



**AMERICAN
RIVERS**

Life Depends on Rivers

WILD & SCENIC RIVERS

FREQUENTLY ASKED QUESTIONS

ROCK CREEK, PHOTO BY JESSY STEVENSON

1. WHY DID CONGRESS PASS THE WILD AND SCENIC RIVERS ACT?

Congress passed the Wild and Scenic Rivers Act in 1968 toward the end of the modern dam-building era. It was intended to balance the construction of new dams with the protection of select free-flowing rivers that possess nationally significant values. This landmark law remains the highest form of protection for rivers in the United States. In the words of Congress: *"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."*

2. HOW MANY RIVERS ARE IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM?

As of 2023, the National System protects 13,492 miles of 227 rivers in 41 states and the Commonwealth of Puerto Rico; this is less than one half of one percent of the nation's rivers. Montana currently ranks 7th in the nation with a total of 388 Wild and Scenic River miles on five river segments: the Upper Missouri River, three forks of the Flathead River, and East Rosebud Creek. This translates to about 0.2% of all river miles in Montana. By comparison, more than 90,000 large dams across the country have modified at least 600,000 miles, or about 20% of America's rivers.

3. HOW ARE RIVERS PROTECTED UNDER THE WILD AND SCENIC RIVERS ACT?

Rivers can be designated as Wild and Scenic through an act of Congress or administratively protected through federal land management plans. Congressional designation protects free-flowing rivers in perpetuity. This legislation must be signed into law by the President. Such legislation is introduced when a critical mass of Montanans asks one or more of our senators or representatives to do so. During land management plan revisions, the Forest Service and Bureau of Land Management must study rivers for Wild

and Scenic eligibility. Rivers that are deemed eligible are protected for the life of the land management plan (15-20 years) until they can be formally designated by Congress.

4. WHAT ARE WILD AND SCENIC RIVERS PROTECTED FROM?

Both designated and eligible Wild and Scenic Rivers are protected from federally permitted projects and activities in three major ways. First, a river's *free flow* is protected by banning the construction of new federally licensed dams and other harmful water development projects like diversions and river channelization. Second, a river's *water quality* is maintained and, where possible, enhanced. And third, a river's *outstandingly remarkable values* are protected from projects that could threaten them. Designation and eligibility also protect rivers from some land-based activities that can harm water quality including mining, oil and gas drilling, timber clearcutting, and in-river construction.

5. WHAT ARE OUTSTANDINGLY REMARKABLE VALUES (ORVs)?

Common ORVs include fish, wildlife, scenery, recreation, geology, and historic or cultural values. For example, if a river has a recreation ORV that cites the importance of fishing and boating, those activities must be protected from any federally permitted projects or activities that could harm them. New ORVs can also be recognized, such as climate refuge, which could protect cold water into the future for fish like bull trout.

6. HOW MUCH OF A RIVER IS PROTECTED?

Wild and Scenic designation or eligibility applies to the specific river section that is defined in the law or forest plan. Protections to guarantee free flow, water quality, and outstandingly remarkable values then apply to only that portion of river, plus a corridor extending on either side. Generally, the corridor width cannot exceed an average of 320 acres per mile, which, if applied uniformly along the entire designated segment, is a quarter mile (1,320 feet) on each side of the river. Measurement is made from the ordinary highwater mark, exclusive of islands.

7. ARE THERE DIFFERENT CLASSIFICATIONS OF WILD AND SCENIC RIVERS?

Designated and eligible rivers are classified in one of three categories depending upon the extent of development and accessibility. “Wild” rivers are free of dams and diversions, have undeveloped shorelines, and are generally accessible only by trail. “Scenic” rivers are free of dams and diversions, have largely undeveloped shorelines, and remain accessible in places by roads. These segments are more developed than “Wild” rivers and less developed than “Recreational” rivers. “Recreational” rivers are readily accessible by road, may have some development along their shoreline, and may have had dams or diversions in the past. Rivers can include different segments with different classifications.

8. HOW ARE WILD AND SCENIC RIVERS MANAGED DIFFERENTLY?

Wild and Scenic designation can be thought of as an insurance policy. Eligible Wild and Scenic Rivers are insured short-term as they wait for permanent protections by law. Rather than causing changes, rivers are protected from future projects and activities that would harm their free flow, water quality, and outstandingly remarkable values. When replacing a dilapidated bridge over the North Fork Blackfoot River (eligible) in 2020, for example, land managers chose a bridge without in-river support pilons to ensure a natural riverbed underneath. A major benefit of Wild and Scenic designation and eligibility is that they can attract funding to implement stewardship projects in the river corridor. Wild and Scenic designation and eligibility have no impacts on private property development, existing water rights, river access, or fishing and hunting regulations.

9. DOES WILD AND SCENIC RIVER PROTECTION RESTRICT DEVELOPMENT ON PRIVATE LANDS?

The federal government has no authority to regulate or zone private lands within the river corridor or above/below a designated or eligible Wild and Scenic segment. Land use controls on private lands are solely a matter of state and local zoning.

10. IS LIVESTOCK GRAZING ALLOWED IN WILD AND SCENIC RIVER CORRIDORS?

Generally, existing livestock grazing and related infrastructure are not affected by Wild and Scenic designation or eligibility. Although it is uncommon, the Forest Service or Bureau of Land Management may modify grazing practices on public lands if these practices are degrading water quality or harming ORVs.

11. DOES WILD AND SCENIC RIVER DESIGNATION PROHIBIT TIMBER HARVEST OR OTHER VEGETATIVE MANAGEMENT PROJECTS?

Timber harvest and other vegetative management projects such as prescribed burns are allowed to occur

within Wild and Scenic River corridors as long as they do not harm the river’s outstandingly remarkable values or degrade its water quality. Along rivers classified as “Wild” (see #7), projects must be accomplished without road building in designated corridors. Projects are more easily implemented within “Scenic” and “Recreational” segments since they often already contain roads. In recent years, thinning, prescribed burning, and wildfire mitigation projects have been approved along designated and eligible rivers on the Flathead and Custer Gallatin national forests.

12. ARE MOTORIZED VEHICLES ALLOWED IN WILD AND SCENIC RIVER CORRIDORS?

The use of motorized or mechanized vehicles on land or on water in river corridors are unaffected by Wild and Scenic designation or eligibility. Idaho’s Snake and Main Salmon rivers are well-known for allowing jetboats. Mountain biking is a common activity on trails within Wild and Scenic corridors.

13. HOW DOES WILD AND SCENIC DESIGNATION OR ELIGIBILITY AFFECT PUBLIC ACCESS FOR RECREATION?

Wild and Scenic designation and eligibility neither limit public access within river corridors nor open private lands to public access. Designation and eligibility have no effect on fishing and hunting, as those activities are regulated under state laws. Wild and Scenic protections benefit the fish, wildlife, and scenery that make recreation attractive there in the first place.

14. HOW DOES WILD AND SCENIC DESIGNATION OR ELIGIBILITY AFFECT WATER RIGHTS?

Wild and Scenic designation and eligibility have no effect on existing valid water rights or interstate water compacts. In accordance with a 2007 agreement with the State of Montana, new federally reserved water rights are no longer issued on Forest Service lands for Wild and Scenic Rivers. This agreement has provided certainty and avoided lawsuits around federal reserved water rights in Montana.

15. WHAT ADDED BENEFITS DOES WILD AND SCENIC PROTECTION GIVE RIVERS WITHIN NATIONAL PARKS AND WILDERNESS AREAS?

In many cases, there may be no immediate, practical effect, but designation and eligibility guarantee protection of a river’s special values over the long term. The Wilderness Act fully allows the President to authorize dams, diversions, and energy projects in wilderness areas, but not in Wild and Scenic River corridors. Likewise, Wilderness Study Areas, recommended/proposed wilderness areas, and roadless areas offer no protection against impoundments for the rivers that flow through them.