



USDA Forest Service  
Malheur, Umatilla, and Wallowa-Whitman National Forests

## About Wild and Scenic Rivers

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### **What are Wild and Scenic Rivers?**

The Wild and Scenic Rivers Act of 1968 establishes three classes of river systems: wild, scenic, and recreation. The purpose of the act was to protect designated rivers "...for the benefit and enjoyment of present and future generations".

### **What is the genesis of the Act?**

Due to dams, diversions, and water resource development projects which occurred from the 1930's to the 1960's, the need for a national system of river protection was recognized by conservationists (notably Frank and John Craighead), congressional representatives such as Frank Church, and federal agencies. The Wild and Scenic Rivers Act was an outgrowth of a national conservation agenda of the 1950's and 1960's, captured in the 1962 recommendations of the Outdoor Recreation Resources Review Commission. The Act concluded that selected rivers be preserved in a free-flowing condition and be protected for the benefit and enjoyment of present and future generations.

### **When was the Wild and Scenic Rivers Act passed?**

The Wild and Scenic Rivers Act (Public Law 90-542) was enacted on October 2, 1968 and has been amended many times, primarily to designate additional rivers and authorize additional rivers for study for possible inclusion.

### **How are rivers designated?**

There are two ways rivers can be designated into the national system:

- *By an act of Congress.* Rivers designated by Congress are listed in Section 3(a) of the Wild and Scenic Rivers Act.
- *By the Secretary of the Interior.* The Secretary may designate a river; however, it must first be designated into a valid state river protective system by or pursuant to state law(s), and the appropriate governor(s) must apply. Applications by the states are evaluated and processed by the National Park Service.

### **What qualifies a river as a Wild and Scenic River for the national system?**

To be eligible for designation, a river must be free-flowing (not to be confused with 'naturally flowing' which is explained later) and contain at least one Outstandingly Remarkable Value. An Outstandingly Remarkable Value may be scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar value.

### **When is a river or river segment evaluated for eligibility for possible inclusion in the national system?**

There are three instances when federal agencies assess eligibility: 1) at the request of Congress through specific authorized studies; 2) through their respective agency planning processes; or 3) by the National Park Service evaluation of a Section 2(a)(ii) application. River areas identified through the inventory phase are evaluated for their free-flowing nature and must possess at least one Outstandingly Remarkable Value.

### **What is the definition of "free-flowing?"**

The Wild and Scenic Rivers Act defines free-flowing as "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway". The existence of small dams, diversion works, or other minor structures shall not automatically disqualify a river as a potential addition to the national system. Congress did not intend all rivers to be "naturally flowing," (flowing without any man-made up or downstream manipulation). The presence of impoundments above and/or below the segment (including those which may regulate flow regimes within the segment), and existing minor dams or diversion structures within the study area, do not necessarily render a river segment non-eligible. There are segments in the national system which are downstream from major dams or are located between dams.

***How can a river below a dam or impoundment be considered “free-flowing”?***

The Wild and Scenic Rivers Act defines a “river” as “a flowing body of water...or portion, section, or tributary thereof...” “Free-flowing” is defined as “existing or flowing in natural condition without impoundment...” Therefore, any section of river with flowing water meets the technical definition of free-flowing, even if impounded upstream.

***What is the definition of “outstandingly remarkable value?”***

In the Wild and Scenic Rivers Act, river values identified include scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. It does not further define Outstandingly Remarkable Values. Agency resource professionals develop and interpret criteria in evaluating river values (unique, rare, or exemplary) based on professional judgment on a regional, physiographic, or geographic comparative basis.

***What are possible “other similar” Outstandingly Remarkable Values?***

Examples of other similar Outstandingly Remarkable Values include botanical, hydrological, paleontological, scientific, or heritage values.

***What types of watercourses qualify for wild and scenic designation?***

The Wild and Scenic Rivers Act defines a river as “a flowing body of water or estuary, or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.”

***What are some of the aspects or steps federal agencies go through in their evaluation of potential wild and scenic rivers in their land management planning process?***

There are a number of aspects which federal agencies use in their planning or evaluation process:

- Assessment of free-flowing condition and Outstandingly Remarkable Values.
- Determination or finding of eligibility or non-eligibility.
- Inventoried or tentative classification based on the development of shoreline, watercourse, and access.
- Establishment of tentative, preliminary, or proposed boundaries and/or river areas.
- Establishment of protective management requirements for eligible rivers.

***When and how are rivers classified as wild or scenic?***

Once determined eligible, river segments are tentatively classified for study as either wild, scenic, or recreational based on the degree of access and amount of development along the river area. If designated by congress, the enabling legislation generally specifies the classification. The following factors are generally used to assign classification of individual river segments: accessibility, primitive nature, number and type of land developments, structures, water resource developments, and water quality.

***What is the difference between a “Wild”, “Scenic”, and “Recreational” river?***

Any rivers designated in the national system are classified in one of three categories depending on the extent of development and accessibility along each section. Designated river segments are classified and administered under one of the following, as defined in the Wild and Scenic Rivers Act:

Wild river areas: Those rivers, or sections of rivers, that are free of impoundments, generally inaccessible except by trail (no roads), with watersheds or shorelines essentially primitive, and having unpolluted waters.

Scenic river areas: Those rivers, or sections of rivers, that are free of impoundments, having shorelines or watersheds largely primitive and shorelines largely undeveloped, but accessible in places by roads (roads may cross but generally not parallel the river). These rivers are usually more developed than wild and less developed than recreational. This classification may or may not include scenery as an Outstandingly Remarkable Value.

Recreational river areas: Those rivers or sections of rivers that are readily accessible by road or railroad, may have some development along the shoreline, and may have had some impoundment or diversion in the past. This classification, however, does not imply that recreation is an Outstandingly Remarkable Value, nor that the segment must be managed or developed for recreational activities.

***What is the significance of a river’s tentative classification?***

River segments may be tentatively classified for protective management purposes prior to a final suitability determination and/or congressional action. This ensures that river values and characteristics are protected (subject to agency policies and standards) until the evaluation process and possible designation is completed.

### ***Can a Wild and Scenic River have more than one classification?***

Although rivers included in the national system are usually referred to as “Wild and Scenic Rivers,” there are three classifications (wild, scenic, or recreational) which may be applied to a particular river segment. Distinct segments along the river may contain differing and non-overlapping classifications. For example a 100-mile designated wild and scenic river may be classified as wild for 50 miles, scenic for 30 miles, and recreational for 20 miles.

### ***What are the differences in Wild and Scenic River access opportunities and limitations under the three classifications?***

River access is evaluated in the land use planning process. Specific access needs for public enjoyment, as well as any limitations, are determined in a River Management Plan. In keeping with the requirements of the Wild and Scenic Rivers Act, “wild” rivers are generally inaccessible, except by trail (no roads); “scenic” rivers are accessible by road, which generally don’t parallel the river; and “recreational” rivers may have parallel or crossing road and railroad access.

### ***Once a river segment has been determined eligible and given a tentative (inventoried) classification (wild, scenic or recreational), how are its values protected?***

Protective management of federal lands in the river area begins at the time the river segment(s) has been found eligible (except for non-federal lands under Section 5(a) study rivers, in which case the provisions of Sections 7(b), 8(b) and 9(b) of the Wild and Scenic Rivers Act apply). The identified Outstandingly Remarkable Values are afforded adequate protection, subject to valid existing rights. Protective management may be initiated by the administering agency as soon as eligibility is determined. Specific management prescriptions for eligible river segments provide protection in the following ways:

- ***Free-flowing Values:*** The free-flowing characteristics of eligible river segments cannot be modified to allow stream impoundments, diversions, channelization, and/or riprapping to the extent authorized under law.
- ***River-related Values:*** Each segment shall be managed to protect Outstandingly Remarkable Values (subject to valid existing rights) and, to the extent practicable, such values shall be enhanced.
- ***Classification Impacts:*** Management and development of the eligible river and its corridor should not be modified, subject to valid existing rights, to the degree that its eligibility or tentative classification would be affected (for example, tentative river area classification cannot be changed from wild to scenic, or from scenic to recreational).

### ***How many Wild and Scenic Rivers do we currently have?***

Across the Blue Mountain national forests, there are 13 rivers designated by congress as Wild and Scenic. On those 13 rivers, 201 miles are classified “wild”, 95 miles are classified “scenic”, and 104 miles are classified “recreation”.

### ***What does this have to do with the Blue Mountains Forest Plan revision?***

Wild and Scenic River Act of 1968 states that “In all planning for use and development of water and related land resources, consideration shall be given by all federal agencies involved to potential wild, scenic and recreational river areas, and all river basin and project plan reports submitted to congress shall consider and discuss any such potentials.”

In addition, the Forest Service Handbook requires that national forest planning address all rivers designated by congress for study, in the nationwide river inventory, or identified as a potential wild and scenic river by a national forest, wholly or partially on national forest lands. Treatment may vary, but generally, planning teams should 1) evaluate each river to verify that it meets the eligibility criteria specified in Sections 1(b) and 2(b) of the Wild and Scenic Rivers Act and document the finding of eligibility or non-eligibility, 2) identify the river’s tentative classification in the Forest Plan. At such time when funding is available, the Forest Service will 3) conduct a suitability analysis and 4) make a decision whether or not to recommend designation under the Wild & Scenic Rivers Act.