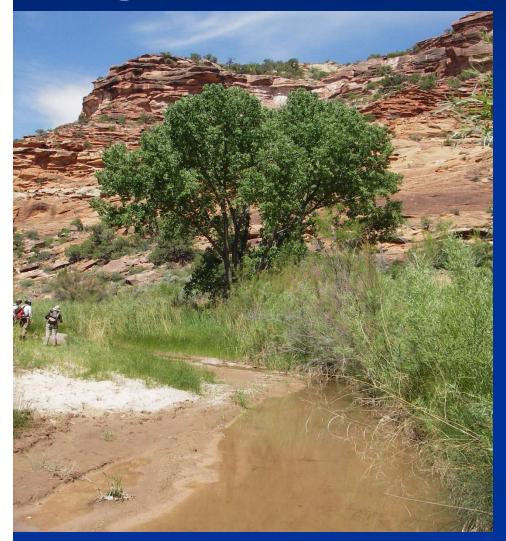# Overview of Wild & Scenic River Outcomes
Lower Dolores Plan Working Group

If a river is designated, federal agencies are obligated to protect:

1. **ORVs**
2. **Classification**
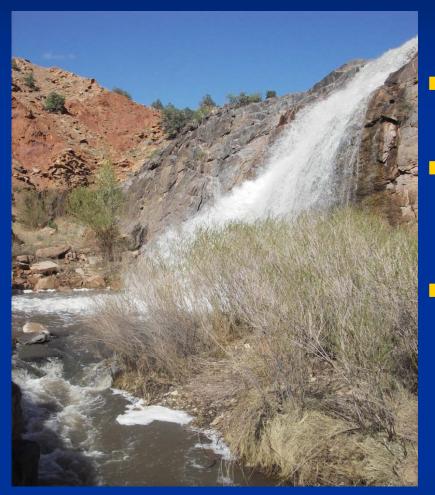3. **Free-Flowing Nature**
4. **Water Quality**

ORV Protection:

The ORV doesn't have to be maintained exactly as is:

1. ORV must continue to be "outstandingly remarkable"

2. ORV status can change over time, if within acceptable ranges

3. ORV can be enhanced
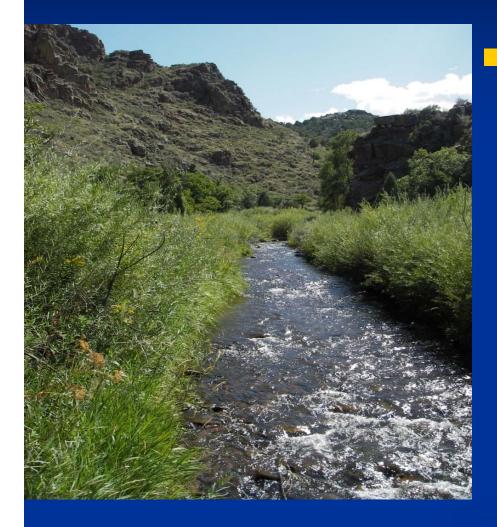
Protection of Classification

- A *Wild* river is free of impoundments, with shorelines or watersheds essentially primitive, and with unpolluted waters.

- A *Scenic* river may have some development, and may have road and railroad access points.

- A *Recreational* river may have more extensive development along its shoreline, including transportation routes, and major diversions.

- Classification has a HUGE impact! Controls actions that can be authorized.
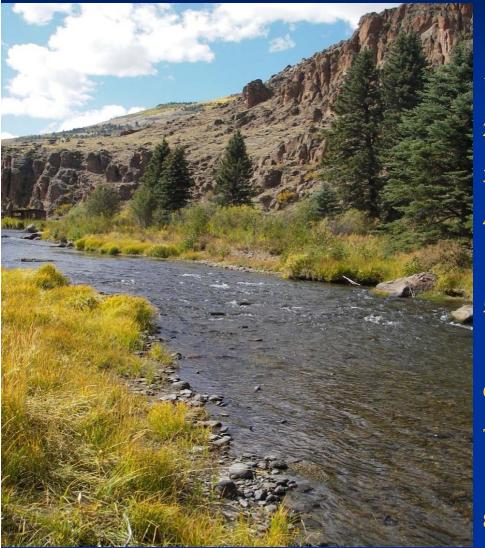
Protection of Free-Flowing Nature

- No new impoundments allowed
- New diversions can be authorized under scenic or wild classifications
- Natural hydrology is **NOT** required – new depletions and new upstream dams may be possible, if impacts insignificant on **ORVs**

Protection of Water Quality

- Water quality can be impacted, but overall water quality must be capable of supporting all of the ORVs. Existing water quality violations must be addressed.
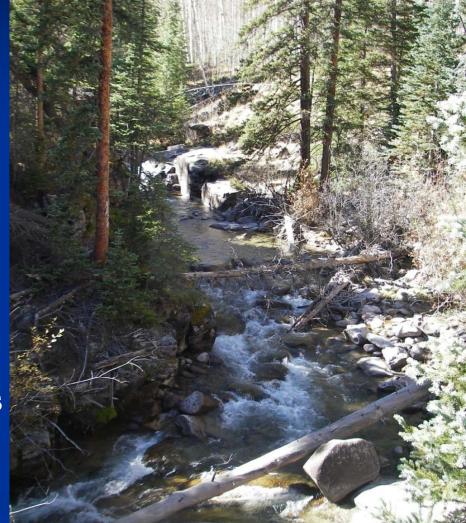
Who must protect W&SR values?

All federal agencies, including:

1. Managing agency (BLM/USFS)
2. Bureau of Reclamation
3. Army Corps of Engineers
4. Federal Energy Regulatory Commission
5. Environmental Protection Agency
6. Farm Service Agency
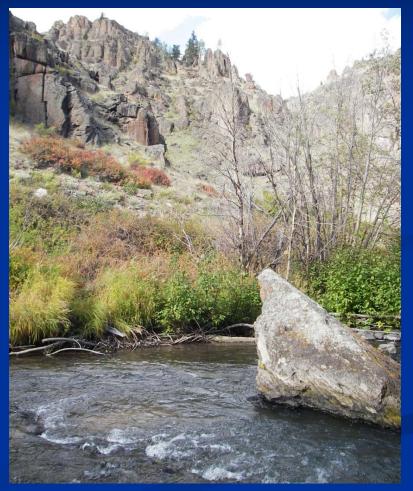7. National Resource Conservation Service
8. USDA Rural Development

Designation: Outcomes

- Separate management plan
- Valid prior existing rights may be exercised
- Limitations on establishment of new rights (minerals, rights-of-way)
- Restrictions and/or prohibition on new projects; applies to all federal agencies
- Federal water right

Key Outcome: Management Plan

- Completed in 3-4 years
- Documents existing conditions, issues, opportunities
- Includes all partners
- Provisions for water quality, access, habitat improvement
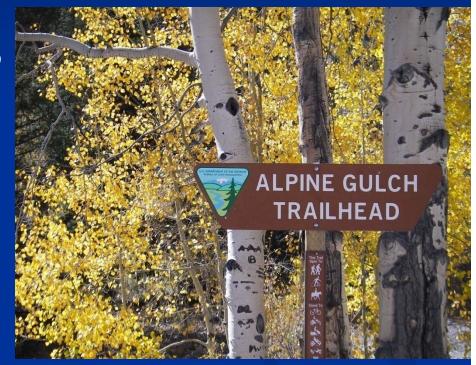- Brings in more resources and money? Maybe.

Key Outcome: Classification
If "Wild", then:

- No new rights in corridor: SUPs, minerals, powerlines
- Habitat improvements OK, but no new roads/trails
- Low-impact rehab of damaged resources OK
- Inconspicuous trails, bridges, interpretation only

Key Outcome: Classification
If "Scenic", then:

- New rights discouraged in corridor, but may allowed to extent they are consistent with ORV management.

- Habitat improvements OK, limited roads/trails OK

- Silvicultural practices OK; modified to protect ORVs

- Trails, bridges,interpretation can be conspicuous.

Key Outcome: Water Rights

- Congressional designation has historically included a federal reserved water right.

- Agency determination of suitability <u>does not</u> include a water right.

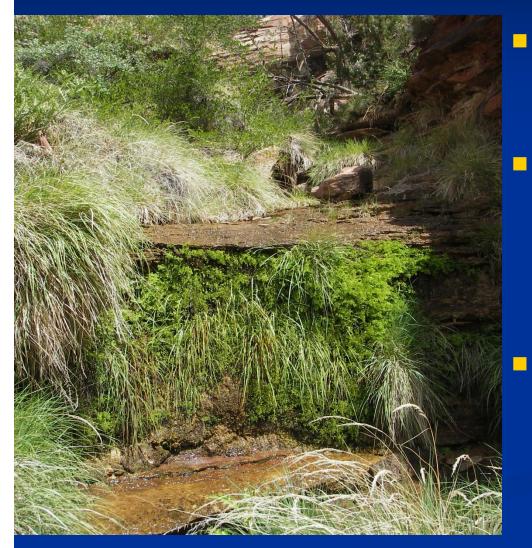# Wild & Scenic River Designation: Water Rights

- If Congressional/Secretarial designation occurs, the managing agency quantifies the amount and timing of water necessary to support ORVs

- Water right adjudicated in state court

- The federal water right receives a priority equal to the date of designation.

Previous Designations: Observations

- Congress has designated W&SR segments immediately below federal storage projects
- Water development continues to occur within and upstream from designated segments
- States with downstream delivery obligations have designated rivers

Previous Designations: Observations

- Most of 700+ miles designated in March 2009 were in headwaters locations

- Most new designations are part of a comprehensive legislation package for an area – wilderness, national conservation areas, exchanges

- Customizing a designation to address local issues is challenging – designations are an amendment to the original W&SR Act