalem Creek. This river segment and creeks were found eligible based upon their free-flowing conditions and outstandingly remarkable values and based upon analysis, public comments, and consultation with partners and tribes. A wild and scenic designation will complete the Skagit Wild and Scenic River System from Sedro-Woolley up to the start of the Skagit Hydroelectric Project at the Gorge Powerhouse, providing an opportunity for holistic watershed management.

The 11-mile Skagit River segment, from Gorge Powerhouse to the Ross Lake NRA boundary, contains the following outstandingly remarkable values: fish, wildlife, geology, pre-history, history, scenery, and recreation. The Skagit River would be classified as “Recreational,” due to the hydropower dams upstream and presence of the North Cascades Highway paralleling the river for this entire stretch. The Skagit River between Gorge Dam and Gorge Powerhouse is not

eligible because this largely dewatered reach does not meet the free-flow requirements of the Wild and Scenic Rivers Act.

Goodell Creek, 12.7 miles from its headwaters to its confluence with the Skagit River, possesses the following outstandingly remarkable values: fish, wildlife, geology, and scenery. Goodell Creek would be classified as “Wild” from its headwaters to river mile 0.5 and “Recreational” from river mile 0.5 to its confluence with the Skagit River.

Newhalem Creek, 9 miles from its headwaters to its confluence with the Skagit River, possesses the following outstandingly remarkable values: wildlife, geology, history, pre-history, and scenery. Newhalem Creek would be classified as “Wild” from its headwaters to upstream of the diversion dam at river mile one and “Recreational” from river mile one to its confluence with the Skagit River.

The complete Skagit Wild and Scenic River Eligibility and Suitability Study is attached to this legislative support data package.

17. Photographic/visual support material

8 x 10 size material is preferred. (include captions)

See attached maps of Skagit River WSR Classifications.

18. Boundary map

8 1/2 x 11 and exhibit size when requested and if applicable.

To be provided upon request.

LAND ACQUISITION

19. Landownership map

8 1/2 x 11 and exhibit size when requested and if applicable.

No land acquisition is associated with this proposal.

20. Landownership data

Discuss who owns land and how it would be acquired (purchase, donation, exchange, condemnation, etc.)

No land acquisition is associated with this proposal.

21. Land acquisition and costs

Describe estimated land acquisition and project implementation costs.

No land acquisition is associated with this proposal.

VISITATION

22. Visitation

Provide information on expected attendance at event or at partnership project.

No event or partnership project is associated with this proposal.

23. Visitation at nearby areas/attractions

Provide information on current and previous 5 years, if available (i.e. vicinity parks).

According to the NPS Public Use Statistics Office, Ross Lake NRA, with 529,810 visitors in 2011, accounted for approximately 10 percent of all visitors to NPS units in Washington State that year. The majority of these visitors transit Ross Lake NRA via the North Cascades Highway, which parallels the Skagit River and crosses the lower reach of Goodell Creek.

PLANNING/ENVIRONMENTAL COMPLIANCE

24. National Park System participation statement

Describe how NPS leadership in the commission, event, or project would further the purposes of the National Park Service.

The Skagit River was one of the original rivers designated under the Wild and Scenic Rivers Act, but the reach of river and its tributaries were not designated within Ross Lake NRA. This proposal would further the purposes of the National Park Service by creating a more tangible and visible connection between the Ross Lake NRA and the greater North Cascades ecosystem. Enhancing this connectivity with the broader watershed of the Skagit River, would follow the guidance provided by the 2012 *Leopold Report*, which provides “the [NPS] should become the core element of a national...network of lands...managed for resiliency and connectivity, guided by scientific research...thereby fulfilling a conservation imperative of protecting the distinctive role and future of the national park system within the broader American landscape and consciousness.”

25. Copies of relevant planning documents

Provide copies of the documents and a description of the results (3 copies).

See attached.

26. Environmental compliance documents

Provide copies of the documents and a description of the results (3 copies).

See attached.

Note: Items 27-28 may be skipped if the information is included in the planning documents provided above. However, if the information is not included or is incomplete at this time, please answer the following:

27. Summary of public involvement/comment

Discuss public involvement during the process for the commission, event, or project.

Information is included in the planning and environmental compliance documents.

28. Alternatives

Provide a short description of each alternative considered for the commission, event, or project (if applicable).

Information is included in the environmental compliance document.

FUNDING/FTE**29. Gross appropriations for the last three years**

Provide general budget figures for the related organizations, or other participants in the project.

No other organizations or participants are associated with this proposal.

30. Proposed funding

List all proposed non-federal funding that would be used to support the commission, event, or project.

No non-federal funding is proposed for this proposal.

31. Proposed fees

Describe any fees that will be charged to support the commission, event, or project.

No fees will be charged with this proposal.

32. Anticipated distribution of receipts

Describe and indicate how fees and other receipts will be distributed and used.

N/A. No fees will be charged with this proposal.

33. Current staffing

Break down current staffing for the related organizations, groups, or other participants in the project.

No other organizations or participants are associated with this proposal.

34. Additional staffing expected

Break down additional FTE expected as a result of the proposal by permanent, temporary, and discuss needed participation by NPS employees.

No additional personnel are needed to implement the proposal.

DEVELOPMENT**35. State of infrastructure**

Describe the current condition of any infrastructure related to the commission, event, or project.

No infrastructure is needed for this proposal.

36. Proposed development costs

Describe needed infrastructure (include estimated costs).

Not Applicable

37. Development schedule for existing area

Describe how development is proceeding, and when completion is expected.

Not Applicable

38. Development schedule for additions proposed in legislation

Describe the time frame expected or planned for new development.

Not Applicable

39. Development expenditures to date

Indicate total expenditures and summarize where necessary.

Not Applicable

40. Development concept plan

Include a copy or summarize if in progress.

Not Applicable

**APPENDIX E: SECTION 2(A)(II) SAMPLE PREPARATION
MATERIALS (UNDER DEVELOPMENT)**

1. FERC notification letter (Internal only)
2. Other documents (Internal only)

APPENDIX F: INTEGRATING WILD AND SCENIC RIVER VALUES IN FOUNDATION DOCUMENTS

The approach to integrating Wild and Scenic River (WSR) values statements and related information into a foundation document will vary depending on the relationship between the park unit and the river,¹ by the type of WSR designation, and by the rivers' designated versus inventoried status². Some examples are provided below, illustrating the continuum from 1) parks where the foundation document's fundamental and other important resources and values, special mandates, administrative commitments, and interpretive themes will be strongly informed by the values and management requirements associated with the WSR; through 2) parks where foundational elements may include one or more WSR values or attributes (including the values that make inventoried WSRs eligible for designation); to 3) park units that have short sections of non-unit WSRs within their boundaries, where foundational elements may be largely independent of the WSR.

The following examples illustrate the range of relationships between park units and WSRs:

- Some park units *are* WSRs, e.g. the Upper Delaware National Scenic and Recreational River, Saint Croix National Scenic Riverway, Niobrara National Scenic River, and Obed Wild and Scenic River.
- In other units, WSRs define park geography, e.g. the Virgin River in Zion National Park, the Rio Grande in Big Bend National Park, and the Middle Delaware River in Delaware Water Gap National Recreation Area.
- WSRs may be prominent features within areas of some parks, although these parks as a whole are less defined by these river features, e.g. the Merced and Tuolumne WSRs in Yosemite National Park; the Noatak, Kobuk, Alatna, John, North Fork Koyukuk, and Tinayguk WSRs in Gates of the Arctic National Park and Preserve; and the Cache La Poudre WSR in Rocky Mountain National Park.
- In some parks the WSR is a less significant feature within the park, e.g. the Lewis Fork of the Snake WSR in Yellowstone National Park.
- WSRs have been inventoried but not designated in some units, i.e., river segments have been found eligible for designation based on their free-flowing character and one or more outstandingly remarkable values (ORVs).
- A handful of park units are WSRs with no federal land base, facilities, or uniformed staff, e.g. the Great Egg Harbor, Maurice and Lamprey WSRs.
- Some WSRs flow through park units but are not considered park units. For example, a section of the Concord River, which is part of the Sudbury Assabet Concord WSR, flows through Minute Man NHP but is administered as a Partnership river, and the

¹ Foundation documents will be prepared for WSRs that are NPS units, but not for WSRs where designation language exempted the river from Section 10(c) of the Wild and Scenic Rivers Act.

² "Inventoried" WSRs are in-park river segments found eligible for designation pursuant to an agency-initiated study under Section 5(d)(1) of the WSRA. These rivers are free-flowing and possess at least one outstandingly remarkable value. The WSRA requires NPS to use its existing authorities to maintain these segments' eligibility until Congress decides whether to designate them unless the segments are subsequently determined to be non-suitable for designation.

Klamath River, which is a state-administered river in California that flows through Redwood National and State Parks.

The NPS administers several Partnership WSRs that are not considered park units (through explicit language in their legislation) of the NPS, are not connected to park units, and have no federal land base, e.g. the Upper Farmington and Musconetcong WSRs. Foundation documents will not be prepared for WSRs that are not park units. In addition, NPS has no authority to prepare foundation documents or CRMPs for state-administered (2(a)(ii)) WSRs, e.g. the Westfield, Allagash, and Little Miami WSRs. This guidance does not apply to Partnership or 2(a)(ii) WSRs that are not park units.

Foundation documents should be prepared for parks that are WSRs. The foundation document provides overarching guidance to other plans, including the general management plan or CRMP, i.e. the unit management plan for the park area. Where WSRs are located within or border a park unit, the foundation document should include substantial information about the WSR's water quality, free flowing character and outstanding river values that led to the river's designation. In addition, special management requirements for rivers within park units that are identified on the nation-wide inventory or have been identified as eligible for designation should be described in the Special Mandates section of the foundation document.

1. Foundation Document Content

The following components of a park foundation document are most relevant in the consideration of the wild and scenic river resource:

Purpose

A purpose statement describes the specific reason(s) for establishing a particular park. It is grounded in an analysis of park enabling and any subsequent legislation, goes beyond a restatement of the law, and may be changed over time as new legislation (such as wild and scenic river designation) is adopted. The park purpose statement for parks that are WSRs should include the river's designation history. For other parks, the level of detail in any references to the WSR designation in the park purpose statement will vary based on appropriateness. For example, for a park with multiple WSRs, it may be appropriate to mention protection of free-flowing rivers in the purpose statement. A purpose statement is both sweeping and brief, and as such, should not get into much detail about wild and scenic river resource values.

Significance

Significance statements describe why the park is important within a global, national, regional, and system-wide context. They reaffirm how a park's natural and cultural resources contribute to our national heritage. With few exceptions, designated wild and scenic rivers contribute to a park's importance. The WSR's free-flowing character, water quality, and ORVs have already met national significance standards by meeting WSR designation criteria. Individual WSR values need not be reiterated within the significance statement. Instead, consider capturing relevant values or attributes in the significance statement. For example, the iconic views of the Tetons across the Snake River at the Oxbow, an attribute of the river's Scenery ORV, might be

included in Grand Tetons' park significance statement. Likewise, the Delaware River's significance as the longest undammed river in the Northeastern USA, related to the free-flowing character of four contiguous WSRs managed by NPS, might be included in the Delaware Water Gap's significance statement.

Fundamental Resources and Values

These resources and values are considered critical to achieving a park's purpose and maintaining its significance. For parks that are WSRs, fundamental resources and values (FRVs) are the river's values (free-flowing character, water quality and ORVs) plus non-river related values associated with wilderness or Class I airsheds.

For parks with WSRs, WSR values should be included in fundamental resources and values, although the level of detail will vary depending on the relationship between the river and park. Fundamental resources and values statements can incorporate more information about WSR values than significance statements. ORV narratives are especially helpful in identifying fundamental resources and values related to WSRs. In parks that have WSRs within wilderness, the river's free-flowing character narrative along with wilderness character may help describe FRVs related to the park's natural or untrammeled condition.

Other Important Resources and Values

Other important resources and values warrant special consideration in planning and management but are not fundamental to the purpose of the park, and may be unrelated to its significance. For parks with inventoried WSRs, reference specific WSR eligibility values in this section of the park foundation document.

Interpretive Themes

Interpretive themes are necessary to provide people a perspective from which to understand and appreciate park purpose, significance, resources and values. For park units that are WSRs, the set of interpretive themes should recognize one or more WSR values, e.g. the WSR's free-flowing character and its ORVs. For WSRs within parks, consider including an interpretive theme incorporating the river's WSR status and/or one or more WSR values where relevant to the park's purpose and significance. The WSR logo may be used in interpretive materials and on signs as appropriate.

Special Mandates and Administrative Commitments

References to WSRs in this section of the document will vary depending on the relationship between the WSR and the park. For all WSRs, WSRA requirements (e.g. the mandate to protect and enhance WSR values, to conduct Section 7 determinations on all projects involving construction in the bed and banks of the WSR, and federal reserved water rights provisions) should be addressed in the special mandates section of the foundation. Provisions specific to individual WSRs should also be included, such as pre-emption of the WSRA's land condemnation authority (Lamprey River), statutory waivers that allow continued operation of a dam (e.g. Jackson Lake Dam on the Snake River), and provisions that exempt certain structures

or activities from Section 7 review (Stillwater Bridge on the SACN, bank stabilization along the Missouri WSR in MNRR). Describe any partnership agreements such as the relationship between NPS and a local WSR advisory committee or council in the special mandates section if legislated, or under the administrative commitment heading if not. Include commitments made to other entities, such as agreements with USFS, USFWS, BLM or states to co-manage certain WSRs. For inventoried WSRs, include in the special mandates section the requirement to maintain eligibility until the rivers are either designated by Congress or determined to be non-suitable (see NPS [Management Policies 2006](#), 2.3.1.8 and 4.3.4).

Park Atlas

For all parks with WSRs, segment classifications and boundaries should be included in the park atlas. For parks with WSR inventories, include all segments determined to be eligible and their preliminary classifications.

Assessment of Planning and Data Needs

For all parks with WSRs designated under Section 3(a) of the WSRA (i.e., WSRs designated by Congress and administered by federal agencies, in contrast to WSRs designated by the Secretary of the Interior and managed by states), the need for a new or updated CRMP should be assessed. Information needed to support preparation of a CRMP, such as scenic assessments, user capacity studies, or cultural resource inventories, should also be included. In situations where portions of the WSR are managed by a different agency (e.g., portions of the Snake River Headwaters WSR managed by USFS and USFWS; the Virgin WSR downstream of Zion National Park, managed by BLM; and the Flathead and portions of the Cache La Poudre WSRs, managed by USFS), any NPS planning associated with the need to cooperate with the managing entity should be described. For parks that do not already have WSR inventories, the need to incorporate WSR eligibility or eligibility and suitability determinations in unit management plans should also be assessed. The NPS WSR Steering Committee's regional representative can assist in these assessments.

2. Wild and Scenic Rivers in Park Foundation Documents

Wild and Scenic River connections to park foundation documents is presented in Table 1.

Table 1. The Wild and Scenic River Connection to a Park Foundation Document

Park Foundation Document	Wild and Scenic River Connection
Data Gathering and Preparation for Foundation Workshop	Collect the following (as relevant to the park): WSR legislation and associated congressional subcommittee reports and hearings; WSR map, including segments, classifications, and boundaries; WSR study report; WSR eligibility and suitability assessments; WSR administrative commitments with other agencies and councils. Confirm that the foundation participant guide includes prompts and instructions for addressing WSR values. If completed, the WSR values statement and workshop report should be made available.
Park Atlas	Include a current GIS map identifying each WSR segment in the park, including the segment boundaries and classification. Include eligible WSRs and their preliminary classifications.

Park Foundation Document	Wild and Scenic River Connection
Park Purpose	For parks with WSRs, include a reference to WSRs in the park purpose statement as appropriate.
Park Significance	For park units that are WSRs, strongly consider capturing what is <i>special or distinctive</i> about WSR Values in the set of significance statements. For parks that contain WSRs, consider including one or more WSR values in the significance statements if they are relevant to overall park significance.
Interpretive Themes	If WSR values have been identified as part of a park's purpose or significance, the set of interpretive themes should recognize one or more WSR value attributes.
Fundamental Resources and Values	For parks that are WSRs, summarize the WSR values. For parks with WSRs, provide an appropriate level of detail about WSR values in the set of fundamental resources and values.
Other Important Resources and Values	For parks with inventoried WSRs, reference specific WSR eligibility values in this section of the park foundation document.
Special Mandates and Administrative Commitments	For all WSRs, address WSRA management requirements in the special mandates section of the foundation. Provisions specific to individual WSRs should also be included. Describe any partnership agreements such as the relationship between NPS and a local WSR advisory committee or council in the special mandates section if legislated, or under the administrative commitment heading if not. Include commitments made to other entities, such as agreements with USFS, USFWS, BLM or states to co-manage certain WSRs. For inventoried WSRs, include in the special mandates section the requirement to maintain eligibility until the rivers are either designated by Congress or determined to be non-suitable.
Analysis of Fundamental and Other Important Resources and Values	Identify the current conditions, trends, potential threats, issues, and opportunities related to WSR values, and the condition of key relevant data. Include an analysis of conditions relating to the WSR's user capacity, i.e., trends in use and the condition of WSR values that could be affected by such use.
Assessment of Planning and Data Needs	For all parks with WSRs designated under Section 3(a) of the WSRA, the need for a new or updated CRMP should be assessed. Information needed to support preparation of a CRMP, such as scenic assessments, user capacity studies, or cultural resource inventories, should also be included. In situations where portions of the WSR are managed by a different agency, any NPS planning associated with the need to cooperate with the managing entity should be described. For parks that do not have WSR inventories, the need to incorporate WSR eligibility or eligibility and suitability determinations in unit management plans should be assessed. The NPS WSR Steering Committee's regional representative can assist in these assessments.
Appendix	Include "WSR Basics" (WSR background information, including legislation and associated congressional subcommittee reports and hearings, WSR values statement; and issues for future WSR CRMPs in a foundation document appendix, if at all possible.

APPENDIX G: BOUNDARY ESTABLISHMENT SAMPLE MATERIALS

- Three-Week Out Submission
- Office of the Executive Secretariat (OES) cover letter
- General background brief for Region
- Request brief to transmit Wild and Scenic Rivers (WSR) Boundary and Classification Maps to Congress and publish Notice of Availability (NOA) in the Federal Register (FR)
- Congressional notice letter
- Transmittal Cover Letter - Federal Register Notice of Availability
- Federal Register Notice of Availability
- Coordination letter from other federal agency
- Sample maps – *to be added/linked*

Three-Week Out Submission

Three-Week Out Submission
Intermountain Region
Zion National Park, Utah

The Intermountain Region (IMR) of the National Park Service (NPS) and Bureau of Land Management (BLM) will soon announce the transmission of Boundary Maps for the Virgin River, as part of the Virgin River Comprehensive Management Plan/Environmental Assessment (CMP/EA). The Virgin River and its tributaries in Zion National Park and adjacent Bureau of Land Management wilderness was designated as a Wild and Scenic River by Congress in the Omnibus Public Land Management Act of 2009 (Public Law 111-11). The NPS and BLM initiated the planning process in 2010.

The Wild and Scenic Rivers Act requires publication of a Federal Register Notice of Availability of boundary maps and classifications, which become effective 90 days after they have been transmitted to Congress (Section 3(b); 16 USC 1274).

The Comprehensive Management Plan for the Virgin Wild and Scenic River was jointly developed and finalized by the NPS and the BLM. The NPS has taken the lead for the jointly developed CMP and publication and transmittal of the boundary and classification information.

Background and Current Status:

The Wild and Scenic Rivers Act (WSRA) requires that detailed boundaries portrayed on maps be established and submitted to Congress as part of the planning process.

The Wild and Scenic Rivers Act requires publication of a Federal Register Notice of Availability of the boundaries and classification of designated rivers. The boundaries and classifications, and subsequent boundary amendments, become effective 90 days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

WSRA requires maps of all boundaries and descriptions of the classifications of designated river segments, be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river. Maps will be available on eTIC and LandsNet.

The river's lateral boundary is delineated so as to best protect its outstandingly remarkable values within the acreage limitations specified in the WSRA and is subject to NEPA analysis as part of the development of the Comprehensive Management Plan. The boundary defines the area that will receive the greatest effort in resource protection and the area in which lands and interest in lands may be acquired for WSR purposes. The WSR boundary does not provide any authority to regulate non-federal lands.

OES Cover Sheet**Name of Document:**

Notice of Availability of Boundary and Classification Descriptions and Final Maps for Snake River Headwaters, Grand Teton and Yellowstone National Parks, John D. Rockefeller, Jr. Memorial Parkway, and National Elk Refuge

Purpose of Document:

The purpose of this Notice of Availability is to establish the boundary and classifications of the Snake River Headwaters on lands managed by Grand Teton and Yellowstone National Parks and the National Elk Refuge, managed by the U.S. Fish and Wildlife Service. Pursuant to Public Law 111-11 (123 Stat. 1147), known as the Craig Thomas Snake Headwaters Legacy Act of 2008 that added approximately 388 miles of rivers and streams in the Snake River Headwaters to the national wild and scenic rivers system, the National Park Service is:

1. transmitting the final boundary and classification descriptions and maps of the Snake River Headwaters Wild and Scenic Rivers to Congress; and
2. publishing a notice in the Federal Register, informing the public where they can view the maps.

The Snake River Headwaters includes 13 rivers and 25 separate river segments in portions of Grand Teton and Yellowstone National Parks, John D. Rockefeller, Jr. Memorial Parkway, the National Elk Refuge, and adjacent Bridger-Teton National Forest. A CMP/EA for the Snake River Headwaters was jointly developed by the NPS and USFWS in 2013 and a Finding of No Significant Impact (FONSI) was signed in 2014. Due to the large size of this Wild and Scenic River designation, the National Park Service/U.S. Fish and Wildlife Service and Bridger Teton National Forest have developed separate but concurrent CRMPs for river segments within or along their respective administrative boundaries. The boundary establishment addressed in this Federal Register notice includes only those lands managed by the National Park Service and U.S. Fish and Wildlife Service.

Senior Reviewers:

Senior Regional Official: Sue E. Masica (Regional Director, Intermountain Region)

Senior Bureau Official(s): Jeff Reinbold (Assistant Director, Partnerships & Civic Engagement)
Vic Knox (Associate Director, Park Planning, Facilities & Lands)
Peggy O'Dell (Deputy Director, Operations)

General Background Brief for Region

BRIEFING STATEMENT – Regional Background

Bureau: National Park Service

Issue: WASO Transmission of Boundary Maps for the Virgin River Comprehensive Management Plan and Environmental Assessment (CMP/EA)

Date: April 2014

Background: On March 30, 2009, passage of the Omnibus Public Land Management Act of 2009 added approximately 163 miles of rivers and streams of the Virgin River to the National Wild and Scenic Rivers System. The purpose of the Virgin River Comprehensive Management Plan and Environmental Assessment (CMP/EA) is to protect the free-flowing condition, water quality, and outstandingly remarkable ecological, scenic, recreational, and cultural values of the Virgin River and its tributaries for the benefit and enjoyment of present and future generations. The need for the plan is rooted in the Wild and Scenic Rivers Act, which requires comprehensive planning for designated rivers to provide protection of the free-flowing character, water quality, and outstandingly remarkable values of rivers. This plan establishes overall management direction for designated wild and scenic river segments within Zion National Park and the adjacent Bureau of Land Management Wilderness. The CMP/EA addresses resource protection, development of lands and facilities, user capacities, and other management strategies necessary or desirable to achieve desired resource conditions and the purpose of the Wild and Scenic Rivers Act.

The Virgin River corridor is unique in that it encompasses significant portions of a watershed, rather than just one river. It includes 41 separate river and tributary segments. These tributaries flow across NPS, BLM and a small portion of private lands. Since the majority of the designated river corridor is on NPS land (about 144 miles), NPS led the joint plan development. BLM retains management within their administrative boundaries. The NPS has worked closely with the BLM to ensure the plan is consistent with Wild and Scenic Rivers Act and the Interagency Wild and Scenic Rivers Coordinating Council. The state of Utah has been consulted.

Public Outreach: As part of the public scoping for the plan, postcards were distributed at Zion National Park and the BLM Field Office in St. George and newsletters were mailed to over 220 people and federal, state and local agencies to seek input on our planning efforts. Public comment was on issues and opportunities concerning the protection of the Virgin River and its outstandingly remarkable values. Three public meetings were held in Springdale, St. George and Salt Lake City, Utah in October 2010. A total of 26 people attended. Sixty-four public correspondences were received. Input received during public scoping was fundamental to developing alternatives.

Public review of the plan was available from July 29 to September 9, 2013. The plan was posted on PEPC, and press releases were sent out. Copies of the plan were available at the BLM office and Zion National Park and sent to those that requested them. A total of 24 comments were received. Many commenters stated their preference for alternative C, the agency preferred

alternative, of the plan. In general, commenters stated their desire for protection of resources within Zion National Park and on Bureau of Land Management (BLM) segments of the Virgin River. Some commenters were in favor of the levels of access prescribed in the plan, while others expressed the desire for access to be unregulated.

Alternative C (NPS Preferred): In alternative C, the river corridor would be managed with an emphasis on resource protection. Recreational activities that are compatible with resource protection strategies would be available throughout the park and on BLM-managed lands. Virgin River and its tributaries would be managed to maintain or enhance recreational opportunities—public uses would continue to be allowed unless there is a clear need to limit use. Educational and interpretive opportunities would also be enhanced for both natural and cultural resources. The agency staff would develop new connections through education and would build advocacy. Relevance would be maintained through use of new technology for media and outreach. The National Park Service and Bureau of Land Management would continue to be open to new recreation experiences compatible with protection of WSR values and provide a diversity of experiences for a variety of abilities, interests, and cultures. The National Park Service and Bureau of Land Management would actively manage visitor areas to maintain use levels or allow a small increase in use while protecting WSR values.

Prior Briefings and Actions: After public scoping in 2010, the IMR Regional Director and staff were briefed. The IMR RD was briefed on and approved the range of alternatives in August 2011. During the January 2012 Intermountain Region Work Session, the Regional Director approved the preferred alternative. In July of 2012, the CMP/EA was sent to the park and the Bureau of Land Management as well as the WSR Program Office for review. Comments were received and, in particular, dialogue related to user capacity between the WSR Program Office, the park and DSC have resulted in additional discussion regarding this management approach in the plan. To date, all comments have been addressed and the plan has been revised accordingly. In February 2013 Intermountain Region Work Session, the Regional Director approved a concurrent IMR and WASO Review of the Plan. IMR and WASO Policy review comments were received at the end of April. The team has held several conference calls with WASO and WSR staff and has revised the plan. On May 20, 2013, IMR gave approval to go forward with a WASO Clearance to Print Briefing. On June 21, 2013, a Clearance to Print Briefing was held and clearance granted. Peggy O'Dell, Bert Frost, Vic Knox and Patrick Gregerson were in attendance. The FONSI was signed January 8, 2014.

Issues: During scoping, an advocacy group requested the National Park Service to consider raising the flow rate limits on paddling the upper Narrows portion of the Virgin River. Zion currently manages flow rate limits for hiking, canyoneering and paddling through the *Superintendent's Compendium* based on public and park employee safety. The National Park Service determined that the *Superintendent's Compendium* is an appropriate instrument to deal with flow rate limits for various activities and would provide more flexibility to deal with changing conditions and technology than establishing new limits as part of the Comprehensive Management Plan. During comment on the plan, American Whitewater made similar comments about flow rate limits on paddling. The park staff met with representatives of American Whitewater to discuss the safety and natural resource impacts that were considered in setting the flowrate limits. After this discussion, American Whitewater stated they understood the reasoning for the limits. No further action from this group is anticipated on this issue.

Development of Virgin River Boundary and Maps: The river corridor boundary for the Virgin River was created using geographic information system technology to delineate canyon rims and major geologic layers. In accordance with the plan criteria, the boundary should: 1) protect outstandingly remarkable values, free-flowing condition, and water quality; 2) be identifiable on the ground (where possible, for example: canyon bottom); and 3) be described (where possible, for example: base of Navajo sandstone). The boundary includes areas only within Zion National Park and BLM boundaries.

Congressional Contacts: Senators: Orin Hatch and Mike Lee, Representative: Chris Stewart

Contacts: Kezia Nielsen, Planning and Compliance, Zion National Park, 435-772-0211

Tracy Atkins, Project Manager, Denver Service Center, 303-969-2325

Request for Brief to Transmit WSR Boundary and Classification Maps to Congress and Publish NOA in the Federal Register**BRIEFING STATEMENT – Request to Transmit to Congress and Publish NOA**

Bureau: National Park Service
Issue: Wild and Scenic Rivers Boundary Classification Notification Requirements
Park: Zion – Virgin Wild and Scenic River
Member: Senator Orin Hatch, Senator Mike Lee, Representative Chris Stewart
Date: April 2014

Key Points:

- The Virgin River and its tributaries in Zion National Park and adjacent Bureau of Land Management wilderness was designated as a Wild and Scenic River by Congress in the Omnibus Public Land Management Act of 2009 (Public Law 111-11).
- The Wild and Scenic Rivers Act requires publication of a Federal Register Notice of Availability of boundary maps and classifications, which become effective 90 days after they have been transmitted to Congress (Section 3(b); 16 USC 1274).
- The Comprehensive River Management Plan for the Virgin Wild and Scenic River was jointly developed and finalized by the National Park Service (NPS) and the Bureau of Land Management (BLM).
- The NPS has taken the lead for the jointly developed CRMP and publication and transmittal of the boundary and classification information.

Background and Current Status:

- The Wild and Scenic Rivers Act (WSRA) requires that detailed boundaries portrayed on maps be established and submitted to Congress within one year of designation, along with the appropriate classification (Section 3(b); 16 USC 1274). Agencies may finalize boundaries through their respective land management planning process. Pending the establishment of detailed river boundaries, the WSRA specifies that the interim boundary is one-quarter mile on each side of the river as measured from the ordinary high water mark.
- Section 3(b) of the Wild and Scenic Rivers Act requires publication of a Federal Register Notice of Availability of the boundaries and classification of designated rivers. The boundaries and classifications, and subsequent boundary amendments, become effective 90 days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.
- Section 3(c) of the WSRA requires maps of all boundaries and descriptions of the classifications of designated river segments, as well as any subsequent amended boundaries, be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river. Maps will be available on eTIC and LandsNet.
- Although the WSRA requires the establishment of detailed boundaries and classification within one year of designation, and development of a Comprehensive River Management Plan within 3 years of designation, these deadlines are rarely met. Interim boundaries and classification information are made available to the public through the planning process under NEPA. Notice of availability in the Federal Register and Congressional transmittal of the final boundary and classification is made as soon as the planning process is complete.

- The river's lateral boundary is delineated so as to best protect its outstandingly remarkable values within the acreage limitations specified in the WSRA and is subject to NEPA analysis as part of the development of the Comprehensive River Management Plan. The boundary defines the area that will receive the greatest effort in resource protection and the area in which lands and interest in lands may be acquired for WSR purposes. The WSR boundary does not provide any authority to regulate non-federal lands.
- The river is classified as wild, scenic, or recreational based on the level of development at the time of designations of the shoreline, watercourse and access (Section 2(b); 16 USC 1273).
- Rivers administered by multiple federal agencies prepare and transmit the required information jointly.

Request:

- Transmit Virgin River Wild and Scenic Rivers Boundary and Classification Maps to Congress and publish Notice of Availability in the Federal Register.

Contact: Tracy Atkins, (303) 969-2325; Kezia Nielsen (435) 772-0211; Joan Harn (202) 354-6929

Example of a Congressional Notice Letter

United States Department of the Interior

NATIONAL PARK SERVICE
Zion National Park
Springdale, UT 84767

File Code:
Date

The Honorable Lisa Murkowski
Ranking Member
Committee on Energy and Natural Resources
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Murkowski:

In accordance with section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), we are pleased to forward the detailed boundaries for the Virgin Wild and Scenic River, in Utah. The river was added to the National Wild and Scenic Rivers System by the Omnibus Public Land Management Act of 2009 (Public Law 111-11) on March 30, 2009. This river is administered by Zion National Park and the St. George Field Office of the Bureau of Land Management.

Questions about the boundary descriptions and final maps should be directed to Tracy Atkins, Project Manager for Denver Service Center, (303) 969-2325, for specific aspects of this boundary amendment or Joan Harn, Conservation and Outdoor Recreation Program, (202) 354-6929, for the general boundary amendment process.

A similar letter has been sent to the Honorable Joseph R. Biden, Jr., President of the Senate; and the Honorable John Boehner, Speaker of the House; as well as the Chairman, Senate Committee on Energy and Natural Resources; and the Chairman and Ranking Member, House Committee on Natural Resources.

Sincerely,

Peggy O'Dell
Deputy Director Operations, National Park Service

Transmittal Cover Letter - Federal Register Notice of Availability

United States Department of the Interior

NATIONAL PARK SERVICE
Zion National Park
Springdale, UT 84767

IN REPLY REFER TO:

NPS0015480

June 6, 2014

Memorandum

To: Federal Register Liaison Office, WASO-237

From: Tracy Atkins, Project Manager, Denver Service Center-Planning Division for Cindy Purcell, Acting Superintendent, Zion National Park

Subject: Federal Register publication - Notice of Availability of Boundary Description and Final Maps for Virgin River, Zion National Park and St. George Field Office of the Bureau of Land Management, Utah

Enclosed are four (4) signed originals of the Notice of Availability for publication in the *Federal Register*. Also enclosed is the briefing statement, an approved purchase request to cover the costs of publication, a CD containing the notice, and a letter to the Director of the Office of the *Federal Register* stating the CD is certified to be a true copy of the original document. For further information, contact Tracy Atkins at 303-969-2325.

In order to keep the project on schedule, the NOA needs to be published in the *Federal Register* on **July 11, 2014**. Please coordinate the NPS publication with the EPA Office of Federal Activities in Washington so both NOAs are published on July 11.

Sincerely,

Tracy Atkins
Project Manager, Denver Service Center, Planning Division
Enclosures included in transmittal package

cc:
Sue E. Masica – Regional Director, Intermountain Region
Cindy Purcell, Acting Superintendent, Zion National Park
Jimmy Tyree, Field Office Manager, St. George Field Office, BLM
TIC

Federal Register Notice of Availability**DEPARTMENT OF THE INTERIOR****4312-CB****National Park Service**

[NPS-IMR-NPS0015480]

[PX.PD166570D.00.1]

Boundary Description and Final Maps for Virgin River, Zion National Park and St. George Field Office of the Bureau of Land Management, Utah**AGENCY:** National Park Service and Bureau of Land Management, Interior**ACTION:** Notice of Availability

SUMMARY: In accordance with section 3(b) of the Wild and Scenic Rivers Act, the National Park Service and Bureau of Land Management are transmitting the final boundary description and map of the Virgin Wild and Scenic River to Congress.

DATES: The boundaries and classification of the Virgin Wild and Scenic River shall not become effective until ninety (90) days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives. In accordance with section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), the detailed boundary descriptions and final maps were forwarded on xxx, 2014.

ADDRESSES: Documents may be viewed at any National Park Service Office through the LandsNet website [http://landsnet.nps.gov/tractsnet/documents/ZION/Miscellaneous/zion_VirginWSR_116-123881thru90.pdf] and at Zion National Park Headquarters, SR 9 Springdale, UT 84767 and at the Bureau of Land Management St. George Field Office, 345 East Riverside Drive, St. George, UT 84790.

FOR FURTHER INFORMATION: Information may be obtained by contacting the following office: Denver Service Center, 12795 W. Alameda Parkway, Denver, CO 80228, 303-969-2325, tracy_atkins@nps.gov. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Virgin Wild and Scenic River boundary is available for review at the following offices: Any National Park Service office through the LandsNet website, Zion National Park Headquarters, SR 9 Springdale, UT 84767 and at the Bureau of Land Management St. George Field Office, 345 East Riverside Drive, St. George, UT 84790.

The Omnibus Public Land Management Act of 2009 (Public Law 111-11) of March 30, 2009, designated the Virgin Wild and Scenic River, to be Administered by the Secretary of Interior. As specified by law, the boundary will not be effective until ninety (90) days after Congress receives the transmittal.

Date: _____

Signed: _____

Sue E. Masica, Regional Director
Intermountain Region

Coordination Letter from Other Federal Agency

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Utah State Office
440 West 200 South, Suite 500 Salt Lake City, UT 84101-1345
<http://www.blm.gov/ut/st/en.html>

[MAY 02 2014]
IN REPLY REFER TO:
6400/(UT-934)

Memorandum

To: Intermountain Regional Director, National Park Service, P. O. Box 25287, Denver, Colorado 80225

From: State Director /s/ Juan Palma

Subject: Virgin Wild and Scenic River Boundary Description Responsibilities

The Bureau of Land Management (BLM) Utah would like to sincerely thank the National Park Service (NPS) for all of your collaborative efforts that have led to the successful completion of the *Virgin River Comprehensive Management Plan and Environmental Assessment*, which was in conformance with the Wild and Scenic Rivers Act for designated river segments on both Zion National Park and BLM lands in Washington County, Utah. This memorandum is to confirm that both of our agencies are in agreement on the next steps related to mapping and describing the boundaries of the Virgin River's designated Wild and Scenic River segments.

In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the NPS has agreed to serve as the lead agency in preparing the statutorily-required *Federal Register* notice which will identify the designated river segments' boundaries and classifications, as well as notify the public of the availability of the final comprehensive management plan. Once these materials have been forwarded to Congress, the BLM understands that the NPS' responsibilities related to mapping the Wild and Scenic River segments of the Virgin River will be fulfilled.

In accordance with national BLM policies outlined in BLM Manual 6120 regarding *Congressionally Required Maps and Legal Boundary Descriptions/or National Conservation Landscape System Designations*, the BLM is also required to develop maps and official legal boundary descriptions for the BLM segments of the designated Wild and Scenic River. These maps and legal descriptions must be based on on-the-ground surveys and approved by BLM Utah's Chief Cadastral Surveyor. In order to ensure that both agencies complete our statutorily-required boundary descriptions in a timely manner, BLM Utah will prepare the maps and legal boundary descriptions specific to the BLM segments of the Virgin River and forward them to Congress as an amended submittal at a later date.

Again, thank you for the NPS' leadership in preparing the *Virgin River Comprehensive Management Plan*. If you have any further questions, please contact BLM Utah's National Conservation Lands Coordinator Bunny Sterin at 801-539-4053 or bsterin@blm.gov.

cc: Zion National Park, Springdale, UT 84767
Mr. Jimmy Tyree, Field Manager, BLM St. George Field Office

APPENDIX H: EXAMPLE OF COURT DECREE FOR A WATER RIGHT

District Court, Water Division 1, State of Colorado Case No. 86CW367

REVISED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECREE

CONCERNING THE APPLICATION OF THE UNITED STATES OF AMERICA FOR RESERVED WATER RIGHTS FOR THE CACHE LA POUDE WILD AND SCENIC RIVER IN LARIMER COUNTY (ROCKY MOUNTAIN NATIONAL PARK AND ROOSEVELT NATIONAL FOREST)

This matter comes before the court for entry of the revised Findings of Fact, Conclusion of Law and Decree, the parties having consented thereto. The court, having examined the records and files herein, and being now fully and sufficiently advised in the premises, hereby makes the following revised Findings of Fact, conclusions of Law and Decree:

MIXED FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On October 30, 1986 Congress designated the Cache la Poudre River as a component of the National Wild and Scenic Rivers System. Pub. L. 99-590, 100 Stat. 3330, 16 U.S.C § 1274(a) (57) (1988). The reaches of the Cache la Poudre so designated are as follows:
 - A. Beginning at Poudre Lake downstream to the confluence of Joe Wright Creek, as a wild river. This segment to be designated the "Peter H. Dominick Wild River Area".
 - B. Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north- south line of the west half southwest quarter of section 1, township 8 north, range 71 west of the sixth principal meridian, as a recreational river.
 - C. South Fork of the Cache la Poudre River from its source to the Commanche Peak Wilderness Boundary, approximately four miles, as a wild river.
 - D. Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, as a recreational river.
 - E. South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, to confluence of the main stem of the Cache la Poudre River as a wildriver.

16 U.S.C. § 1274(a) (57)(1988).

2. The amount of water reserved is all of the native water arising upon or flowing through the designated segments of the Cache la Poudre River, subject to valid prior appropriations under Colorado law. These reserved right shall apply only to native water

of the designated wild and scenic river segments and shall not include, or in any way limit, either the amount or pattern of flow or releases of trans-basin diverted or foreign waters, meaning those waters imported into the Poudre River basin from the Grand (Colorado), Michigan, and/or Laramie River basins, or of native water diverted or stored pursuant to valid prior appropriations as defined herein.

3. Valid prior appropriations are defined as absolute and conditional decreed water rights, including decreed exchanges and decreed augmentation plans, decreed as of and with a priority date senior to October 30, 1986.
4. The Wild and Scenic Rivers Act provides that: The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this chapter to the extent that such jurisdiction may be exercised without impairing the purposes of this chapter or its administration.

16 U.S.C. § 1284(d) (1988).

Accordingly, the State of Colorado may continue to exercise its jurisdiction over the designated reaches of the Cache la Poudre River, pursuant to 16 U.S.C. § 1284 (1988).

1. Section 102 of Public Law 99-590, 100 Stat. 3330 provides that:
Inclusion of the designated portions of the Cache la Poudre River and the Wild and Scenic Rivers System under section 101 of this title shall not: interfere with the exercise of existing decreed water rights to water which has heretofore been stored or diverted by means of the present capacity of storage, conveyance, or diversion structures that exist as of the date of enactment of this title, or operation and maintenance of such structures. Nor shall inclusion of the designated portions of the Cache la Poudre River in the Wild and Scenic Rivers System be utilized in any Federal proceeding, whether concerning a license, permit, right-of-way, or other Federal action, as a reason or basis to prohibit the development or operation of any water impoundments, diversion facilities, and hydroelectric power and transmission facilities below Poudre Park located entirely downstream from and potentially affecting designated portions of the Cache la Poudre River, or relocation of highway 14 to any point east of the north-south half section line of section 2, township 8 north, range 71 west of the sixth principal meridian, as necessary to provide access to Poudre Park around such facilities: Provided, That due consideration shall be given to reasonable measures for minimizing the impact of such facilities and road relocation on the designated segments. Congress finds that development of water impoundments, diversion facilities, and hydroelectric power and transmission facilities located entirely downstream from the designated portions of the Cache la Poudre River below Poudre Park, in accordance with the provisions of this section, is not incompatible with the designation of portions of the Cache la Poudre River in the Wild and Scenic Rivers System under section 101 of this title. The reservation of water established by the inclusion of portions of the Cache la Poudre River in the Wild and Scenic Rivers System shall be subject to the provisions of this title, shall be adjudicated in Colorado Water Court, and shall have a priority date as of the date of enactment of this title.

Accordingly, nothing contained in this Decree is intended to alter the provisions of section 102.

2. The United States filed its application for adjudication of its reserved rights for the Cache la Poudre Wild and Scenic River on December 30, 1986.
3. The following parties filed timely Statements of Opposition:
 - o Cache la Poudre Water Users Association
 - o City of Greeley
 - o City of Fort Collins
 - o Colorado Water Conservation Board
 - o Excalibur Resources Company
 - o Northern Colorado Water Conservancy District
 - o St. Vrain and Left Hand Water Conservancy District
 - o City of Thornton
 - o Tunnel Water Company
 - o Water Supply and Storage Company
4. All notices required by law for filing and publication of the application in the Resume of Water Division No. 1 have been fulfilled and the court has jurisdiction over the subject matter and all parties who may be affected by this decree whether or not they have appeared.
5. The United States has demonstrated its entitlement to this Decree as a matter of law.

DECREE - IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The name, address and telephone number of the claimant:
United States of America c/o Department of Justice
Environment and Natural Resources Division
999 18th Street, Suite 945, Denver, CO 80202
(303) 294-1900
2. The Findings of Fact and Conclusions of Law contained herein are incorporated by reference and made a part of this Decree.
3. The United States is entitled to reserved water rights with a priority date of October 30, 1986 in the following reaches and tributaries of the Cache la Poudre River:
 - A. Beginning at Poudre Lake, Latitude/Longitude 40° 25' 11" N, 105° 48.' 38" W, southwest quarter of southwest quarter of section 4, township 5 north, range 75 west of the sixth principal meridian, downstream to the confluence of Joe Wright Creek, Latitude/Longitude 40° 38' 14" N, 105° 48' 14" W, northeast quarter of section 28, township 8 north, range 75 west, as a wild river. This segment to be designated the "Peter H. Dominick Wild River Area".
 - B. Downstream from the confluence of Joe Wright Creek to a point where the river intersects the easterly north- south line of the west half of southwest quarter of section 1, township 8 north, range 71 west of the sixth principal meridian, as a recreational river.
 - C. South Fork of the Cache la Poudre River from its source, Latitude/Longitude 40° 29' 34" N, 105° 38' 40" W, northwest quarter of section 13, township 6 north, range 74 west, to the Commanche Peak Wilderness Boundary,

- southwest quarter of northwest quarter of section 29, township 7 north, range 73 west, approximately four miles, as a wild river.
- D. Beginning at the Commanche Peak Wilderness Boundary to a point on the South Fork of the Cache la Poudre River in section 1, township 7 north, range 73 west of the sixth principal meridian, at elevation 8050 mean sea level, southwest quarter of northwest quarter of section 1, township 7 north, range 73 west, as a recreational river.
- E. South Fork of the Cache la Poudre River from its intersection with the easterly section line of section 30, township 8 north, range 72 west of the sixth principal meridian, southeast quarter of northeast quarter of section 30, township 8 north, range 72 west, to confluence of the main stem of the Cache la Poudre River, northwest quarter of southeast quarter of section 3, township 8 north, range 72 west, as a wildriver.

Legal descriptions have been projected in unsurveyed areas.

4. The amount of water reserved is all of the native water arising upon or flowing through the designated segments of the Cache la Poudre River, subject to valid prior appropriations under Colorado law. These reserved rights shall apply only to native water of the designated wild and scenic river segments and shall not include, or in any way limit, either the amount or pattern of flow or releases of trans-basin diverted or foreign waters, meaning those waters imported into the Poudre River basin from the Grand (Colorado), Michigan, and/or Laramie River basins, or of native water diverted or stored pursuant to valid prior appropriations as defined herein.
5. Valid prior appropriations are defined as absolute and conditional decreed water rights, including decreed exchanges and decreed augmentation plans, decreed as of and with a priority date senior to October 30, 1986.
6. The State of Colorado may continue to exercise its jurisdiction over the designated reaches of the Cache la Poudre River, pursuant to 16 U.S.C. § 1284(1988).
7. The provisions of §§ 101 and 102 of Title I, Public Law 99- 590, 100 Stat. 3330, are incorporated by reference and made a part of this Decree.
8. This Decree was entered pursuant to agreement of the parties, the issues decided herein have not been litigated between the parties, and therefore, as a result of this Decree, the parties shall not be collaterally estopped from asserting any factual or legal issues in any other cases except as precluded by the terms of this Decree.

DATED this [stamped] MAR 17 1993 day of 1993.

[signed] Raymond S. Liesman, Water Referee, Water Division No. 1

THE COURT FINDS: NO PROTEST WAS FILED IN THIS MATTER.
THE FOREGOING RULING IS CONFIRMED AND APPROVED, AND IS HEREBY MADE
THE JUDGMENT AND DECREE OF THIS COURT.

DATED this [stamped] APR 13 1993 day of 1993.

[signed] Robert A. Behrman, Water Judge, Water Division No. 1, State of Colorado

APPENDIX I: EXAMPLES OF BEST PRACTICES AND REQUIRED MEASURES FOR BRIDGE CONSTRUCTION, REMOVAL AND/OR REPLACEMENT

Best practices for bridge removal, replacement, refurbishing, or new construction depend on the project scope (area of impact, including staging areas), project timing and duration, and WSR values that may be affected. However, there are a number of commonly used best practices that can be implemented to avoid, eliminate, reduce, or minimize impacts to WSR values and render a “will not have a direct and adverse impact” finding. (See Chapter 3, Understanding and Implementing Section 7).

The Section 7 determining agency may reasonably request, and project proponents are responsible to provide, sufficient information to inform a well-reasoned and technically supported determination. At a minimum, project proposals should include the project start date, construction sequencing/phases, bridge dimensions, number of piers, location of staging areas, design features (decking; abutments/materials; rail design; lighting; signage), hydrological and hydraulic data, as well as proposed measures to avoid or minimize harm. It is strongly encouraged that resource advisors or environmental inspectors who are familiar with the WSR values and all required avoidance and minimization measures attend pre-construction meetings and are on-site during construction. Consistent practice with respect to similar projects across regions not only strengthens the effectiveness of determinations in protecting and enhancing WSR values, but also provides clear and reasonable guidance for project proponents.

Examples of best practices and required measures are provided below for each phase of the project. River managers may incorporate best practices into Section 7 determinations, as appropriate, for bridge construction, removal, and/or replacement projects. However, required measures are those measures that are necessary for proper evaluation of the proposed project.

1. Project Coordination

Best Practices

Project Coordination is a critical component of a successful Section 7 determination process. Interagency coordination should occur early, and then as necessary throughout the process, to ensure WSRA compliance and avoid last minute changes or project delays.

It may also be necessary to recruit a representative partner at meetings that the NPS is not able to attend. Often a fellow DOI Agency with mutual interest in the project (ex. USFWS) or a state river manager, (e.g., DNR) in the case of a 2(a)(ii) river.

For complex projects or those that could have significant impacts, consider establishing an interdisciplinary team or request technical assistance from the appropriate regional and/or national support office (e.g. engineering specialists; hydrologists in the NPS Water Resources Division, geologists in the NPS Geologic Resources Division).

Conducting interdisciplinary on-site planning meetings and project reviews with project planners and equipment operators is strongly recommended to ensure all parties involved have a complete understanding of the project requirements, definitions and conditions.

It is often helpful to request that the project proponent provide copies of engineering plans and specifications following the completion of each major design phase (eg., 30%, 60%, 90% of project

completion). While a preliminary Section 7 determination may be made based on conceptual plans, the final Section 7 evaluation and determination should be based on a review of engineering plans that are nearly (at least 60%, but preferably 90%) complete.

Section 7 determinations should recite required measures and additional provisions that must be met to satisfy the determination, including language that requires the completed project to be consistent with the project plans evaluated on a specific date and identified with a specific title so that there is no ambiguity or misunderstanding. It may also be helpful to seek inclusion of similar language in engineering plans (eg., in the general or construction notes sections) or supplemental specifications, as well as in any other required permits such as USACE Section 404 permits. Such inclusion ensures that the contractor submits bids and performs construction with full understanding of, and compliance with, the required measures.

Required Measures

- The project proponent must provide NPS with an approved and complete project plan set, including any appropriate special provisions or supplemental specifications, along with all design and engineering plans.
- NPS must be notified of any proposed changes to the project package originally submitted for evaluation, such as the plan set, special provisions, construction methods, or schedule for instream work. Any such changes require consultation with NPS before the work proceeds, and may require additional Section 7 review and approval. The project proponent may be required to undo or change any construction that was not part of the approved package.
- NPS must be notified and invited to all pre- and post-construction agency coordination meetings, including final site inspections.
- NPS must perform project plan reviews, comment on preliminary project construction plans, and monitor on-site construction activities. Site visits and on-site construction reviews are required to identify maintenance needs and chronic problems that may be occurring.
- Remedial actions must be implemented in a timely manner.
- A pre-construction meeting with equipment operators must be held prior to project commencement to discuss project requirements.
- NPS must be promptly notified of accidents and/or failures of project features intended to protect the free-flowing condition, water quality, or ORVs during construction activities.
- The project proponent must submit a post construction report to the NPS within 90 days of project completion. The report should include a set of before and after pictures along with a written summary of the project, any complications or challenges, and any solutions or deviations to plans.
- The NPS must complete a post-construction follow up and completion report in a timely manner. Any practice failures will be remedied at this time. There is a performance warranty period of 2-5 years after the completion of the project.
- NPS must provide the project proponent with a formal approval or denial of the project. An example of the language to include is as follows:

“The National Park Service has determined on behalf of the Secretary of the Interior, pursuant to Section 7 of the Wild and Scenic Rivers Act, that the proposed project would not have a direct and adverse effect on the free-flowing condition, water quality or outstandingly remarkable values of the *[insert WSR name]*, provided that the project is constructed consistent with the *[insert project proponent name]* plans entitled *[insert project title]* dated *[insert date]*, and that the avoidance and minimization measures and actions cited below are fully and properly fulfilled, for the duration of the project *[insert list of avoidance and minimization measures and conditions]*.”

2. Preconstruction Studies

Best Practices

It is often necessary and appropriate for NPS to request additional information in the form of pre-construction studies, (e.g., geotechnical, biological, or recreational studies, etc.). It is the responsibility of the project proponent to provide the necessary data for the evaluating agency to make an informed determination.

Baseline inventories of ORVs and aquatic and terrestrial resources will better inform the project planning and design process.

For areas supporting federally or state listed species, informal and/or formal consultation with the USFWS and/or state resource management agencies may be necessary.

Required Measures

- Appropriate biological inventories of aquatic (e.g. fish, mussels) and terrestrial resources may be required prior to project startup. Avoidance measures must be developed in consultation with the NPS. Cultural resources inventories may also be required in order to comply with Section 106 of the National Historic Preservation Act.
- Relocation of mussel species is required where in-stream work cannot be avoided within reaches of known mussel populations. USFWS and/or state resource agencies must be consulted to ensure any established mussel relocation protocols are followed.
- Appropriate geotechnical, hydraulic, visual resource, and auditory, other project-specific resource studies may be required prior to project start. Avoidance measures must be developed in consultation with the NPS.
- Appropriate hydrologic/hydraulic information (including scour depth analysis) may be required to accompany or be included in all design and engineering plans for the project.

3. Notification to River Users

Best Practices

Instream work can pose a safety hazard to river users. It is important to warn the recreating public of any temporary hazards associated with the construction activity and provide instruction on how to safely avoid an unsafe situation.

Required Measures

- Boating (canoe/kayak or other) shall be safely maintained throughout the duration of the project either through the existing river channel or through a temporary portage trail. The trail should be approved by NPS and other agencies as necessary. Construction during peak recreational season must be avoided unless otherwise authorized in writing by the NPS and/or other recreation agency. Avoidance measures must be developed in consultation with the NPS.
- Press releases shall be issued to local media prior to project implementation and signs must be provided to recreational river users and canoe livery operators, advising users of closures and/or portage routes and their effective dates.

- A portage route must be maintained around the site during construction and removed, (and the site restored to its original condition) upon project completion. Any exceptions to this condition must be approved by the NPS and/or other recreation agency prior to project implementation or as may be necessary during project construction. Signage announcing the temporary portage will be removed at project completion.

4. Erosion Control

Best Practices

Water quality management is delegated to state and local resource agencies. Erosion control often falls to local zoning, conservation commissions, and NPDES permits or Section 401 water quality certifications under the Clean Water Act. By coordinating with the appropriate agencies and including specific conditions about sediment erosion control, effective protections for riverine health can be implemented.

Required Measures

- An erosion and sediment control plan must be developed for the site and remain on site for the duration of the project. Particular attention shall be given to any drainage ways, ditches and streams that could convey sediment laden water directly to the [*stream name*]. Appropriately designed rock-check dams and other erosion controls shall be utilized in ditches and drainage ways.
- A phased construction schedule must be utilized to minimize open areas and reduce the potential for erosion. Temporary vegetative cover must be used to stabilize areas that are not subject to active construction. Any exceptions to these conditions must be authorized by the NPS in writing or otherwise made part of this determination.
- Appropriate sediment/storm water controls must be installed prior to grading or other land disturbing activities.
- Properly installed (framed and entrenched) silt fence shall be properly installed around the work site perimeter and storm water inlets.
- All erosion control devices shall be inspected daily and properly maintained until final site stabilization is achieved. Accumulated sediment shall be cleaned out of erosion control devices, and worn-out or deteriorated materials must be replaced on a regular basis.
- All sediment and erosion controls shall be removed upon stabilization of the project area with vegetation.
- Straw bales shall not be permitted as a form of erosion control.
- All denuded areas, including ditches, culverts and river/stream banks, shall be permanently seeded [*inset recommended or approved seed type/source*] and mulched (or covered with fiber mat material) immediately upon completion of earthwork or temporarily seeded and mulched (or covered with fiber mat material) within seven days if the area is to remain idle for more than thirty days.

5. Construction Equipment/Staging Areas/Work Site

Best Practices

A majority of impacts to the river that are attributed to construction activities can be avoided by maintaining a tidy site. Proactive site management minimizes the potential for unintended consequences.

Standard best practices include scheduling to avoid sensitive periods, biological monitoring, erosion and sediment control, and revegetation.

Required Measures

- Litter and construction debris shall be contained daily. Construction and/or worker generated debris/garbage must be contained on site in properly covered containers; daily clean up must be performed to prevent materials from entering the river.
- All construction equipment must be inspected daily for hydraulic and fuel leaks, and repaired as necessary. When not in use, idle equipment, petrochemicals and toxic/hazardous materials shall be locked and may not be stored in the 100-year floodplain or near any drainage ways, ditches or streams; discharge of petroleum products, cement washings, or other construction materials into the river is not permitted.
- All fueling operations, lubricating, hydraulic topping off, fuel tank purging, and equipment maintenance/repairs shall be performed at an upland site outside of the one-hundred-year floodplain. These activities shall take place on an approved pad with spill control/collection devices in place. The use of canola oil or other biodegradable fuels and fluids is recommended when working in sensitive riverine environments.
- Appropriate oil spill kits shall be maintained on site and readily accessible at all times during construction and each operator trained in its use.
- No wastewater shall be discharged into the river.
- Prior to moving construction equipment into the project area, the contractor must take reasonable measures to ensure that each piece of equipment is free of soil, seeds, vegetative matter, or other debris that may contain seeds of non-native invasive species (consider including aquatic if equipment will be used in-stream).
- All tools, equipment, barricades, signs, surplus materials, and rubbish from the project work limits shall be removed upon project completion. All construction debris and litter must be completely removed off site and disposed of properly upon completion of the project.
- All debris, excess fill material and material excavated shall be disposed of at an approved upland location (above 100-year flood elevations). Disposal in wetlands, floodplains or within 1000 feet of the [*insert river name*] is prohibited.

6. Bridge Rehabilitation/Restoration/Removal

Best Practices

The goal should be to minimize the number of piers in the river to enhance fish, wildlife, and recreational user passage. Pier designs that incorporate or mimic the surrounding landscape will decrease the visual impact of the structure.

Location and timing of construction activities are important and streams should be crossed at the point and time least damaging to fishery and aquatic organisms and generally at right angles.

Rural broadband cables can be problematic if placed below the OHWM. Cables can be screwed (using 3/4" screws) to the underside of a bridge crossing or other existing river spanning infrastructure to lessen the scenic impact and eliminate the need for trenching the cable under the river.

Required Measures

- If painting, sand or water blasting any portion of the bridge is necessary, appropriate aprons shall be utilized to provide for complete containment of all paint, and/or sealant over-spray particles and other debris during bridge removal, installation, or maintenance operations.
- Fire retardant, termiticide and insecticide/fungicide shall be applied to new and reused wooden bridge members outside of surface waters or wetlands.
- Aprons, tarps, shrouds, and/or other containment devices must be in place during bridge demolition, bridge maintenance, bridge construction and/or bridge surfacing activities to capture falling debris, paints, welding slag, sealant overspray, asphalt deck materials, or other debris. All concrete chunks, asphalt, grindings, concrete materials, wood, rebar, and other debris generated during demolition or construction that enters the river shall be immediately removed and taken to an appropriate disposal facility outside of the floodplain.
- All concrete chunks, asphalt, grindings, concrete materials, wood, rebar, and other debris generated during demolition or construction that enters the river must be immediately removed from the river and taken to an appropriate disposal facility outside of the floodplain.
- The old bridge, abutments, pier(s) and foundation must be removed entirely [*or cut to X feet below the river bed surface*] and river bed/features restored to preconstruction condition. No rebar or other structural remnants that pose a danger to paddlers and other river users shall remain.
- Replacement bridges that are designed to span the river (no piers in the water) are preferred. At minimum, replacement bridge design shall result in the elimination or reduction of instream piers with no net addition of piers.
- No net gain of transportation corridors is required unless otherwise agreed to in writing. All approaches, abutments must be returned to preconstruction condition. Bed, banks, corridor and corridor must be restored and no net loss of floodplain is required unless otherwise agreed to in writing.

7. Work Pad/Causeway/Culverts

Best Practices

It is important to maintain a river's hydraulic capacity and geomorphology throughout the project area. Work pads, causeways, and culverts should not overly constrict the flow of the river.

Required Measures

- One to two temporary causeways/work pads may be used provided they do not occupy more than one-half the river channel at any given time. The use of barges or docks is preferred if conditions allow. Temporary causeways/work pads must be completely removed in a timely manner, and natural channel conditions must be fully restored.
- Work platforms (causeways; work pad) shall be kept to the absolute minimum size needed to facilitate in-stream work. In-stream work shall be conducted through the use of water diversions made of clean/rinsed quarried stone of appropriate size and not requiring the placement of earthen fill (sheet piling, membrane dams, etc.) wherever possible. Additional requirements include:
 - Causeway(s) must be placed on top of an appropriate number of open culverts of sufficient diameter and numbers to pass a sufficient flow to handle minor storm events. A [*insert X minimum diameter opening*] is required.
 - Culverts must be designed to allow fish passage and must be orientated parallel to normal stream flow.
 - Culverts must not pose a safety hazard to river users.

- Culverts must provide for a natural streambed under the structure, either by using a bottomless structure or by recessing the culvert bottom below the stream bottom a sufficient depth into the stream bed to avoid disrupting fish passage and to maintain natural flow and other river functions.
- Culverts devices must be clear of debris and fully functioning throughout the duration of the project.
- The causeway must be removed prior to *[date of average high flow period or critical fish migration period]*.
- The riverbed underneath the causeway must be returned to its pre-construction contours, elevations, and substrate sizes and types.
- All motorized equipment operations must be conducted from the causeway; machinery is not permitted to operate from within the riverbed.
- Work area isolation (sheet piling, bladder bags, solid barriers or coffer dams) must be implemented prior to any streambed excavation unless it can be demonstrated that work area isolation will cause more resource harm than the excavation activity.
- Existing in-stream flows must be maintained through the causeway(s) using culverts sized to pass a flow equal to 150 percent of existing flow to account for minor storm events. No more than *[insert amount based on stream conditions]* cubic yards of clean, non-erosive rock material may be used to construct the causeway. This rock material must be free of any fines, clay or silts and of sufficient size to prevent movement downstream.
- All appropriate measures must be in place to minimize sedimentation and streambed impacts prior to initiating in-stream work. All in-stream work must be kept to a minimum and be conducted between the low flow/low precipitation periods for the area *[insert date range]*. In-stream construction work may not be conducted when flows are greater than a 1-year flow or if excessive turbidity is observed.
- Concrete, broken concrete (with or without rebar), asphalt, slag, or other such material for the causeways, abutments or piers is prohibited.
- Commercial rip-rap should be avoided or otherwise kept to the absolute minimum amount needed to prevent scour and shall consist of clean rock only (free of any toxic or fine material). Native field stone from the area should be used whenever possible. All fill material used as rip-rap, work platforms or cofferdams shall be a minimum of three inches in diameter and be washed to remove fine particulate matter (clay, silt, sand and soil).
- Rip rap and stone fill shall conform to specifications as set forth in *[insert reference to appropriate federal/state standard specifications; include section number]*, and shall only be used as scour protection around abutments/piers, not to armor the river channel.
- The causeway culverts and temporary rock pads must be completely removed to channel bottom immediately upon completion of in-stream work and disposed of at an appropriate upland site out of the 100-year flood plain and out of view from the river. To minimize soil compaction and turbidity, culverts and causeway rock may not be removed during rain events.

8. Abutments/Piers (bridges that span the rivers are preferred)

Best Practices

Bridges that span the river channel without the use of piers better maintain a river's hydraulic capacity and geomorphology, and are the preferred approach.

If in-stream piers are proposed, a net reduction of in-channel piers is preferred and, at minimum, the project should not further disrupt the free-flowing condition of the designated river as existed prior to the project implementation.

Required Measures

- Concrete, broken concrete, slag, or other such material for protection of abutments or piers is prohibited.
- No more than [*insert maximum limit*] cubic yards of rock channel protection (RCP) may be placed within the river below the Ordinary High Water Mark (OHWM) elevation to protect the new abutments and minimize scour. If rock riprap is necessary, the rock must be of a similar size, shape, and color as that found in the immediate area of the project where feasible to minimize visual impacts.
- Piers must be orientated in a manner that will reduce restrictions on the existing river flow (discharge, direction, velocity) and not significantly alter flows or the location of the thalweg.
- Channel modifications associated with pier and/or abutment must be avoided and the stream banks/bed must be returned to pre-construction elevations and contours using the existing natural substrate such that the amount or timing of the flow in the channel are not significantly altered from pre-construction condition and the thalweg alignment upstream/downstream of the bridge is maintained.
- The width of the streambed must not be altered (*see Section 3.2.6 Stream Channel Stabilization and Restoration*).
- Rock weirs or other such diversions may not be established.
- If dewatering is necessary, downstream flows must be maintained. Pumps or flume diversions may be necessary to prevent interruption of downstream flow. Water must be filtered to remove excessive sediments (must meet state discharge guidelines) and must be discharged onto an energy-dissipating device (e.g. splash pup, concrete weight, or equivalent) to reduce discharge velocity/prevent scouring of the riverbed or adjacent banks.
- Sediment control measures (e.g. sandbags, aqua-barriers, or other coffer dam structures) must be in place to prevent a release of turbid water into downstream areas.
- Fish or mussels trapped in the dewatered area must be appropriately collected and properly relocated to a downstream section of the river that will promote their safe recovery. Fish/mussel capture/release must be conducted by a designated/qualified individual (on-site biological monitoring staff). Emergency capture/release of fish/mussels may be conducted by any on site staff if the situation warrants it.

9. Bank Protection

Best Practices

The use of native boulders and cobbles along with native planting and bioengineering will best achieve the desired natural appearing and functioning river bank after construction is complete.

Required Measures

- Minimize the use and visibility of rock channel protection (RCP), and use only the minimum amount necessary to protect structures. Integrated plantings, soil, and native seed may be used to further reduce the profile of visible rock.
- If necessary, stone fill (riprap) may only be used for abutment scour protection; the use of stone fill to stabilize the riverbanks is prohibited. To stabilize the riverbanks, use approved native boulders, cobble and gravel; loam; vegetation; and bio-engineering techniques such that the banks, when fully restored, have an appearance and function similar to the natural riverbank.
- Riparian areas must be restored to pre-disturbance conditions immediately after construction activities are completed.

- Disturbed/exposed banks, staging and project access areas must be properly stabilized (seeded, mulched, or otherwise) with native vegetation to prevent erosion and establishment of invasive plant species. A non-persistent cover crop of annual rye or equivalent temporary seeding may be used to ensure a more rapid establishment of cover while native perennial plantings grow.
- Bio-engineering methods must be used or, where deemed necessary by the [*insert river managing agency/contact*], clean broken rock rip rap of an adequate size for the specific for bank stabilization
- The use of demolition debris for slope armoring is not allowed.

10. Vegetative Plantings/Tree Removal/Tree Replacement

Best Practices

Trees that are preserved in the project work area will help to maintain bank stability and riverine aesthetics.

Required Measures

- Avoid unnecessary tree removal within the project work area.
- A vegetation plan shall be in place to protect existing vegetation/trees from damage by construction equipment (e.g. provide temporary barriers to protect existing trees, plants, root zone).
- Disturbances of the riparian zone must be limited to the indicated access points; prior to the operation of heavy equipment (dozers, cranes, trucks), orange construction fencing must be erected to delineate the dripline of remaining trees to avoid compaction of tree roots.
- The fastening of ropes, cables, or fencing to trees is prohibited.
- To ensure bank stability, trees removed within fifteen feet of the top of the river bank shall be cut flush to the ground; stumps and roots shall be left in place; indiscriminate bulldozing of riparian trees is prohibited.
- All trees removed from the riparian corridor shall be replaced with a native tree of like species. Replace each mature tree removed (12-inch or greater diameter at breast height [DBH]) with [*insert specifications, e.g. replant 3:1 ratio depending on expected survival rate and with trees that are a minimum 3-inches DBH*]. Plant only local, native trees/shrubs/grasses, naturally occurring within the [*insert river name*] riparian zone [*insert plant species list and/or to be determined in coordination with appropriate staff*].
- A qualified individual (arborists, foresters, or trained staff with similar experience) shall plant replacement trees at the appropriate time of year and in a random fashion to avoid a plantation effect. Cultivate and monitor planted tree seedlings/saplings for two years to ensure success; water plantings as necessary. Promptly replace planted stock showing signs of mortality.
- Stakes and guide wires shall be properly remove and dispose of once seedlings are established.

11. Archeological/Cultural Resources

Best Practices

Engage the Section 106 process at the earliest stages (i.e., planning), ensuring identification of historic properties (including archeological sites) has been completed within the area of potential project effects. See Appendix K: [Section 7 Coordination – National Historic Preservation Act](#) for more information about coordinating the Section 106 and Section 7 review processes.

Incorporate efforts to protect known/unknown archeological resources in the area into the planning process. Coordinate with the SHPO and THPO.

Required Measures

- Should previously unknown archeological materials be discovered during land clearing activities, consult and coordinate with the SHPO and THPO before work resumes. Properly document results of consultation and additional practices that need to be implemented.

12. Bridge Design Criteria (scenic/visual/recreation considerations)

Best Practices

Bridge designs can incorporate natural thematic approaches to the shape, color, and features to lessen the impact on wildlife, recreation, and scenery.

Request a bridge design that is visually appealing and does not break the horizon. Consider the form, line, color, textures and other features so the bridge blends in with the existing environment.

Pay attention to the scenic and cultural ORVs, including the viewshed and cultural landscape when considering bridge placement and design. Contact the NPS Visual Resources Program for technical assistance to systematically identify scenic values and assess potential project impacts. Good baseline information and a systematic robust approach is essential when evaluating the potential impacts of proposed development projects and making Section 7 determinations about effects on scenic ORVs.

Conducting a design charrette and reviewing artist renderings or computer generated schematics of the bridge design/options can be helpful, particularly for projects that may have an impact to scenic and recreational values.

Where possible, seek opportunities to provide recreational access to the river at road-stream crossings. Consider requesting construction of new river access, or improvements to existing river access for paddlers and other recreational river users, particularly as part of a Section 4(f) requirement under the Department of Transportation Act.

Required Measures

- Incorporate design elements (forms, lines, colors, textures) into bridge guardrails, piers/abutments, and girders.
 - Use tinted concrete and girder paint colors to blend in with the scenic nature of the river corridor.
 - Use low-profile design features, such as keeping the structure below tree line and earth-tone tinted cements for abutments and guardrails, to minimize visual impacts.
 - Use reactive galvanized color treatment or “weathering” steel to visually soften the railings for a park-like appearance.
- Include storm water conveyances (gutters or drains) in bridge design specifications to intercept, collect and redirect bridge deck runoff (including suspended solids, salts, fluids, oils and grease, asbestos, heavy metals, etc.) away from the river.

13. Embedded culverts (stream-simulation)

Best Practices

Culverts are sometimes used instead of bridges to span smaller streams when they cost less to engineer or construct. Culverts can be fully enclosed or have open bottoms. Open bottom structures are the preferred option when there is a need to provide for aquatic organism passage (AOP).

If it is not possible to use an open bottom structure containing native substrate, the culvert should be partially embedded and contain a well graded mix of bed materials that simulate natural stream conditions and allow for aquatic organism passage. A minimum embedment depth of two feet is generally recommended. Continuous irregular banklines of large rock may be built within the structure to provide dry passage for terrestrial animals and low velocity areas for aquatic organisms.

In newly constructed streambeds, there is an increased risk of bed failure during high flow events until hydraulic forces from moderate flows sort, structure and consolidate the new bed. This risk can be reduced by compacting the bed materials in layers, increasing the particle size distribution, incorporating steps and key features (e.g., boulders), or adding additional material (up to 20 percent) to compensate for initial bed erosion and consolidation.

There is also a risk in newly constructed streambeds of excessive streambed permeability and loss of surface flow during low flow conditions. This risk can be reduced by using a well graded mix of bed materials that includes enough clay, silt and sand to fill voids, and by washing the fines into each layer.

Mechanical compaction is not recommended for beds containing particles larger than cobbles due to increased risk of damaging the culvert; compaction should instead be achieved by washing the fines into the bed. If necessary, the risk of culvert damage can be reduced by placing a layer of sand on the bottom of structure prior to installing the streambed mix.

Required Measures

- A minimum of two feet of bed materials shall be placed within the culvert.
 - The mix of bed materials should be based on the subsurface particle-size distribution of an undisturbed up- or downstream reference reach with similar characteristics.
 - The mix of bed materials should be well graded (consisting of a wide range of particle sizes) and include enough particles less than 2 millimeters in diameter (clay, silt and sand) to fill voids between larger particles and reduce infiltration into the channel bed.
 - The particle size distribution may be modified to address various risk factors such as a steeper slope.
- Up to [*insert percentage based on stream conditions*] percent additional bed material mix may be added to compensate for initial bed erosion and consolidation.
- Segregation of bed materials shall be avoided during handling.
- Bed materials shall be placed and compacted in layers by washing the fines into each layer to reduce initial infiltration rates.
- Bed structures such as steps and key features may be incorporated to support the bed material mix until it is consolidated.

The effects of high flows shall be monitored for [*two*] years or until bed structure develops, and any bed failures repaired in a timely manner.

14. Bridge Signage

Best Practices

Placing WSR signage at road-stream crossings provides useful geographic information (eg., the river name) and also identifies a river as part of the national system (NWSRS logo). The [*NPS National Wild and Scenic Rivers System Roadway Signage Specifications \(October, 2017\)*](#) are suitable for use on all NPS managed National Wild and Scenic Rivers. County or state engineer's offices often have the tools to easily fabricate a sign in their own sign shop.

Required Measures

- State approved scenic, recreational, and cultural interest area signs shall be placed at both bridge approaches identifying the [*insert river name*] as a National Wild and Scenic River (e.g. river name and the Interagency WSR graphic logo).
- Signage shall be consistent with [*NPS National Wild and Scenic Rivers System Roadway Signage Specifications \(October, 2017\)*](#).

APPENDIX J: WILD AND SCENIC RIVER – LIKE RIVER LEGISLATION

This appendix summarizes the wild and scenic river (WSR)-like river legislation in national park units. A review of the enabling legislation was conducted to determine what purposes or resources (i.e., outstandingly remarkable values [ORVs]) Congress protected. In addition, the legislation was reviewed to determine if Congress mentioned preservation of free-flowing conditions, whether they included Section 7 of the Wild and Scenic Rivers Act protection language and if exceptions to Section 7 language were included. The table below summarizes the results of this review. Pertinent quotes from enabling legislation follow the table, with emphasis added in bold to highlight wild and scenic-like standards and values.

Park Unit	Resource Values (ORVs)	Free-Flow	Section 7 Protection	Exceptions to Section 7
OZAR (1964)	Scenic, Natural, and Historic	Yes and Spring Preservation	No	None
BUFF (1972)	Scenic and Scientific Features	Yes	Yes	None
BISO (1974)	Cultural, Historic, Geologic, Fish, Wildlife, Archeologic, Scenic, and Recreational	Yes – Natural, Free-Flowing	Yes	None
CHAT (1978)	Preserve and Protect from Developments	No	Yes	Water Supply; Water Quality; Lake Levels in Lake Lanier
NERI (1978)	Natural, Scenic, and Historic Values and Objects	Yes	Yes	Coordinate with Army to Protect Biological Res. and Rec. Use
GARI (1988)	Scenic, Recreational, Geological, Fish and Wildlife	No	Yes	Limits on Summersville Project
LIRI (1992)	Natural, Scenic, Recreational, and Cultural	No	Yes	None

Ozark National Scenic Riverways (Aug. 27, 1964)

“purposes of conserving and interpreting unique *scenic and other natural values and objects of historic interest*, including the preservation of portions of the Current River and the Jacks Fork River in Missouri as *free-flowing* streams, *preservation of springs and caves*, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources...”

“Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Jacks Fork Rivers.”

No Section 7-like language.

Buffalo National River (March 1, 1972)

“purposes of conserving and interpreting an area containing unique *scenic and scientific features*, and preserving as a *free-flowing* stream”

“The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), *on or directly affecting* the Buffalo National River and no 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 is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the Buffalo National River or on any stream tributary thereto which will not *invade the area or unreasonably diminish* the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act.”

Sixty-day advance notice in writing to Congress if direct and adverse effects.

Big South Fork National River and Recreation Area (March 7, 1974)

“purposes of conserving and interpreting as area containing unique *cultural, historic, geologic, fish and wildlife, archeologic, scenic, and recreational values*, preserving as a *natural, free-flowing* stream the Big South Fork of the Cumberland River, major portions of its Clear Fork and New River stems, and portions of their various tributaries for the benefit and enjoyment of present and future generations, the *preservation of the natural integrity of the scenic gorges and valleys* and the *development of the area’s potential for healthful outdoor recreation*.”

“The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), *on or directly affecting* the National Area and no 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 the National Area was established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the National Area or on any stream tributary thereto which will not *invade* the National Area or on any stream tributary thereto which will not *Invade* National Area or *unreasonably diminish* the scenic, recreation, and fish and wildlife values present in the area on the date of approval of this Act.”

Sixty-day advance notice in writing to Congress if direct and adverse effects.

Chattahoochee River National Recreation Area (Aug. 15, 1978)

“should be *preserved and protected from developments* and uses which would substantially impair or destroy them”

“The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41

Stat. 1063), ***on or directly affecting*** the recreation area, and no department or agency of the US 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 is established, except where such project is determined by the state of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not ***invade the area or unreasonably diminish*** the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. **Nothing contained in this subsection shall preclude the upgrading, improvement, and expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.**”

“It is not the intention of Congress by this Act to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this Act shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

Sixty-day advance notice in writing to Congress if direct and adverse effects.

New River Gorge National River (Nov. 10, 1978)

“purpose of conserving and interpreting outstanding ***natural, scenic, and historic values and objects*** in and around the New River Gorge and preserving as a ***free-flowing*** stream an important segment of the New River in West Virginia for the benefit and enjoyment of present and future generations.”

“The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), ***on or directly affecting*** the New River Gorge National River and no 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 is established, as determined by the Secretary. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above the New River Gorge National River or on any stream tributary thereto which will not ***invade the area or unreasonably diminish*** the scenic, recreational, and fish and wildlife values present in the area on the date of this section.”

Sixty-day advance notice in writing to Congress if direct and adverse effects.

“The Secretary of the Army shall cooperate with the Secretary of the Interior concerning the water requirements of the national river. The Secretary of the Army shall provide for release of water from the Bluestone Lake project consistent with that project’s purposes and activities in sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the national river.”

Gauley River National Recreation Area (Oct. 26, 1988)

“to protect and preserve the *scenic, recreational, geological, and fish and wildlife resources* of the Gauley River and its tributary, the Meadow River.”

“APPLICATION OF OTHER PROVISIONS. – The provisions of section 7(a) of the Act of October 2, 1968 (16 U.S.C. 1278(a)), shall apply to the recreation area in the same manner and to the same extent as such provisions apply to the river segments referred to in such provisions.”

Section 205(a) – “NEW PROJECT CONSTRUCTION. – If, after the enactment of this Act, any department, agency, instrumentality or person commences construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project at or in conjunction with the Summersville project, the department, agency, instrumentality or other person which constructs or operates such new project shall comply with such terms and conditions as the Secretary deems necessary, in his discretion, to protect the resources of the recreation area, including such terms and conditions as the Secretary deems necessary to ensure that such new project *will not adversely affect whitewater recreation and other recreation activities* during or after project construction.”

Section 205(b) – “ADVERSE EFFECTS ON THE RECREATION AREA. – If any such new project referred to in subsection (a) will create a *direct, physical, adverse effect on access to the recreation area* immediately downstream of the Summersville Dam during or after project construction, including vehicle parking, related facilities, and river access for whitewater recreation and other recreational use of the recreation area, the department, agency, instrumentality or person constructing such project shall replace and enhance the adversely affected facilities in such manner as may be appropriate to accommodate visitation, as determined by the Secretary.”

Section 205(c) – “NEW PROJECT PERMITS. – ...*nothing in this Act shall prohibit the licensing* of a project adjacent to Summersville Dam as proposed by the city of Summersville, or by any competing project applicant with a permit or license application on file as of August 8, 1988, if such project complies with this section.”

Little River Canyon National Preserve (Jan. 3, 1992)

“to protect and preserve the *natural, scenic, recreational, and cultural resources* of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources...”

“WATER RESOURCES PROJECTS. – *Subsection (a) of section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) shall apply to the portion of Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection.* The application of such subsection to the Preserve shall not affect any determination of the values of the lands, water, or interests in lands and waters within the boundaries of the Preserve.”

APPENDIX K: SECTION 7 COORDINATION – NATIONAL HISTORIC PRESERVATION ACT

The National Historic Preservation Act of 1966, as amended, sets forth a national policy of historic preservation and encourages preservation at the state, local, and private levels ([DO 28](#), [Appendix B](#)). The NHPA authorized and established key components of this national preservation policy, including the National Register of Historic Places, the Advisory Council on Historic Preservation, and State Historic Preservation Offices. The NHPA was amended to ensure the involvement of Native American (allowing for creation of Tribal Historic Preservation Offices) and Native Hawaiian interests.

The NHPA can be regarded as a ‘process statute’ that sets up partnerships among the federal agencies, tribes, states (and Certified Local Governments), and the Advisory Council on Historic Preservation (established by the act) to ensure better decision-making about preserving historic properties.⁹¹ Important for our discussion here is that Section 106 of the NHPA and its implementing regulations ([36 CFR 800](#)) establish a process by which managers must identify and evaluate the significance of cultural resources (i.e, whether they are eligible for inclusion in the National Register of Historic Places, which was established by the act) and requires the manager to consult with other interested partners, such as state and tribal historic preservation offices and the ACHP, to determine significance and assess potential effects of proposed federal undertakings.

The goal of this process is to identify cultural resources potentially affected by a federal undertaking, assess those effects and seek ways to avoid, minimize or mitigate any adverse effects to cultural resources eligible for inclusion or listing in the National Register. The NHPA, however, does not guarantee the preservation of cultural resources. It mandates a process that is to be followed to evaluate and mitigate the effects of federal undertakings to cultural resources. This is a key point, because the WSRA requires that direct and adverse effects of federally-assisted water resources projects on WSR values, including cultural ORVs, must be avoided or eliminated. A WSR Administering Agency cannot concur with a decision made through the 106 process that resolves an adverse effect, as defined by Section 106 and its regulations, but results in the loss of the Cultural ORV.⁹² See [Appendix B: Identifying Wild and Scenic River Values on Designated Rivers](#) for more information about defining Cultural ORVs.

This appendix identifies the common steps used in the NHPA Section 106 process and opportunities to integrate WSRA Section 7. It also highlights important differences in these laws, generally described in Chapter 4, Section 4.1.1 [Activities that Trigger a Section 7 Evaluation](#). River managers should take note that relying on the Section 106 process to evaluate direct and adverse effects to WSR values may not be adequate for the proper administration of

⁹¹ The regulations for Section 106 use the term “historic properties” rather than cultural resources. Under the NHPA, as amended, historic properties include all cultural resource categories identified by [NPS-28 Cultural Resource Management Guideline](#) (NPS 1998b) (archeological resources, cultural landscapes, historic structures, ethnographic resources [such Traditional Cultural Properties], and museum collections).

⁹² This is a key difference - under WSRA, Section 7, a water resources project cannot move forward if the WSR administering agency determines there will be a direct and adverse effect on WSR values; under NHPA Section 106, consulting parties can agree to resolve an adverse effect by destroying a cultural resources ORV and mitigating the loss.

the WSRA, or for the stewardship of Wild and Scenic Rivers, or for adequate Section 7 determinations. Ideally, river managers should work collaboratively to seek solutions that fully address the mandate of both the WSRA and NHPA.

Initiate Project Review and Confirm Applicability of WSRA Section 7 and NHPA Section 106

A federal nexus is required to trigger requirements of both WSRA Section 7 and NHPA Section 106, even though the language is different. Section 7 is triggered if the project includes federal assistance by loan, grant, license or otherwise in the construction of certain types of projects.⁹³ Section 106 of the NHPA is triggered if the proposed project is a Federal Undertaking.⁹⁴

Additional requirements under Section 7 of the WSRA for cultural resources are that the activity must be a federally-assisted water resources project with potential to affect free flow, water quality or Outstandingly Remarkable Values, or the project must be a FERC authorized hydropower project on or directly affecting a designated or 5(a) study river.⁹⁵ Section 106 applies to all federal undertakings. If the undertaking has no potential to affect cultural resources⁹⁶, then the agency official has no additional Section 106 obligations. Not all federal undertakings as defined by the NHPA will be water resources projects or FERC authorized hydropower construction. This has implications for protecting cultural ORVs and for integrating Section 106 with other WSRA provisions, such as Section 10(a) and the associated non-degradation policy.

The WSR-administering agency confirms that a Section 7 review is required. The lead agency official for the federal undertaking confirms that Section 106 is required. For the National Park Service, the Programmatic Agreement among the Advisory Council on Historic Preservation and the National Council of State Historic Preservation Officers identifies park superintendents as the agency official. Consultation by the agency official with appropriate SHPOs and THPOs and other stakeholders (e.g., public) is required throughout the remainder of the Section 106 process.

Identify Relevant Cultural Resources

Under the WSRA Section 7, the WSR-administering agency identifies the Cultural Resource ORVs that must be addressed.⁹⁷ If cultural ORVs are not described in detail, then the WSR-

⁹³ See Chapter 4, Section [4.1 Statutory Background](#) and Section [4.9.5. National Historic Preservation Act](#).

⁹⁴ Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval. (36CFR800.16y)

⁹⁵ See Chapter 4 for more detailed information about definitions, triggers and standards for Section 7. Federally assisted water resources projects and FERC authorized hydropower projects have different requirements. Cultural resources are not included in the provisions for projects located upstream, downstream, and on tributaries.

⁹⁶ The regulations for Section 106 use the term “historic properties” rather than cultural resources. Under the NHPA, as amended, historic properties include all cultural resource categories identified by the NPS (archeological resources, cultural landscapes, historic structures, ethnographic resources [such Traditional Cultural Properties], and museum collections).

⁹⁷ Cultural ORVs are located within the designated river or study corridor. This may include contributing elements for cultural resources that are primarily located outside the river corridor; such as a river view for a Historic District, provided that this resource is documented as part of the ORV.

administering agency should follow the initial steps of the Section 106 process to identify resources that contribute to the cultural ORVs. Under Section 106 the Area of Potential Effects (APE) must be defined and then the cultural resources within that area must be identified. All cultural resources must be evaluated for significance and their eligibility for listing in the National Register. If inventories of eligible cultural resources have not been conducted within the APE, then the agency official must conduct appropriate level inventories to identify those resources.⁹⁸

Since Cultural ORVs must be river-related and rare, unique or exemplary on a regional or national scale, all NR or NR- eligible resources may not qualify for review under Section 7 of the WSRA. An ORV is not simply a list of places. The ORV may be based on discrete structures or locations that are culturally important, but the ORV may be “larger” than these individual sites or structures.

Assess Effects

Under Section 7, the WSR-administering agency must describe how the proposed activity will directly alter Cultural Resource ORVs, including consideration of temporary, short-term and long-term effects. It will also compare these effects with management goals for Comprehensive River Management Plans (CRMPs). Under Section 106, the agency official assesses effects of the proposed project to NR eligible or listed resources. If none are identified in the APE, the agency official makes the determination of “No Historic Properties Affected.” An assessment of “No Adverse Effect” or “Adverse Effect” must be made if NR listed or eligible resources are identified in the APE. If there are no eligible or listed historic properties affected or if there are no adverse effects, the agency official requests concurrence of this assessment from consulting parties. If those parties concur, the process is completed.

Under Section 106, an adverse effect, however, means the project will alter, directly or indirectly, any of the characteristics that qualify it for listing in the NR in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. NHPA regulations (36 CFR 800) and policy establish a process for determining and resolving a finding of adverse effect, which may be very helpful to the WSR-administering agency. It is important to highlight, however, that the WSRA Section 7 only addresses direct and adverse effects; Section 106 requires both direct and indirect effects be assessed. If there is an adverse effect finding, the ACHP must be notified.

The WSR-administering agency provides comments that identify issues that must be addressed in a Section 7 determination and should help identify actions to protect WSR values and, for any alternative(s) likely to result in an adverse effect determination, suggest, if possible, changes necessary to avoid a finding of adverse effect.

⁹⁸ Secretary of Interior Standards and Guidelines for Historic Preservation apply. Agency Officials should also be mindful of state identification methods and ensure SHPOs and THPOs agree on the adequacy of methods for inventories. See 36 CFR 800.11 for more information on documentation standards.

Resolve Adverse Effects

Under the WSRA Section 7, adverse effects must be avoided or eliminated by minimizing the effect so that it is not considered adverse. Mitigation is not an option.

Under the NHPA Section 106, adverse effects must be resolved through consultation with partners (such as SHPOs and THPOs), stakeholders, and the public. Resolving adverse effects may be accomplished by: avoiding,⁹⁹ minimizing,¹⁰⁰ or mitigating¹⁰¹ the adverse effect. If a consulting party, such as a SHPO or THPO objects, then the agency official must consult with the party to resolve the disagreement, or the Advisory Council on Historic Preservation can be invited to review. Under Section 106, consulting parties can agree, then, to resolve an adverse effect by developing a Memorandum of Agreement (MOA) that defines measures to be taken to mitigate the effect of the undertaking, and move forward with the project, even if the resource is ultimately destroyed by that undertaking.

It is *not* acceptable under Section 7, for the WSR administering agency to concur with a decision made through the 106 process that resolves a (direct and) adverse effect, but is still considered an adverse effect for the purposes of the NHPA and results in the degradation or loss of the ORV. This is a key difference - under WSRA, Section 7, a water resources project, for example, cannot move forward if the WSR administering agency determines there will be a direct and adverse effect on WSR values.

If the WSR-administering agency makes an adverse effect determination, and the Federal action agency still wants to move forward with the project, it can notify the Secretary of the Interior (or Agriculture) 60 days in advance of requesting Congressional authorization/appropriation for the project (Section 7 of the WSRA.). Congress makes the final decision about whether to implement the project, notwithstanding the adverse Section 7 determination. This provision has been used very rarely and we are not aware of cases where it has been used to address cultural resource protection. The recommended best practice is to seek resolution at the local level. There are several cases where historically significant bridges have been upgraded using a resolution package that retains the overall appearance of the bridge that is satisfactory to the SHPO and WSR-administering agency.

Under Section 106, if there is a failure to resolve adverse effects and develop an MOA, the agency official, the SHPO and THPO, or the ACHP may determine that further consultation will not be productive and terminate consultation. Section 800.6(b)(2) sets forth a process for terminating consultation. The lead agency reaches agreement with other parties, documents concurrence in an MOA, files the MOA with the ACHP, and implements the undertaking.

⁹⁹ Avoid adverse effects by using Secretary of Interior's Standards for Treatment of Historic Properties.

¹⁰⁰ Minimize adverse effects by: partially restoring historic buildings; altering color or shape of design to blend or contrast with surroundings (e.g., transmission lines, natural stone facing); or reducing scale of undertaking (e.g., reduce height of towers, grassy shoulders).

¹⁰¹ Mitigate adverse effects by: data recovery or architectural recordation; curation of artifacts (i.e., stabilization, conservation, storage); public interpretation; moving historic properties; creating a historic preservation fund program.

APPENDIX L: COMPATIBILITY DETERMINATION EXAMPLE

See Section 4.8.6 for more information on the appropriate use of compatibility determinations.

Date

Memorandum

To: *[Insert Site and Project Name Files]*

From: *[Insert Name/Title of Approving Authority]*

Subject: Section 10(c) Compatibility Determination, Pursuant to the Wild and Scenic Rivers Act (WSRA) for *[Insert project name/elements that are considered a water resources project]*.

Compliance for water resources projects on designated Wild and Scenic Rivers (WSRs) that are also units of the National Park System must include a section 7(a) determination and a Section 10(c) compatibility determination, pursuant to the WSRA.

Earlier this year, the *[insert name of federal assisting agency/project proponent]* prepared *[insert the name/date of environmental assessment or environmental impact statement]* for *[insert the project title and primary element that is a water resources project]* on the *[river name/site name]*. Based upon the *[preliminary or final section 7(a) determination]*, the Department of the Interior finds the *[insert project name]* *[would/would not]* result in a direct and adverse effect to free-flow condition or to any of the values for which the *[site/river name]* was included in the Wild and Scenic Rivers System *[insert date of preliminary/final determination]*

The following serves as the National Park Service (NPS) compatibility finding.

Section 10(c) WSRA Compatibility Discussion and Determination

Section 10(c) of the WSRA states that any component of the National Wild and Scenic Rivers System that is administered by the Secretary of the Interior through the NPS shall become a part of the National Park System, and any such component that is administered by the Secretary through the USFWS, shall become a part of the National Wildlife Refuge System. The lands involved shall be subject to the provisions of the WSRA and the Acts under which the National Park System or National Wildlife Refuge System, as the case may be, is administered. In case of conflict between the provisions of these Acts, the more restrictive provisions shall apply.

Pursuant to Section 10(c) of the WSRRA, this section addresses the proposal in terms of its compatibility with the NPS's Organic Act of 1916, National Parks Omnibus Management Act of 1998, NPS [Management Policies 2006](#), and the [insert site name and date of GMP].

DISCUSSION:

1916 National Park Service Organic Act:

The most important statutory directive for the NPS is provided by interrelated provisions of the NPS Organic Act of 1916 and the NPS General Authorities Act of 1970, including amendments to the latter law enacted in 1978. The key management-related provisions of the NPS Organic Act are as follows:

The National Park Service shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified...by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations (16 USC 1).

National Parks Omnibus Management Act of 1998 (16 USC 5936)

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the NPS may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered.

Management Policies 2006

The management of the National Park System and NPS programs is guided by [Management Policies 2006](#). Adherence to these policies is mandatory, unless specifically waived or modified in writing by the Secretary, the Assistant Secretary, or the Director.

In making a determination of whether there would be impairment, a National Park Service decision-maker must use his or her professional judgment. This means that the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act (NEPA) of 1969; relevant scientific studies, and other sources of information; and public comments (Section 1.4.7, page 12).

[Date] General Management Plan/Environmental Impact Statement

The purpose and significance of [insert site name] is articulated in the [Site Name GMP and Date of GMP] and includes the following:

[insert primary bullets of purpose/significance]

Section 10(c) Findings:

Each unit of the NPS represents some nationally significant aspect of our natural or cultural heritage. As the physical remnants of our past, and great scenic and natural places that continue to evolve, our national parks warrant the highest standard of protection. Congress declared the fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must thus always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values.

While the laws do give the NPS the management discretion to allow impacts to park resources and values, it is only for circumstances when necessary and appropriate to fulfill the purposes of a park, and as long as the impact does not constitute impairment of the affected resources and values (1916 Organic Act, NPS [Management Policies 2006](#)).

Such decisions must be based on ample technical and scientific studies appropriate to decisions being made. It is clear from laws and management guidance that there should be a reasoned connection between decisions and available science (1988 National Parks Omnibus Management Act). Moreover, NPS management directives emphasize environmental leadership and a stewardship ethic based upon sound science and professional judgment.

Based on the discussions contained in the NPS's preliminary Section 7(a) determination, construction activities of the scope proposed could have serious, long-term resource implications.

Therefore, pursuant to Section 10(c) of the WSRA, and based upon *[insert site name]* purpose, significance, and the management goals articulated for the *[insert site name and date of GMP]*, the 1916 Organic Act, and NPS [Management Policies 2006](#), the Department of the Interior finds that approval of the *[project name]*, if fully implemented as described, *[would/would not be]* consistent and compatible with the Organic Act, the WSRA, the National Parks Omnibus Management Act, and the *[insert site GMP]*.

This Section 10(c) determination is based on information provided by the *[name of federal assisting agency/project proponent]* for the proposed project, telephone and e-mail correspondence, field investigations and previous monitoring, a site visit to properties associated with the project, relevant planning documents, and information in NPS files and databases. This determination addresses fish and wildlife resources, but it does not address issues under the Endangered Species Act (ESA) since the USFWS conducts consultations with federal agencies on proposed and listed species.

APPENDIX M: CULTURAL RESOURCE MANAGEMENT

This section focuses on general principles for resource protection and enhancement of WSR values. Best management practices for protecting and enhancing cultural resources are presented here. For assistance in developing effective cultural resource management practices, contact your regional Cultural Resource Division and its Programs, WASO's Cultural Resources, Partnerships, and Science Programs, and/or Cultural Resource Divisions in nearby Parks. The following practices are recommended:

- Complete Cultural Resources Baseline Documents and Cultural Resources Inventories, including:
 - Archeological Overviews and Assessments, Archeological Inventories (per Section 110 of the NHPA), and Archeological Site Management Plans;
 - Ethnographic Overviews and Assessments, and Ethnohistories;
 - Cultural Landscape Inventories and Cultural Landscape Reports;
 - Historic Resources Studies;
 - Historic Structure Reports;
 - Collection Management Plans and Scope of Collections Statement;
 - Conduct Traditional Use Studies and work with descendent communities to identify Traditional Cultural Properties;
 - Seek Determinations of Eligibility for listing in the National Register of Historic Places for Historic Properties
 - Nominate eligible Historic Properties (as defined in the NHPA) to the National Register of Historic Places
- Develop and maintain information systems for cultural resources including:
 - Cultural resource databases, such as the Cultural Resources Inventory System – Archeology, the Cultural Resources Inventory System – Cultural Landscapes, and Cultural Resources Inventory System – Historic Structures. Create fields within the databases for ORVs and National Register of Historic Places (NRHP) status and level of significance.
 - Geospatial/GIS databases.
 - Current contact lists for partners, including SHPO and THPO.
- Ensure accurate and complete information on cultural resources is entered into key planning documents such as foundation documents, CRMPs, and Climate Change Vulnerability Studies.
- Conduct resource condition assessments to identify and evaluate potential adverse effects on ORVs.
- Complete a Cultural Resources Stewardship Assessment prior to initiating a Resource Stewardship Strategy.
- Establish monitoring protocols and schedules to assess resource conditions and enter observations in the appropriate information system.
- Capture geospatial data according to CRGIS Standards and consider using GIS as a primary platform for data management.

- Work closely with Regional Museum Services Programs regarding the management of collections, especially cultural resources related archives as well as archives related to Administrative Records for Section 7 determinations.
- Engage the public and develop partnerships with interested local, state, and regional organizations to assist with monitoring activities. Partners might include SHPO and THPO, colleges and universities, and non-profit organizations.
- Regarding Protection of Cultural Resources, become familiar with the following federal laws:
 - Archeological Resources Protection Act
 - Native American Graves Protection and Repatriation Act
 - National Historic Preservation Act
 - SURPA
 - Develop relationships with local Law Enforcement and appropriate Assistant U.S. Attorneys (who have the right of first refusal for ARPA cases)
 - Contact the Regional Archeologist in the appropriate region or the WASO Archeology Program as well as appropriate Park or Regional Law Enforcement if looting is observed or suspected.
- Develop schedules for assessing the condition of cultural resources and update appropriate data management system
- Create Interdisciplinary Cultural Resource Teams to conduct Section 106 reviews of all federal undertakings in the park; support the recommendations of the team and seek concurrence on assessments of effect with appropriate SHPOs and THPOs.
- Regarding enhancing cultural resources that are ORVs:
 - Develop Communities of Practice for historic preservation to increase local involvement and a greater capacity to care for cultural resources (see information related to the Vanishing Treasures Program of the NPS for examples of how to build communities of practice);
 - Engage colleges and universities and develop effective partnerships by developing cooperative agreements (work with your Regional Financial Assistance Office to develop these types of agreements);
 - Work closely with the CESUs (Cooperative Ecosystems Study Units); each regional has CESU Coordinators stationed in host universities;
 - Better understand the range of river values by engaging descendent and traditionally associated communities.