

**FISH AND WILDLIFE SERVICE
NATURAL AND CULTURAL RESOURCES MANAGEMENT**

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OVERVIEW

3.1 What is the purpose of this chapter? This chapter provides an overview and foundation for the U.S. Fish and Wildlife Service’s (Service) implementation of the Wild and Scenic Rivers Act of 1968, as amended (Act), in the context of the National Wildlife Refuge System Administration Act of 1966 (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act). This chapter:

- A.** Identifies management roles and responsibilities for wild and scenic rivers that are part of the National Wildlife Refuge System (Refuge System); designated rivers that are not part of the Refuge System, such as partnership rivers, but that are on or partly on Refuge System lands; and congressionally and Secretarially designated rivers that are managed by other agencies;
- B.** Clarifies Service responsibilities for Secretarially designated components of the National Wild and Scenic Rivers System (Rivers System) that are on or partly on Refuge System lands and are assigned to the Service for administration;
- C.** Describes responsibilities related to wild and scenic river studies, including rivers that are

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determined to be eligible or suitable through Service-initiated studies;

- D. Clarifies Service responsibilities for helping maintain the Nationwide Rivers Inventory; and
- E. Provides guidance on application of Section 7 of the Wild and Scenic Rivers Act.

3.2 What is the scope of this chapter? This chapter covers:

- A. Wild and scenic rivers that are part of the Refuge System;
- B. Secretarially designated wild and scenic rivers that are on or partly on Refuge System lands;
- C. Congressionally authorized study rivers that are on or partly on Refuge System lands;
- D. Rivers on Refuge System lands determined to be eligible, or eligible and suitable, for wild and scenic river designation as part of land planning processes;
- E. Rivers that are on or partly on Refuge System lands that are determined to be eligible, or potentially eligible, for wild and scenic river designation and listed on the Nationwide Rivers Inventory; and
- F. Designated and eligible rivers that are not on Refuge System lands but that:
 - (1) Could have an effect on Refuge System lands, or
 - (2) Could be affected by Service management decisions.

3.3 What are the authorities for this chapter?

- A. Alaska National Interest Lands Conservation Act (ANILCA) of 1980, as amended ([16 U.S.C. 3101-3233](#)).
- B. Alaska Native Claims Settlement Act of 1971, as amended (43 U.S.C. 1601 et seq).
- C. Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a-754j).
- D. Fish and Wildlife Conservation Act of 1934, as amended (16 U.S.C. 2901-2911).
- E. Fish and Wildlife Improvement Act of 1978, as amended (16 U.S.C. 742l).
- F. Land and Water Conservation Fund Act of 1965, as amended (54 U.S.C. 200301-200310).
- G. National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321-4347).

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H. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-ee).

I. Refuge Recreation Act of 1962, as amended (16 U.S.C. 460k-460k-4).

J. Specific authorities for Service-administered wild and scenic rivers. These laws include, but are not limited to [Public Laws](#) 94-486, 95-625, 102-50, 102-301, 106-20, 111-11, and 119-9, and the Secretary of the Interior (Secretary) designations of November 2, 1993, and September 29, 2004.

K. Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271-1287).

L. Wilderness Act of 1964, as amended (16 U.S.C. 1131-1136).

3.4 What terms do you need to know to understand this chapter? See Exhibit 1 for a glossary of terms we use in this chapter.

3.5 What is the Service policy for administering wild and scenic rivers? The Service must:

A. Administer the Rivers System to preserve certain select rivers that possess outstandingly remarkable values and are in a free-flowing condition, as described in Section 16(b) of the Act;

B. Maintain or enhance water quality so that those rivers and their immediate environment are protected in a manner consistent with the Refuge System mission and the purposes of the refuge without limiting other uses that do not substantially interfere with public use and enjoyment of the values for which the component was designated;

C. Assess the eligibility of rivers on Refuge System units for inclusion in the Rivers System;

D. Assist other agencies with management authority for wild and scenic rivers that are within or adjacent to a refuge, may affect refuge resources, or may be affected by Service actions;

E. Provide technical assistance on designated and eligible rivers that may not be within the Refuge System; and

F. Apply a consistent approach to managing wild and scenic rivers in a manner similar to other agencies who manage such rivers.

3.6 Who is responsible for administering the Wild and Scenic Rivers Act? See Exhibit 2 for a listing of Service responsibilities, by position, for administering the Act. In addition, there are several sections below that describe the Service's responsibilities in detail.

THE WILD AND SCENIC RIVERS ACT

3.7 What is a wild and scenic river? A wild and scenic river is a free-flowing waterway that, within its immediate environment, possesses outstandingly remarkable scenic, recreational, geologic, fish,

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wildlife, historic, cultural, or other similar values. When Congress or the Secretary includes a river in the Rivers System, that river and its related adjacent land area are protected from certain Federal water resources and Federal Power Act projects.

3.8 What are the four components of a wild and scenic river, and what are the Service's responsibilities for those components? (See Exhibit 1 for further definitions of each.)

A. Outstandingly remarkable values. These are river and river-related resources that are rare, exemplary, or unique within a region when compared to other rivers and resources in that area. The values are scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values. We must make all reasonable efforts to ensure that we maintain or enhance these values in perpetuity.

B. Classification. When a river is included in the Rivers System, we must maintain its classification as "wild," "scenic," or "recreational," or some combination thereof, based on the level of development of the river and the land within its corridor.

C. Water quality. Water quality must be sufficient to support the values for which the river was designated. Management decisions must maintain or enhance water quality to protect or enhance the values for which the river was designated.

D. Free flow. A river must be free flowing as defined in Section 16(b) of the Act. Our management decisions must maintain or enhance free flow to protect or enhance the values for which the river was designated.

3.9 How are wild and scenic rivers named? Unless otherwise specifically provided by Congress, wild and scenic rivers must bear the nomenclature "[River Name] Wild and Scenic River." This name will be reflected in the activation memorandum that the Office of Legislative and Congressional Affairs issues to affected units of the Refuge System after designation by Congress.

3.10 What is the National Wild and Scenic Rivers System?

A. The Rivers System is one of the federally administered national systems that Congress established for the benefit and enjoyment of current and future generations of Americans. The Rivers System is primarily managed by one of four Federal agencies—the U.S. Fish and Wildlife Service, Bureau of Land Management, National Park Service, or U.S. Forest Service—or for Secretari ally designated rivers, by one or more States.

B. Wild and scenic rivers are also often managed by the Federal river-administering agency in partnership with local or State agencies, federally recognized Tribes (Tribes), Alaska Native Corporations (ANC), Alaska Native Organizations (ANO), or the Native Hawaiian Community.

3.11 How does the Wild and Scenic Rivers Act interact with other legislation?

A. Congressionally designated wild and scenic rivers assigned to the Service for administration

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become a part of the Refuge System. The lands and waters involved are subject to the provisions of the Act and the rules, regulations, standards, and legislation under which the Refuge System is administered (e.g., Improvement Act).

B. Where rules, regulations, standards, and other legislation conflict with the Act, we will manage for the more restrictive requirements. For example, if a wild and scenic river is located in designated wilderness ([see Part 610 of the Service Manual](#)), the more restrictive provisions of either the Act or the Wilderness Act apply.

C. This policy acknowledges special provisions of ANILCA that affect Alaska's wild and scenic rivers.

MANAGING WILD AND SCENIC RIVERS

3.12 What are the Service's responsibilities for administering congressionally designated wild and scenic rivers that are part of the Refuge System? These wild and scenic rivers are congressionally designated under Section 3(a) of the Act [[16 U.S.C. 1274\(a\)](#)]. We may administer them alone or jointly with another Federal agency, sovereign government, or, if so directed by Congress, work with State or local governments or other entities. They are part of both the Refuge System and the Rivers System, and as such, are subject to all laws, regulations, and policies applicable to the Refuge System under Section 10(c) of the Act [[16 U.S.C. 1281\(c\)](#)], in addition to all the other mandates of the Act. In particular, the Act requires that the Service must do the following (unless otherwise directed in river-specific legislation):

A. Recognize outstandingly remarkable values for the designated river corridor(s) as part of the refuge purpose(s).

B. Conduct evaluations of all federally proposed or assisted water resources projects pursuant to Section 7 of the Act. (See [sections 3.25 - 3.27.](#))

C. Within 1 calendar year of designation, establish a boundary averaging no more than 640 acres per river mile for Service-administered rivers designated by or subsequent to ANILCA in Alaska and 320 acres per river mile for most other rivers. The Refuge Manager must classify, as necessary, the river as "wild," "scenic," or "recreational," or some combination thereof, based on the level of development of the river and the land within its corridor. The National Wild and Scenic Rivers Coordinator must also provide notice of such boundaries and classifications and maps and descriptions in accordance with the Interagency Wild and Scenic Rivers Coordinating Council's (Council) technical report entitled *Establishment of Wild and Scenic River Boundaries* (available on the [Rivers System website](#)).

D. Within 3 full fiscal years of designation, unless otherwise directed by Congress, prepare a Comprehensive River Management Plan. This plan may be used in whole or in part to fulfill the step-down management planning process (see [602 FW 4](#)) of a refuge and may occur during or separate from other Comprehensive Conservation Plan processes (see [602 FW 3](#)). For developing a management plan, see the Council's technical report entitled *Wild & Scenic River Management Responsibilities*. Until outstandingly remarkable values are identified and a Comprehensive River

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Management Plan is completed, see the Council’s technical report entitled *Interim Management and Steps to Develop a Comprehensive River Management Plan* for guidance. Both resources are available on the [Rivers System website](#).

E. Based on the river’s classification, manage each wild and scenic river to protect and enhance the values for which it was designated—free flow, water quality, and outstandingly remarkable values.

(1) The Act requires us to “protect and enhance” (i.e., non-degradation and enhancement) all designated river areas, regardless of classification. This may require attention to activities outside of the river corridor whether within or outside the refuge boundary and State-regulated activities on waters, to the extent possible.

(2) Specific management strategies will vary according to classification, but they will always be designed to protect and enhance the values of the river area. We may permit existing uses to continue, but we must evaluate new or modified uses for their compliance with the purposes of the Act.

F. Develop interagency and cooperative agreements or joint management plans as necessary to protect river values. These agreements may allow for planning, financial assistance, and protection of river resources. When a wild and scenic river is jointly managed by the Service and another Federal agency, we must lay out in an agreement the specific management responsibilities of each agency.

3.13 What are the Service’s responsibilities for wild and scenic river planning? For each wild and scenic river assigned to the Service for administration:

A. We must prepare a Comprehensive River Management Plan, as stipulated in Sections 3(d)(1) and 10(a) of the Act, to achieve the purposes of the Act and in accordance with the Service’s planning policies ([602 FW 1-5](#)). Each Comprehensive River Management Plan must:

(1) Describe the existing resource conditions, including a detailed description of the outstandingly remarkable values;

(2) Define the desired conditions and goals for protecting river values;

(3) Address development of lands and facilities;

(4) Address user capacities (for more information on addressing visitor use and capacity, see the [Rivers System website](#));

(5) Address water quality issues and instream flow requirements;

(6) Reflect a collaborative approach, recognizing the responsibilities of, and opportunities for, partnership with all stakeholders;

(7) Identify regulatory authorities of other governmental agencies that assist in protecting river

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values;

(8) Include a monitoring strategy to maintain desired conditions; and

(9) Include other provisions as needed to satisfy Service land planning policies (e.g., NEPA, cultural resources).

B. A river's Comprehensive River Management Plan must be reviewed and revised every 10 years or more frequently, if necessary. Refuge Managers must conduct periodic monitoring and reviews of each river's values (free flow, water quality, and outstandingly remarkable values) and classification(s) and revise the river's Comprehensive River Management Plan, if needed. This ensures we maintain or enhance desired conditions.

C. We must collaborate across Service programs and with local stakeholders in the development and implementation of other appropriate plans that have a nexus to wild and scenic rivers, including, but not limited to, Endangered Species Act determinations, Comprehensive Conservation Plans, land protection plans, or step-down plans (see [602 FW 1-5](#)).

3.14 How does the Service ensure the perpetuation of river values?

A. The Service's management actions should maintain and, where possible, enhance each wild and scenic river's outstandingly remarkable values, water quality, free flow, and classification. A single stewardship decision or action may impair or improve more than one river value. The Refuge Manager must assess and minimize the risk of unintended consequences, basing actions on sound professional judgement and best available science. The Refuge Manager must thoroughly evaluate potential impacts of proposed actions on all river values.

B. We may use a combination of stewardship responses to address climate change and other anthropogenic stressors that are transforming historical species diversity and the ecological function of refuge habitats. We use historical conditions as a reference point, rather than an end goal, for refuge management. Because of uncertain climate-driven ecological transformations, we should continually consider new stewardship approaches and adapt existing management actions to confront the highest risks to river values under a range of potential future climate outcomes. For example, in some locations, where necessary to maintain and possibly enhance river values, a Refuge Manager may work to address climate change by maintaining or restoring ecosystems based on historical conditions, while in others (if there is a net benefit to river values) a Refuge Manager may accept climate-driven ecological transformation by allowing evolutionary processes to shape the ecosystem free from human intent to manipulate, control, or resist change.

C. We prioritize processes that maintain or enhance river values. When natural processes are absent or insufficient to maintain or enhance river values or facilitate adaptation to anthropogenic change, we may intervene using science-based management approaches, including Indigenous Knowledge, when available. For example, mimicking natural processes to maintain or enhance river values may contribute to the biological integrity, diversity, and environmental health of the designated river corridor(s).

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3.15 What are the Service’s responsibilities for rivers that are protected by other legislation similar to, or that incorporates parts of, the Wild and Scenic Rivers Act? Occasionally Congress affords protection to a river through alternative means (e.g., legislation similar to the Act or protective language only invoking select sections of the Act), and the Service’s responsibilities will vary by situation. The Service must base its management decisions on the protections intended by that specific legislation. For example, the Hanford Reach of the Columbia River is in permanent study status and therefore has the protections of the Act. Other rivers have not been included in the Rivers System, but Congress has directed that Section 7 of the Wild and Scenic Rivers Act still applies. (See [section 3.26](#) for Service responsibilities under Section 7.)

3.16 May the Service pursue assistance in managing wild and scenic rivers? The Service cannot divest itself of management responsibilities to a third party or another agency. However, we may seek assistance with management using written agreements or through some other instruments to engage with others to implement Comprehensive River Management Plans. We may pursue partnerships with other Federal agencies, Tribes, ANCs, ANOs, the Native Hawaiian Community, State and local governments, councils, watershed groups, and nongovernmental organizations.

3.17 What other guidance is available to the Refuge Manager for administration of a wild and scenic river? The Interagency Wild and Scenic Rivers Coordinating Council has published several technical papers and established technical core competencies, training needs, and other resources. Refuge Managers and other Service personnel should consult these resources, which are available online on the [Rivers System website](#), when implementing all requirements of the Act.

RIVERS DESIGNATED BY CONGRESS AS PARTNERSHIP RIVERS

3.18 What is a partnership river? In certain circumstances, Congress specifies that the Secretary of the Interior must administer rivers in partnership with Tribes, ANCs, ANOs, the Native Hawaiian Community, State and local governments, councils, watershed groups, and nongovernmental organizations, generally using cooperative agreements. In these partnership river designations, communities protect their own outstanding rivers and river-related resources through a collaborative approach with the Department of the Interior. Individual partnership designations vary in terms of planning, boundary, land acquisition, etc., and the river-administering agency manages them specifically with a prescribed list of partners identified in legislation. To date, such designations have been assigned to the National Park Service as the river-administering agency, but it is possible that Congress or the Secretary could assign administration for such future designations to the Service. The term “partnership river” is an informal category of wild and scenic rivers created by the National Park Service, not defined by law, that is understood by all four river-administering agencies.

3.19 What are the Service’s responsibilities for partnership rivers? Congress may delegate authority to the Service to administer a partnership river, and the requirements in [sections 3.12 and 3.13](#) would apply. On partnership rivers administered by another Federal agency that flow on or partially on Refuge System lands, we:

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- A.** Must recognize outstandingly remarkable values for the designated river corridor(s) as part of the refuge purpose(s).
- B.** Must manage the Refuge System land and water resources along these rivers consistent with protection of river values and classification(s).
- C.** Are responsible for protection and enhancement of outstandingly remarkable values and water quality.
- D.** Must manage to protect the river's classification(s) on Refuge System lands.
- E.** Must collaborate with river-managing partners in river management planning during pre-designation studies and review and update the plan to address changed circumstances and resource protection needs.
- F.** May serve as a member of a partnership river's post-designation, locally based, management council. We may help cooperating parties implement, review, and support other agency-led Wild and Scenic River Act Section 7 consultations and update the Comprehensive River Management Plan. At a minimum, the Service must serve on such a management council when the establishing legislation names the Service as a member.
- G.** Must periodically review our plans related to recreation, habitat, and fish and wildlife management for consistency with the objectives and standards of the Comprehensive River Management Plan and revise those plans, if necessary. Any major changes to our management practices that are specific to the wild and scenic river segment must be consistent with the Comprehensive River Management Plan, and we must only make those changes in consultation with any local river stewardship council and the agency charged with administration of the river.
- H.** The protection and enhancement of a designated river segment and its associated values should be considered when conducting land acquisitions within the approved boundaries of any Refuge System unit.

See [section 3.12](#) for Service responsibilities related to other congressionally designated rivers.

SECRETARIALY DESIGNATED RIVERS

3.20 What is a Secretarially designated wild and scenic river?

A. A Secretarially designated river is one that is designated at the request of a Governor(s) and managed by the State(s) through which it runs. A Federal agency will still be named as the overseeing agency. These can also be referred to as Section 2(a)(ii) rivers. Section 2(a)(ii) of the Act allows the Governor of a State to apply to the Secretary of the Interior for national designation of rivers already protected by, or pursuant to, an act of the State legislature. Unless otherwise specified in designation legislation, [245 DM 1](#) delegates the authority to conduct studies under Section 2(a)(ii)

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of the Act to the National Park Service, regardless of land ownership. Authorities include evaluation of Section 2(a)(ii) requirements, classification determination, and a recommendation to the Secretary as to whether the river should be designated or not. Should the Service ever be directed to complete a Section 2(a)(ii) assessment, guidance and requirements may be found in the technical report entitled *Designating Rivers through Section 2(a)(ii) of the Wild and Scenic Rivers Act* on the [Rivers System website](#).

B. The State(s) administer(s) Secretarially designated rivers in collaboration with affected Tribes, ANCs, ANOs, the Native Hawaiian Community, and local agencies, and the rivers are not made part of the Refuge System. The State(s) bear the costs associated with this administration. Federal management is precluded on these rivers, and they must be administered without cost to the Federal Government. However, administration and management of federally owned lands included in the designation continue to be the responsibility of the affected Federal agency, and rivers that flow entirely or largely through non-Federal lands still require coordination to protect values.

C. The Act does not require the preparation of a Comprehensive River Management Plan for Secretarially designated rivers.

3.21 What are the Service's responsibilities for Secretarially designated wild and scenic rivers? Where a Secretarially designated river affects Refuge System lands, we:

A. Must recognize outstandingly remarkable values for the designated river corridor(s) as part of the refuge purpose(s).

B. Should be delegated responsibility for implementation of Section 7 of the Act on State-administered wild and scenic rivers where the Service is named by the Secretary as the overseeing Federal agency or where a Refuge System unit is involved. This responsibility may not be redelegated to any other group or entity.

C. Must collaborate with others to manage activities on adjacent uplands and, to the extent possible, on State-regulated waters and submerged lands in a way that protects and enhances the values for which a river was designated—the free flow, water quality, and outstandingly remarkable values—and to maintain the river classification(s).

D. When we jointly manage a wild and scenic river because a designated river affects Refuge System lands, may enter into an agreement with another entity to clarify management responsibilities.

CONGRESSIONALLY AUTHORIZED STUDIES AND ASSESSING OTHER RIVERS

3.22 What are the Service's responsibilities for congressionally authorized studies? If assigned the lead agency role in conducting the study, Service responsibilities include:

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A. Completing the study process within 3 years of the date of study authorization unless otherwise directed by Congress.

B. Conducting an eligibility assessment of the river to determine:

- (1) If it is free flowing as defined by Section 16(b) of the Act,
- (2) If it supports at least one outstandingly remarkable value, and
- (3) Its preliminary classification.

C. If the river is eligible for designation as a wild and scenic river, conducting a suitability assessment (see *Wild and Scenic River Study Process*, on the [Rivers System website](#)). The suitability assessment must evaluate the benefits and impacts of wild and scenic river designation and consider alternative protection methods. The Refuge Manager conducts the assessment to answer the following questions:

(1) Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation, or are one or more other uses important enough to warrant doing otherwise?

(2) Will the river's free-flowing character, water quality, outstandingly remarkable values, and preliminary classification (level of current development) be protected through designation, and is designation the best method for protecting the river corridor?

(3) Is there a demonstrated commitment to protect the river by any non-Federal entities who may be partially responsible for implementing protective management?

D. Sending the study report to the Secretary of the Interior through the appropriate chain of command.

E. Conducting evaluations of all federally proposed or assisted water resources or Federal Power Act projects under Section 7 of the Act. (See [section 3.27](#))

3.23 What are the Service's responsibilities for assessing rivers for inclusion in the Rivers System on Refuge System lands that are not part of a congressionally authorized study?

A. The Refuge Manager must assess the eligibility of rivers on Refuge System units according to Section 5(d)(1) of the Act during refuge land planning processes, including subsequent refuge planning reviews and revisions. The assessment must include determinations on the river, including:

- (1) If it is free flowing, as defined by Section 16(b) of the Act;
- (2) If it contains or supports at least one outstandingly remarkable value;
- (3) What the preliminary classification(s) would be; and

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(4) If the existing water quality and quantity characteristics are sufficient to support the outstandingly remarkable value(s) and preliminary classification(s).

B. The Refuge Manager should determine if they should conduct a suitability assessment at the time an eligibility study occurs.

C. Before approving a Service-proposed management action, the Refuge Manager must conduct a suitability assessment if the project has the potential to adversely affect the free flow or outstandingly remarkable values of any river that has previously been determined eligible.

D. If a river is found eligible, or eligible and suitable, for designation as a wild and scenic river, the Service must protect the river's free-flowing character, water quality, outstandingly remarkable values, and preliminary classification. The Service must not undertake any management action that could adversely affect the values that qualify a river for inclusion in the Rivers System unless not taking action conflicts with other refuge purposes or legal mandates. This obligation only applies to Service management actions, and we cannot impose it on other agencies' actions, except for the protections offered by the river's inclusion on the Nationwide Rivers Inventory. This obligation extends until one or more of the following conditions are met:

(1) A suitability assessment determines the river is not suitable for designation as a wild and scenic river,

(2) A subsequent land planning process evaluation determines the river is no longer eligible for designation, or

(3) Congress takes an intervening action that affects eligibility or suitability.

3.24 What are the Service's responsibilities for the Nationwide Rivers Inventory? The Nationwide Rivers Inventory lists river segments in the United States that are believed to be free flowing as defined by the Act and that possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local significance. The Nationwide Rivers Inventory is augmented by river eligibility findings from land-management agencies. As a result, rivers within the Nationwide Rivers Inventory are potential candidates for inclusion in the Rivers System. The Nationwide Rivers Inventory gives Service employees a starting point to identify rivers of interest when conducting required Section 5(d)(1) river studies (see [section 3.22](#)).

A. The Service's National Wild and Scenic Rivers Coordinator must report all eligible rivers, and any subsequent changes to a river's status, to the National Park Service for inclusion on, or update to, the Nationwide Rivers Inventory. This includes:

(1) The river name;

(2) A description of the river reach found eligible;

(3) The outstandingly remarkable value(s) associated with the river;

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(4) The river's preliminary classification;

(5) Whether or not a suitability assessment was completed and its positive findings; and

(6) Subsequent determinations of eligibility, suitability, or any other change that affects the status of the river.

B. We should make every reasonable effort to avoid or mitigate actions that could adversely affect Nationwide Rivers Inventory segments and that could preclude the wild, scenic, or recreational river status of these rivers that are on Service-managed lands.

C. The Refuge Manager must assess all management actions that might affect a potential wild and scenic river for their impacts to the river, and determine if such actions would:

(1) Render the river no longer eligible for designation as a wild and scenic river, or

(2) Create a change in potential classification of the river if it is added to the Rivers System.

D. If a proposed action would have a negative impact under either section 3.24C(1) or (2) above, the Refuge Manager must ask the following questions:

(1) Can the action be altered?

(2) Can the action be mitigated?

(3) Is the action necessary to achieve refuge or other conservation purposes?

E. If the Refuge Manager determines the action is necessary, and it cannot be altered or mitigated, then it may proceed. This should be the option of last resort.

SECTION 7 OF THE WILD AND SCENIC RIVERS ACT – REVIEW OF WATER RESOURCES PROJECTS

3.25 What is Section 7 of the Wild and Scenic Rivers Act, and what does it do? Section 7 of the Act requires Federal agencies to review their water resources projects to ensure that they do not have a direct and adverse effect on the values for which a river designation was established. This includes actions on Refuge System lands that would “have a direct and adverse effect on the values for which such river was established” and actions outside of Refuge System lands “that would invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation...” Section 7 directs Federal agencies to protect the free-flowing condition and other values of designated rivers and those rivers that are congressionally authorized for study, and it provides the authority to direct regulatory agencies to approve, deny, or suggest modifications to a proposed water resources project (e.g., Army Corps of Engineers issuing a Section

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404 permit or the Federal Highway Administration funding bridge construction). See the technical report entitled *Wild and Scenic Rivers Act: Section 7* on the [Rivers System website](#) for standards for designated and study rivers.

3.26 What is the Service's role in implementing Section 7 of the Wild and Scenic Rivers Act?

A. Our role varies according to the managing agency and the status of the river. Our responsibilities also vary depending on whether the river is part of the Refuge System, a partnership river, a Secretarially designated component of the Rivers System, or a river that is congressionally authorized for study.

B. We are responsible for conducting Section 7 reviews and determinations, where appropriate, on wild and scenic rivers that we manage and on 5(a) study rivers when we are the agency conducting the study. We may also have a role in providing information about river values, such as water quality and quantity and outstandingly remarkable values, to other agencies to support the other agency's Section 7 determinations, especially when we manage adjacent lands.

3.27 How does the Service implement Section 7 of the Wild and Scenic Rivers Act?

Implementation of Section 7 requires application of rigorous and consistent evaluation procedures developed through an interagency process to protect river resources.

A. When conducting Section 7 evaluations, we use the Council's resources, including:

(1) The Council's technical report, [Wild and Scenic Rivers Act: Section 7](#), which provides essential definitions, identifies standards and evaluation procedures for determining effects of projects, and defines in detail such projects; and

(2) Flowcharts to assist the Section 7 evaluation process, which can also be found on the [Rivers System website](#).

B. The outcome of a Section 7 review could be the determination that the project is or is not subject to Section 7's jurisdiction. If the project falls under Section 7, the Service will determine the level of project impacts and whether or not the project may proceed as proposed.

COORDINATION OF WILD AND SCENIC RIVERS STEWARDSHIP

3.28 How does the Service coordinate stewardship of the National Wild and Scenic Rivers System with other Federal agencies?

A. We maintain effective intra-agency and interagency communications and cooperation and sponsor interagency training, workshops, and teams to promote the sharing of ideas, concerns, policies, achievements, and techniques related to wild and scenic river stewardship.

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B. We support and maintain an active presence on the Council through the appointment of one representative at the national level and two field representatives, at a minimum.

C. We seek to achieve consistency in wild and scenic river stewardship, when possible, in accordance with other refuge purpose(s) and the Refuge System mission.

D. In areas where our management responsibility for a wild and scenic river, either by land ownership or congressional direction, adjoins the management responsibility of another land management agency, we coordinate with that agency to achieve as much consistency as possible in the application of stewardship practices, wild and scenic river regulations, and review of proposed Federal water resource projects. Refuge Managers should consider creating joint Comprehensive River Management Plans with neighboring or nearby wild and scenic river areas to better protect the Rivers System and to facilitate appropriate and compatible public use in river segments that lie within the Refuge System.

3.29 How does the Service coordinate wild and scenic river stewardship with Tribes, ANCs, ANOs, the Native Hawaiian Community, and State and local river-administering agencies? The Service must:

A. Coordinate, cooperate, and collaborate with affected Tribes, ANCs, ANOs, the Native Hawaiian Community, and State and local agencies in a timely and effective manner on the management of wild and scenic river areas, as appropriate;

B. Ensure that Refuge System regulations and management plans are, to the extent practicable, consistent with Tribal, State, and local laws, regulations, and management plans;

C. Provide Tribes, ANCs, ANOs, and the Native Hawaiian Community, as applicable, and State and local agencies with timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy, including, where appropriate, representation on a Comprehensive River Management Plan planning team; and

D. Provide opportunities for entities with jurisdiction to participate in the development and implementation of program changes that the Service makes outside of the Comprehensive River Management Plan process.

3.30 What are the Service's responsibilities to State scenic river areas (Section 11)? Many States have enacted river protection systems modeled on the Act.

A. While creation of a State scenic river system and any subsequent designations do not impose any legal requirements on the Service or Refuge System lands, Section 11 of the Act authorizes the Secretary of the Interior to:

(1) Encourage States to consider opportunities for planning for State-designated rivers and to assist, advise, and cooperate with landowners, organizations, and other governments in the establishment of State scenic rivers [Section 11(a)];

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(2) Assist, advise, and cooperate with States, landowners, private organizations, or individuals to plan, protect, and manage river resources. This authority includes rivers within the Rivers System, but also applies to all other rivers [Section 11(b)(1)]; and

(3) Make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations in the planning and management of State scenic river systems [Section 11(b)(3)].

B. We must make every effort to protect the natural, cultural, and recreational values of a State scenic river, consistent with our authorities and responsibilities. More specifically, we must take into consideration input on any actions that might:

(1) Change an existing classification,

(2) Unduly degrade water quality,

(3) Unduly degrade the values for which the river was designated into a State scenic river system, and

(4) Cause the river to be removed from the State scenic river system.

**STEPHEN
GUERTIN**

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DEPUTY DIRECTOR

Glossary for the Wild and Scenic Rivers Policy

Acronyms and abbreviations used in this glossary:

Act: Wild and Scenic Rivers Act

BLM: Bureau of Land Management

Council: Interagency Wild and Scenic Rivers Coordinating Council

NPS: National Park Service

Refuge System: National Wildlife Refuge System

Rivers System: National Wild and Scenic Rivers System

Service: U.S. Fish and Wildlife Service

USFS: U.S. Forest Service

Definitions:

2(a)(ii) river. Section 2(a)(ii) of the Act allows the Secretary of the Interior to designate rivers into the Rivers System at the request of a Governor, provided certain prerequisites are met (see *Designating Rivers Through Section 2(a)(ii) of the Act* on the [Rivers System website](#)). Such rivers must be managed by the State(s) through which they run, are not made part of the Refuge System, and typically receive no Federal funding for management.

Classification. Rivers in the Rivers System are classified as wild, scenic, or recreational according to Section 2(b) of the Act. The classifications refer to the degree of development along the river at the date of designation, not to wilderness, scenery, or recreational activities. Rivers in the Rivers System are referred to as “wild and scenic rivers” without regard to actual classification. However, classification is an important distinction as it has a direct effect on how the river is administered and whether certain activities on federally owned land within the boundaries are permissible (see Wild, Scenic, and Recreational entries below for classification standards). One or more classification(s) for a river, or segments of a river, is determined either by Congress in the river’s designation legislation or by the Federal administering agency after the river is designated.

Comprehensive River Management Plan. Section 3(d)(1) of the Act requires managers of rivers designated after January 1, 1986, to prepare a management plan to address resource protection, development of lands and facilities, user capacities, and other management practices necessary to comply with the Act (see Newly Designated Wild and Scenic River: Interim Management and Steps to Develop a Comprehensive River Management Plan on the [Rivers System website](#)). Pre-existing management plans developed for rivers designated before this date had to be reviewed for compliance with Section 3(d)(1) of the Act by 1996.

Congressionally designated river or congressionally designated wild and scenic river. Rivers Congress designates through amendment of Section 3(a) of the Act into the Rivers System.

[Department of the Interior Manual \(DM\) chapters 245 DM 1 and 710 DM 1](#). In the context of this policy, 245 DM 1 delegates the authority for conducting studies under Section 2(a)(ii) of the Act to the NPS, regardless of land ownership. Departmental Manual chapter 710 DM 1 conveys the responsibilities of the former Bureau of Outdoor Recreation to the NPS, including maintenance of the Nationwide Rivers Inventory.

Designation. The process of adding rivers to the Rivers System by an act of Congress, or, for Secretarially designated rivers, by administrative action of the Secretary of the Interior.

Desired conditions. The resource conditions, visitor experiences and opportunities, and facilities and services that will protect and enhance river values and classification(s) while allowing for uses consistent with the Act.

Eligible, eligibility, or potentially eligible. Qualification of a river for inclusion into the Rivers System through the determination that it is free flowing and, with its adjacent land area, possesses at least one river-related outstandingly remarkable value (see definition below). Potentially eligible rivers are those that we suspect are free flowing and possess outstandingly remarkable values but have not gone through a determination process yet.

Free flowing or free flow. Existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway as defined by Section 16(b) of the Act. Free-flowing character, along with the existence of one or more outstandingly remarkable value(s), makes a river eligible for wild and scenic river designation.

Interagency Wild and Scenic Rivers Coordinating Council. A multi-agency body formed through a charter signed in 1995 by the Assistant Secretaries of Agriculture and the Interior to improve interagency coordination in administering the Act. The Council consists of representatives of the four main Federal wild and scenic river-administering agencies (BLM, NPS, USFS, and the Service). The Council addresses a broad range of issues, including, but not limited to, management concerns on rivers presently in the Rivers System, potential additions listed on the Nationwide Rivers Inventory, State designations, and the provision of technical assistance to other governments and nonprofit organizations.

Nationwide Rivers Inventory. A source list of rivers that the NPS and other Federal land-managing agencies have determined as being eligible or potentially eligible for inclusion in the Rivers System.

Non-degradation and enhancement. Section 10(a) of the Act mandates that each river will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses that do not adversely impact or degrade those values.

Outstandingly remarkable values. These are necessary component(s) of a wild and scenic river and are river-related resources that are rare, exemplary, or unique within a stated region of comparison (e.g., the region or nation). Such resources are a necessary component of eligibility for designation of a river into the Rivers System as defined by Section 1(b) of the Act. These

include “scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values...” Other similar values that we often consider include customary and traditional indigenous uses and botanical, hydrological, paleontological, or scientific value.

Recreational or recreational river area. These are defined by Section 2(b) of the Act as “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.” See definition of “classification.”

River-administering agencies (Federal). In the context of the Act, the four Federal agencies with primary responsibility for implementation of the Act and management of the rivers in the Rivers System are the Service, BLM, NPS, and USFS.

River area or river corridor. This is a river and the adjacent area within the boundaries of a designated river, or a river and the adjacent area within a quarter mile of the banks of a congressionally authorized study river (within one-half of a mile for designated/study rivers authorized under provisions of the Alaska National Interest Lands Conservation Act specific to administration of wild and scenic rivers).

River values. These are the free-flowing condition, water quality, and outstandingly remarkable values of each component of the Rivers System, as identified in Section 1(b) of the Act. Under the Act, Comprehensive River Management Plans for designated rivers must “provide for the protection of” these river values [Section 3(d)(1)], and each river component must “be administered in such manner as to protect and enhance” river values (Section 10(a)).

Scenic or scenic river area. These are defined by Section 2(b) of the Act as “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.” See definition of “classification.”

Section 7 review. Section 7 of the Act imposes restrictions on certain Federal water resources projects and Federal Power Act projects to protect wild and scenic rivers. Section 7 requires Federal river-administering agencies to review certain projects using the specific procedures and standards it defines.

Study report. This is the required report on the eligibility and suitability of a study river for inclusion in the Rivers System for rivers that Congress includes through Section 5(a) of the Act. Section 4(a) requires the Secretary of the Interior or the Secretary of Agriculture, or both, to prepare and submit the report to the President. The President transmits the report with the Secretaries’ recommendation(s) to Congress.

Study river. This is a river identified in Section 5 of the Act for study as a potential addition to the Rivers System. Section 4 of the Act outlines the process for conducting the study.

Suitability. The final step in the river assessment process is the determination that a river is suitable for inclusion in the Rivers System. This subjective, time-bounded finding provides the basis for determining which rivers should be recommended for addition to the Rivers System. The suitability phase of the river assessment process evaluates the benefits and impacts of wild and scenic river designation and considers alternative protection methods.

Water quality. Within the context of the Act, water quality may be a value for which a river is designated and also refers to safeguarding water in a condition sufficient to protect the values for which a river is designated into the Rivers System. Water quality on wild and scenic rivers is protected under Federal law, and the standards stem from the Clean Water Act of 1972, as amended, for the purpose of eliminating or diminishing the pollution of river waters.

Water quantity. Within the context of the Act, water quantity refers to ensuring stream flows sufficient to protect the values for which a river is designated into the Rivers System.

Water resources projects and project works under the Federal Power Act. These include any project that involves Federal assistance, including loans, grants, licenses, or permits, or staff support, upstream, downstream, or within the corridor of a designated or congressionally authorized study river. The Council technical report, entitled Wild and Scenic Rivers Act: Section 7 of the Act, available on the [Rivers System website](#), provides essential definitions, identifies standards and evaluation procedures for determining effects, and defines in detail such projects.

Wild or wild river area. These are defined by Section 2(b) of the Act as: “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.” See definition of “classification.”

To U.S. Fish and Wildlife Service (Service) Responsibilities for Administering the Wild and Scenic Rivers Act

These employees...	Are responsible for...
A. The Director	<p>(1) Approving or declining to approve Servicewide policy;</p> <p>(2) Reporting to the Secretary of the Interior (Secretary) those rivers identified for inclusion in the National Wild and Scenic Rivers System (Rivers System);</p> <p>(3) Transmitting a map and detailed boundary description for each wild and scenic river, as required by statute, through the appropriate chain of command to the President of the Senate and to the Speaker of the House of Representatives [Section 4(b)]; and</p> <p>(4) Approving and sending recommendations from congressionally authorized Wild and Scenic Rivers Act (Act) studies to the Secretary [Section 4(a)].</p>
B. The Chief – National Wildlife Refuge System (Refuge System)	<p>(1) Ensuring that the wild and scenic rivers the Service administers as part of the Refuge System or as partnership rivers are consistently managed in accordance with the laws, policies, and regulations pertaining to:</p> <ul style="list-style-type: none"> (a) The Refuge System; (b) The Rivers System; (c) Comprehensive River Management Plans; and (d) Cooperation and coordination, as appropriate, to facilitate wild and scenic rivers resource assessments, studies, or management activities; <p>(2) Developing and updating national Service policy and guidance on the implementation of and compliance with the Act;</p> <p>(3) Conducting periodic reviews of the wild and scenic rivers program to ensure compliance with this policy and that there are adequate resources for the Service to administer its wild and scenic rivers;</p> <p>(4) Concurring with eligibility and suitability findings developed as part of land planning processes and transmitting them to the Director [5(d)(1)];</p> <p>(5) Reviewing congressionally authorized study findings, maps, boundary descriptions, and classifications for designated rivers and transmitting them to the Director;</p> <p>(6) Designating a National Wild and Scenic Rivers Coordinator; and</p>

These employees...	Are responsible for...
	(7) Establishing and providing executive oversight of the Service's Wild and Scenic Rivers Coordinating Committee.
C. Regional Directors	<p>(1) Ensuring compliance with Section 7 of the Act for wild and scenic rivers and congressionally authorized study rivers;</p> <p>(2) Concurring with eligibility and suitability findings developed as part of land planning processes and transmitting them to the Chief of the Refuge System [5(d)(1)];</p> <p>(3) Recommending congressionally authorized study findings, maps, boundary descriptions, and classifications for designated rivers and transmitting recommendations to the Chief of the Refuge System; and</p> <p>(4) Ensuring Tribal consultations are conducted, as necessary.</p>
D. Regional Refuge Chiefs	<p>(1) Ensuring that the wild and scenic rivers the Service administers as part of the Refuge System or as partnership rivers are consistently managed in accordance with the laws, policies, and regulations pertaining to:</p> <ul style="list-style-type: none"> (a) The Refuge System; (b) The Rivers System; (c) Comprehensive River Management Plans; and (d) Cooperation and coordination, as appropriate, to facilitate wild and scenic rivers resource assessments, studies, or management activities; <p>(2) Ensuring that all wild and scenic rivers in their Regions are managed to protect and enhance their free-flowing condition, water quality, outstandingly remarkable value(s), and classification(s);</p> <p>(3) Reviewing the Act's Section 7 determinations for wild and scenic rivers and congressionally authorized study rivers and recommending to the Regional Director the appropriate approving official;</p> <p>(4) Reviewing eligibility and suitability findings developed as part of land planning processes and transmitting them for approval to the Regional Director;</p> <p>(5) Reviewing congressionally authorized study findings and transmitting recommendations to the Regional Director;</p> <p>(6) Ensuring maps, boundary descriptions, and classifications for designated rivers are accurate and transmitting them to the Regional Director;</p>

These employees...	Are responsible for...
	<p>(7) Approving new and revised Comprehensive River Management Plans;</p> <p>(8) Ensuring management requirements, including any proposed acquisition of lands or interest in lands within the boundary of any wild and scenic rivers, are included in the appropriate budgetary and planning documents in order to effectively carry out the purposes of the Act and the Service's stewardship obligations;</p> <p>(9) Ensuring that the Region collaborates with federally recognized Tribes, Alaska Native Corporations (ANC), Alaska Native Organizations (ANO), the Native Hawaiian Community, and State and local agencies in a timely and effective manner on the acquisition and management of refuges or units within the Region that include, or are adjacent to, wild and scenic river areas; and</p> <p>(10) Notifying the Regional Director when Tribal consultations are necessary.</p>
<p>E. National Wild and Scenic Rivers Coordinator</p>	<p>(1) Supporting Service implementation of the Act by:</p> <ul style="list-style-type: none"> (a) Establishing and coordinating a Service Wild and Scenic Rivers Coordinating Committee with interdisciplinary representatives from national, Regional, and refuge levels; (b) Serving as the agency lead representative on the Interagency Wild and Scenic Rivers Coordinating Council; and (c) Coordinating wild and scenic rivers stewardship across Regions, programs, agencies, and national level partners; <p>(2) Advising the Chief of the Refuge System on all matters pertaining to wild and scenic rivers;</p> <p>(3) Providing national support for wild and scenic river planning processes (developing and revising Comprehensive River Management Plans and conducting river studies) and policy processes (distributing Interagency Wild and Scenic Rivers Coordinating Council technical guidance and Service policy and developing and updating procedural guidance such as an agency handbook);</p> <p>(4) Ensuring river studies are elevated as necessary, through the Chief of the Refuge System to the Director for action by the Secretary;</p> <p>(5) Ensuring accuracy and timely input of Service information into the Nationwide Rivers Inventory;</p>

These employees...	Are responsible for...
	<p>(6) Providing national support for wild and scenic river policy and core river manager competencies training; and</p> <p>(7) Developing and maintaining relationships with national-level partnership organizations and other nonprofit groups interested in the management of designated rivers or the inventory, evaluation, and management of potential additions to the Rivers System.</p>
<p>F. Regional Wild and Scenic Rivers Coordinators</p>	<p>(1) Supporting Service implementation of the Act by assisting the efforts of the National Coordinator and refuges;</p> <p>(2) Reviewing and providing recommendations on new and revised Comprehensive River Management Plans to the Regional Refuge Chiefs;</p> <p>(3) Advising the Regional Refuge Chiefs on matters pertaining to wild and scenic rivers and supporting the National Coordinator; and</p> <p>(4) Developing and maintaining relationships with States, Regional-level partnership organizations, nonprofit groups, and the general public interested in the management of designated rivers or the inventory, evaluation, and management of potential additions to the Rivers System.</p>
<p>G. Refuge Supervisors</p>	<p>(1) Ensuring Refuge Managers with wild and scenic river responsibilities receive appropriate core competency training to meet their obligations under the Act;</p> <p>(2) Ensuring Refuge Managers manage wild and scenic rivers to protect and enhance their free-flowing condition, water quality, outstandingly remarkable values, and river classifications; and</p> <p>(3) Providing program development and support to refuges to ensure wild and scenic rivers studies are conducted and protective management is addressed during the development of land use plans, and subsequent implementation by the Refuge Manager through appropriate monitoring and management actions.</p>
<p>H. Refuge Managers</p>	<p>(1) Managing land and water resources associated with each designated or eligible wild and scenic river to protect and enhance their free-flowing condition, water quality, outstandingly remarkable values, and river classification;</p> <p>(2) Within 1 year of designation, developing and transmitting a map and detailed boundary description and classification for each wild and scenic river, as required by statute, to the Regional Refuge Chief;</p> <p>(3) Developing and submitting Comprehensive River Management Plans, revisions to Comprehensive River Management Plans, and</p>

These employees...	Are responsible for...
	<p>associated compliance documents for wild and scenic rivers within the boundaries of the refuge or where the refuge has lead management authority;</p> <p>(4) Cooperating with other co-administrating or lead agencies on the development of Comprehensive River Management Plans and management decisions when rivers are partly within the refuge's boundaries or are outside the refuge's boundaries but may impact or be impacted by river management decisions;</p> <p>(5) Ensuring, to the extent practicable, that Comprehensive River Management Plans consider the plans of Tribes, ANCs, ANOs, the Native Hawaiian Community, and State and local governments;</p> <p>(6) Conducting assessments of rivers for eligibility for inclusion in the Rivers System during refuge land planning processes, and providing recommendations to Regional Refuge Chiefs;</p> <p>(7) Ensuring, through State and Federal legal or administrative procedures, water of sufficient quantity and quality for purposes specified within the Act;</p> <p>(8) Conducting evaluations of all federally proposed or assisted water resources projects pursuant to Section 7 of the Act or cooperating on the evaluations on a multi-jurisdictional river;</p> <p>(9) Conducting suitability analyses when an eligible river's free-flowing condition, water quality, outstandingly remarkable values, or classification may be impacted by Service management decisions; and</p> <p>(10) Conducting congressionally authorized studies under Sections 4 and 5 of the Act and preparing studies under Section 5(a) of the Act for transmittal to Congress.</p>