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The National Wild and Scenic Rivers System: A Brief Overview

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Summary

The Wild and Scenic Rivers Act of 1968 (P.L. 90-542, 16 U.S.C. §§1271 et seq.) created the National Wild and Scenic Rivers System. The act established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations and to complement the then-current national policy of constructing dams and other structures along many rivers.

River units designated as part of the system are classified and administered as wild, scenic, or recreational rivers, based on the condition of the river, the amount of development in the river or on the shorelines, and the degree of accessibility by road or trail at the time of designation. Typically, rivers are added to the system by an act of Congress, but they may also be added by state nomination with the approval of the Secretary of the Interior. Congress initially designated 789 miles of eight rivers as part of the system. Today there are 208 river units with 12,708.8 miles in 40 states and Puerto Rico, administered by federal agencies—typically the National Park Service, the Bureau of Land Management, the Forest Service, or the Fish and Wildlife Service—or by state, local, or tribal governments.

This report gives a brief overview of the designation, management, and funding of rivers in the National Wild and Scenic Rivers System. It also discusses recent legislation to designate, study, extend, or make other changes to specific components of the system.

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Overview

The National Wild and Scenic Rivers System was established in 1968 by the Wild and Scenic Rivers Act (P.L. 90-542, 16 U.S.C. §§1271 et seq.). The act established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations and to complement the then-current national policy of constructing dams and other structures (such as flood control works) along many rivers. Three classes of wild and scenic rivers were established under the act, reflecting the characteristics of the rivers at the time of designation and affecting the type and amount of development that may be allowed thereafter.

- **Wild rivers** are free from impoundments (dams, diversions, etc.) and generally inaccessible except by trail. The watersheds (area surrounding the rivers and tributaries) are primitive and the shorelines are essentially undeveloped.
- **Scenic rivers** are free from impoundments and in generally undeveloped areas, but are accessible in places by roads.
- **Recreational rivers** are readily accessible by road, with some shoreline development, and may have been subject to some impoundment or diversion in the past.

Rivers may come into the system either by congressional designation or by state nomination to the Secretary of the Interior. Congress initially designated 789 miles in eight rivers as part of the National Wild and Scenic Rivers System. Congress began expanding the system in 1972 and made substantial additions in 1976 and 1978.¹ The mileage of the Wild and Scenic Rivers System was more than doubled by designation of rivers in Alaska in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA; P.L. 96-487, 16 U.S.C. §§3101 et seq.). Other additions have taken place since then, including in the Omnibus Public Land Management Act of 2009 (P.L. 111-11, 123 Stat. 991), which contained the second-largest wild and scenic rivers package in history.² Altogether, the system now includes 208 river units with 12,708.8 miles in 40 states and the Commonwealth of Puerto Rico.³ (See **Table 1**.) Much of the system lies in the western United States. For a map showing all units of the system as of September 2009, see <http://www.rivers.gov/maps/conus-200.pdf>.

¹ Congress added 413 miles in three rivers in 1976, and 688 miles in eight rivers in 1978.

² In January 1981, Interior Secretary Cecil Andrus approved five rivers designated by the state of California, increasing the system mileage by another 20% (1,235 miles). In 1984, five rivers, including more than 300 miles, were added. The next large addition came in 1988, with the designation of more than 40 river segments in Oregon, adding 1,400 miles. In 1992, 14 Michigan river segments totaling 535 miles were added. In 2009, P.L. 111-11 created 38 new wild and scenic rivers, totaling more than 1,100 miles, in Oregon, Idaho, Arizona, Wyoming, Utah, California, and Massachusetts. Most recently, P.L. 113-291 added six rivers totaling more than 100 miles to the system.

³ “River Mileage Classifications for Components of the National Wild and Scenic Rivers System,” January 2015, National Wild and Scenic Rivers, at <http://www.rivers.gov/documents/rivers-table.pdf>.

Table I. Mileage of Wild, Scenic, and Recreational Rivers, by State and Territory, 2015

	Total ^a	Wild	Scenic	Recreational
Alabama	61.4	36.4	25.0	—
Alaska	3,210.0	2,955.0	227.0	28.0
Arizona	57.3	31.5	18.3	7.5
Arkansas	210.0	21.5	147.7	40.8
California	1,999.6	757.2	208.3	1,034.1
Colorado	76.0	30.0	—	46.0
Connecticut	39.3	—	25.3	14.0
Delaware	94.7	N/A ^b	N/A ^b	N/A ^b
Florida	49.2	32.7	7.9	8.6
Georgia	49.2	N/A ^c	N/A ^c	N/A ^c
Idaho	891.0	629.8	37.0	224.2
Illinois	17.1	—	17.1	—
Kentucky	19.4	9.1	—	10.3
Louisiana	19.0	—	19.0	—
Maine	92.5	92.5	—	—
Massachusetts	147.1	2.6	83.8	60.7
Michigan	656.4	82.6	276.4	297.4
Minnesota	226.0	N/A ^d	N/A ^d	N/A ^d
Mississippi	21.0	—	21.0	—
Missouri	44.4	—	44.4	—
Montana	368.0	161.9	66.7	139.4
Nebraska	197.0	—	76.0	121.0
New Hampshire	38.0	—	13.7	24.3
New Jersey	262.9	—	N/A ^e	N/A ^e
New Mexico	124.3	94.0	20.5	9.8
New York	73.4	—	23.1	50.3
North Carolina	144.5	N/A ^c	N/A ^c	N/A ^c
Ohio	212.9	—	136.9	76.0
Oregon	1,917.1	685.1	400.6	831.4
Pennsylvania	423.3	—	N/A ^b	N/A ^b
Puerto Rico	8.9	2.1	4.9	1.9
South Carolina	41.9	N/A ^c	N/A ^c	N/A ^c
South Dakota	98.0	—	—	98.0
Tennessee	45.3	43.3	—	2.0
Texas	191.2	95.2	96.0	—
Utah	169.3	145.4	11.3	12.6

	Total ^a	Wild	Scenic	Recreational
Vermont	46.1	—	—	46.1
Washington	248.2	26.9	142.0	79.3
West Virginia	10.0	—	10.0	—
Wisconsin	276.0	—	217.0	59.0
Wyoming	408.0	238.4	140.6	29.0
U.S. Total^a	12,708.8	6,187.9	2,750.9	3,770.0

Sources: National Wild and Scenic Rivers System website, *River Mileage Classifications for Components of the National Wild and Scenic Rivers System*, January 2015, at <http://www.rivers.gov/rivers/documents/rivers-table.pdf>; National Wild and Scenic Rivers System website, “State-by-State Mileage Chart,” at <http://www.rivers.gov/rivers/publications.php>; National Wild and Scenic Rivers System website, river mileage listings by state under “Explore Designated Rivers,” at <http://www.rivers.gov/rivers/map.php>; personal communication with Dan Haas, FWS, January 7, 2015.

Notes: A dash (—) indicates no river miles of that type; “N/A” indicates that statistics on river mileage by type are not available. The following states are not included in the table because they have no designated wild and scenic rivers: Hawaii, Indiana, Iowa, Kansas, Maryland, Nevada, North Dakota, Oklahoma, Rhode Island, and Virginia.

- a. Figures for each state reflect the total mileage of the river in that state, even when the river runs along the border between two states. This results in duplicate counting. However, the totals given at the end of each column reflect the actual amount of rivers of each type in the United States. Thus, the figures in the columns will not sum to the totals.
- b. White Clay Creek runs between Delaware and Pennsylvania. Altogether, the designated river covers 199.0 miles, with 94.7 miles in Delaware and 104.3 miles in Pennsylvania. Of the total length of the river, 31.4 miles are designated as scenic and 167.6 miles as recreational. However, a breakdown of scenic and recreational miles is not available for each individual state. White Clay Creek is the only wild and scenic river in Delaware. In Pennsylvania, three other rivers (the Allegheny River, the Clarion River, and the Delaware River) provide an additional total of 100.6 miles designated as scenic and 218.4 miles designated as recreational.
- c. The Chattooga River runs between Georgia and North and South Carolina. Altogether, the designated river covers 58.7 miles, with 9.5 miles in North Carolina, 7.3 miles running in Georgia only, and the remaining 41.9 miles forming the border between Georgia and South Carolina. Of the total length of the river, 41.6 miles are designated as wild, 2.5 miles as scenic, and 14.6 miles as recreational. However, a breakdown of wild, scenic, and recreational miles is not available for each individual state. The Chattooga is the only wild and scenic river in Georgia and in South Carolina. In North Carolina, four other rivers (the Horsepasture River, the Lumber River, the New River, and Wilson Creek) provide an additional total of 4.6 river miles designated as wild, 93.0 miles designated as scenic, and 37.4 miles designated as recreational.
- d. The St. Croix River runs between Minnesota and Wisconsin. Altogether, the designated river covers 252.0 miles, with 26.0 miles running in Wisconsin only and 226.0 miles forming the border between Minnesota and Wisconsin. Of the total length of the river, 193.0 miles are designated as wild and 59.0 miles as recreational. However, a breakdown of wild and recreational miles is not available for Minnesota.
- e. The Delaware River (Middle and Lower Segments) runs between New Jersey and Pennsylvania. Altogether, these designated segments cover 107.3 miles, with 28.0 miles running in Pennsylvania only and 79.3 miles forming the border between New Jersey and Pennsylvania. Of the total length of the Middle and Lower Delaware, 60.4 miles are designated as scenic and 46.9 miles as recreational. However, a breakdown of scenic and recreational miles is not available for New Jersey. In addition to the Delaware River, New Jersey also has a total of 63.0 miles of designated scenic river and 125.6 miles of designated recreational river on three other rivers (the Great Egg Harbor River, the Maurice River, and the Musconetcong River).

Designation

Rivers may be added to the system either by an act of Congress or by state nomination with the approval of the Secretary of the Interior. In most cases, prior to adding a river to the system, Congress first directs in legislation that a study be conducted to determine whether the river area is suitable for wild and scenic designation.⁴ Under the Wild and Scenic Rivers Act, the Secretary of the Interior or Agriculture is responsible for conducting such studies and reporting to the President on the suitability of the proposed addition. The President in turn submits recommendations to Congress. The act states that the studies are to discuss, among other things, the characteristics that make the area worthy or unworthy of addition to the system; current land ownership and use; potential future uses of the land and water that could be affected by addition to the system; the federal agency that would administer the area; the cost of acquiring the land, and the extent to which management costs would be shared by state and local agencies (16 U.S.C. §1275(a)). Rivers designated by Congress for study are protected under the act, in that water resource construction projects may not take place on them during the study and consideration period.⁵

State-nominated rivers may be added to the national system only if the river is designated for protection under state law, approved by the Secretary of the Interior, and permanently administered by a state agency (16 U.S.C. §1273(a)). Fewer than 10% of federal wild and scenic river designations have been made in this manner.

The boundaries of areas along wild and scenic rivers are determined by either the Interior or the Agriculture Secretary, depending on which federal agency administers the land in the corridor.⁶ The land area included may not exceed an average of 320 acres per mile of river designated (640 acres per mile in Alaska), an average quarter-mile wide corridor of land on each side of the river. The act also directs the administering agency to determine which river classification—wild, scenic, or recreational—best fits the designated river segments (16 U.S.C. §1274(b)). However, for many of the rivers designated under the act, Congress has precluded the need for these agency determinations by specifying particular classifications in the designating law.

Designation of lands within river corridors has been controversial in some cases, especially when private lands are involved. Initially, river designations by Congress involved federal land; however, over the years, more and more segments have been designated that include private lands within the river corridors. The potential use of condemnation authority has been particularly controversial. The Wild and Scenic Rivers Act limits the federal government's condemnation powers for some river areas,⁷ and the agencies have largely avoided condemnation in recent

⁴ In some cases, Congress has designated rivers as part of the system without first requiring a study.

⁵ 16 U.S.C. §1278(b). Specifically, the Federal Energy Regulatory Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act that would adversely affect the river's potential designation values during the following time periods: for three complete fiscal years following the study act (or for any other time period that Congress directed for the study), during the interim period between the date a report is due and the time it is actually submitted to Congress, and during congressional consideration of the studied river for potential designation. If the relevant Secretary notifies Congress that the river is not suitable for addition to the system, the protections no longer apply. The protections apply only to those rivers designated by Congress for study as part of the act; they do not apply to rivers identified for study by the agencies themselves.

⁶ 16 U.S.C. §1274(b). For rivers running through private land (the federal-state "partnership rivers" and others), the lead agency works with communities to set boundaries.

⁷ 16 U.S.C. §1277 curtails condemnation powers in river corridors where 50% or more of the area is already owned by the federal government, and in urban river corridors with "valid and satisfactory" zoning ordinances.

decades. According to the Interagency Wild and Scenic Rivers Council, “the federal government has rarely exercised its eminent domain powers with respect to wild and scenic rivers,” and “nearly all of the federal government’s use of condemnation occurred in the early years of the Wild and Scenic Rivers Act’s implementation.”⁸

Management

Land areas along rivers designated by Congress generally are managed by one of the four federal land management agencies—the Bureau of Land Management, the Forest Service, the National Park Service, or the Fish and Wildlife Service. Rivers assigned by the Interior Secretary to be managed by the National Park Service become part of the National Park System, and those managed by the Fish and Wildlife Service become part of the National Wildlife Refuge System (16 U.S.C. §1281).⁹

Where wild and scenic river corridor boundaries include state, county, other public land, or private land, federal agencies have limited authority to purchase, condemn, exchange, or accept donations of state and private lands within the corridor boundaries (16 U.S.C. §1277). In addition, federal agencies are directed to cooperate with state and local governments in developing corridor management plans. Land use restrictions and zoning decisions affecting private land in wild and scenic corridors are generally made by local jurisdictions (e.g., the relevant county, township, or city), where appropriate. Federal agencies are authorized to enter into cooperative agreements with state and local governments for administering a river area (16 U.S.C. §1281(e)), and agencies may provide technical or financial assistance to states and localities for managing river resources (16 U.S.C. §1282).

Management of river corridors has sometimes raised concerns—for example, about the impact of activities within a corridor on the flow or character of the designated river segment or the extent of local input in developing management plans. For some rivers involving predominantly nonfederal lands, Congress has addressed these issues by encouraging development of management plans during the river study phase, prior to designation. In addition, some congressional designations have established citizen advisory boards or other mechanisms to ensure local participation in developing management plans. Even without such direction, management plans for river corridors involving predominantly private lands usually are developed with input from local jurisdictions (often prior to designation).

Management of lands within wild and scenic corridors generally is less restricted than in some protected areas, such as wilderness, although management varies with the class of the designated river and the values for which it was included in the system.¹⁰ River administration is intended to protect and enhance the values that led to the designation, but Congress also directed that other

⁸ Interagency Wild and Scenic Rivers Council, “Wild & Scenic River Questions & Answers,” at <http://www.rivers.gov/info/q-and-a-answers.cfm?id=164>. Also see U.S. Dept. of the Interior, National Park Service, *Wild and Scenic Rivers and the Use of Eminent Domain*, November 1998, at <http://www.rivers.gov/documents/eminent-domain.pdf>.

⁹ Exceptions include some of the “partnership” wild and scenic rivers that the National Park Service manages in cooperation with nonfederal entities, such as state and local governments. The authorizing language for some of these units explicitly states that they shall not be added to the National Park System (see 16 U.S.C. §1281 note). Not all of the partnership rivers are outside the system, however—for example, Great Egg Harbor Scenic and Recreational River, a partnership river in New Jersey, is a unit of the National Park System.

¹⁰ For more information on protections, water rights, and development restrictions for wild and scenic rivers, see CRS Report R41081, *The Wild and Scenic Rivers Act (WSRA): Protections, Federal Water Rights, and Development Restrictions*, by Cynthia Brown.

land uses not be limited unless they “substantially interfere with public use and enjoyment of these values” (16 U.S.C. §1281(a)). Generally, wild rivers have the highest level of protection in terms of development and water resource use, scenic rivers an intermediate level, and recreational rivers the least restrictive. Primary emphasis for management is directed toward protecting aesthetic, scenic, historic, archaeological, and scientific features of the area. Water resource projects, such as dams, are prohibited if they would have a “direct and adverse effect” on the values for which the river was designated (16 U.S.C. §1278). Road construction, hunting and fishing, and mining and mineral leasing may be permitted, as long as the activities are consistent with the values of the area being protected and with other state and federal laws. Controversies have sometimes arisen over the nature of state or federal projects prohibited within a corridor, such as construction of major highway crossings, bridges, or other activities that might affect the flow, water quality, or outstandingly remarkable values of the designated river segment.

Funding

For rivers administered by the four federal land management agencies, funds for operations and maintenance are provided through annual congressional appropriations for the relevant agencies.¹¹ The budget is approached differently for each agency.¹² Rivers administered exclusively by states, designated under Section 2(a)(ii) of the Wild and Scenic Rivers Act, typically do not receive federal funding for river administration.

Recent Legislation

The 114th Congress is considering legislation to designate new components of the Wild and Scenic Rivers System and to make changes to existing components. Such legislation is shown in **Table 2**.

In the 113th Congress, P.L. 113-291 designated several new river components as part of the system, including segments of White Clay Creek (PA), the River Styx (OR), the Missisquoi and Trout Rivers (VT), the Middle Fork Snoqualmie River (WA), the Pratt River (WA), and Illabot Creek (WA). This law also directed that other river segments in Connecticut, Maine, Massachusetts, Oregon, New Hampshire, and Rhode Island be studied for potential addition to the system. In addition, P.L. 113-244 modified the boundary of the Crooked River in Oregon. The 113th Congress also considered other legislation to designate, study, or make changes to components of the system.

¹¹ Although part of the Department of Agriculture, the Forest Service receives appropriations through the Subcommittee on Appropriations—Interior, Environment, and Related Agencies.

¹² The Bureau of Land Management receives appropriations for wild and scenic rivers in two budget accounts, “Management of Lands and Resources” and “Oregon and California Grant Lands.” BLM lists the total annual amount requested for wild and scenic rivers in the “Cross-Cutting Programs” section of its budget justification. The Forest Service, in its “Recreation, Heritage, and Wilderness” budget activity, includes a combined line item for management of wild and scenic rivers and wilderness areas; it does not express a distinct figure for rivers. The Fish and Wildlife Service also does not break out river funding; the funding is incorporated into its broader budgeting for the National Wildlife Refuge System. Most National Park Service rivers are funded through appropriations for the individual unit they are part of, while a few wild and scenic rivers are stand-alone units of the National Park System and receive their own line-item appropriation. The National Park Service budget also contains a separate total for administration of the 12 “partnership” wild and scenic rivers co-managed with nonfederal entities.

Table 2. Wild and Scenic River Bills Introduced in the 114th Congress

Title or River	Type	Bill No.	Status
California Desert Conservation and Recreation Act (CA)	Desig./Adjust.	S. 414	Introduced
Central Coast Heritage Protection Act (CA)	Designate	H.R. 1865 S. 1423	Introduced Introduced
Chetco River Protection Act (OR)	Tech. Corr.	H.R. 682 S. 346	Introduced Introduced
Clear Creek National Recreation and Conservation Act (CA)	Designate	H.R. 1838	Introduced
East Rosebud Wild and Scenic Rivers Act (MT)	Designate	H.R. 2787 S. 1577	Introduced Introduced
Lower Farmington River and Salmon Brook Wild and Scenic River Act (CT)	Designate	H.R. 646 S. 329	Introduced Hearing Held
Molalla River (OR)	Designate	H.R. 1052	Introduced
Northern Rockies Ecosystem Protection Act (ID, MT, WY)	Designate	H.R. 996	Introduced
Oregon and California Land Grant Act of 2015 (OR)	Desig./Corr.	S. 132	Hearing Held
Oregon Wildlands Act (OR)	Desig./Corr.	S. 1699	Introduced
Salmon River (ID)	Facility Maintenance	H.R. 2312 S. 1777	Introduced Introduced
Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015 (WA)	Designate	H.R. 2665 S. 1510	Introduced Introduced

Source: Table compiled by the Congressional Research Service using information obtained from Congress.gov as of September 16, 2015.

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