

## Kansas Field Office Technical Guide - **Section II**

### **Special Environmental Concerns**

#### **17. Wild and Scenic Rivers**

Note to Planners: **Kansas has approximately 133,956 miles of river, but no designated wild & scenic rivers** ([National Wild and Scenic Rivers System website](#)).

#### **Authority: Wild and Scenic Rivers Act of 1968**

The National Wild and Scenic Rivers System was created by Congress in 1968 (Public Law 90-542; 16 U.S.C. 1271 et seq.) to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.

Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Each river is administered by either a federal or state agency. Designated segments need not include the entire river and may include tributaries. For federally administered rivers, the designated boundaries generally average one-quarter mile on either bank in the lower 48 states and one-half mile on rivers outside national parks in Alaska in order to protect river-related values.

Rivers are classified as wild, scenic, or recreational.

- Wild river areas — 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.
- Scenic river areas — 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.
- Recreational river areas — 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.

Regardless of classification, each river in the National System is administered with the goal of protecting and enhancing the values that caused it to be designated. Designation neither prohibits development nor gives the federal government control over private property. Recreation, agricultural practices, residential development, and other uses may continue. Protection of the river is provided through voluntary stewardship by landowners and river users and through regulation and programs of federal, state, local, or tribal governments. In most cases not all land within boundaries is, or will be, publicly owned, and the Act limits how much land the federal government is allowed to acquire from willing sellers. Visitors to these rivers are cautioned to be aware of and respect private property rights.

The Act purposefully strives to balance dam and other construction at appropriate sections of

rivers with permanent protection for some of the country's most outstanding free-flowing rivers. To accomplish this, it prohibits federal support for actions such as the construction of dams or other instream activities that would harm the river's free-flowing condition, water quality, or outstanding resource values. However, designation does not affect existing water rights or the existing jurisdiction of states and the federal government over waters as determined by established principles of law.

As of 2008, the 40th anniversary of the Act, the National System protects more than 11,000 miles of 166 rivers in 38 states and the Commonwealth of Puerto Rico; this is a little more than one-quarter of one percent of the nation's rivers. By comparison, more than 75,000 large dams across the country have modified at least 600,000 miles, or about 17%, of American rivers.

The Wild and Scenic Rivers Act further requires that "the Secretary of the Interior shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas.....shall be evaluated in planning reports by all Federal agencies as potential alternative uses of water and related land resources involved."

**The Nationwide Rivers Inventory-** In partial fulfillment of the Section 5(d) requirements, the National Park Service has compiled and maintains a Nationwide Rivers Inventory (NRI), a register of river segments that potentially qualify as national wild, scenic or recreational river areas. The NRI qualifies as a comprehensive plan under Section 10(a)(2)(A) of the Federal Power Act.

**Presidential Directive-** A presidential directive requires each federal agency, as part of its normal planning and environmental review processes, to take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Rivers Inventory compiled by NPS. Further, all agencies are required to consult with the National Park Service prior to taking actions which could effectively foreclose wild, scenic or recreational status for rivers on the inventory.