

# Wild and Scenic Rivers

Overview and  
Washington State and the Role of  
WSDOT and FHWA



# ORIGINS

# Wild & Scenic Rivers Act, October 2, 1968

(Public Law 90-542; 16 U.S.C. 1271 et seq.)

- *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. The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (Wild & Scenic Rivers Act, October 2, 1968)*

# Classification

- **Wild:** 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:** 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:** 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.

# Highlights

- 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,
- Federally administered rivers, the designated boundaries generally average  $\frac{1}{4}$  mile on either bank (and  $\frac{1}{2}$  mile on rivers outside of National Parks in Alaska).

# Other Details

- Each 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.

# Other Details con't.

- 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.
- 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.
- 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.

# Particulars

- A comprehensive Management Plan is in place for all designated rivers. They describe the use and type of **construction** allowed in each segment of the river. Examination of the management plan and coordination with the appropriate Forest Service office is essential early in the environmental review and design process.

*["**Construction**" is defined as any action carried on with Federal assistance affecting the free-flowing characteristics or the scenic or natural values of a Wild and Scenic River or Study River.]*

# Title 36 – Chapter II – Part 297

- §297.4: Requirements for Federal Agencies

- License, permit, or authorization cannot be given before prior notice to Sec. of Ag. & determination in accordance with Section 7 of Act.

- §297.5: Determination

- Sec. of Ag. will consent to issuance of any Federal license, permit, or other authorization if project does not have a direct or adverse effect on why river was designated.
- If denied, Sec. may recommend measures to eliminate adverse effects.

- §297.6: Environmental Analysis Requirements

- Made in compliance with NEPA
- Authorizing agencies encouraged to consult w/ USFS

# Study Rivers

- **Wild & Scenic River Studies**
- There are two study provisions in the Act — Section 5(a), through which Congress directs the study of select rivers, and Section 5(d)(1), which directs federal agencies to identify potential additions to the National Wild and Scenic Rivers System (National System) through federal agency plans.

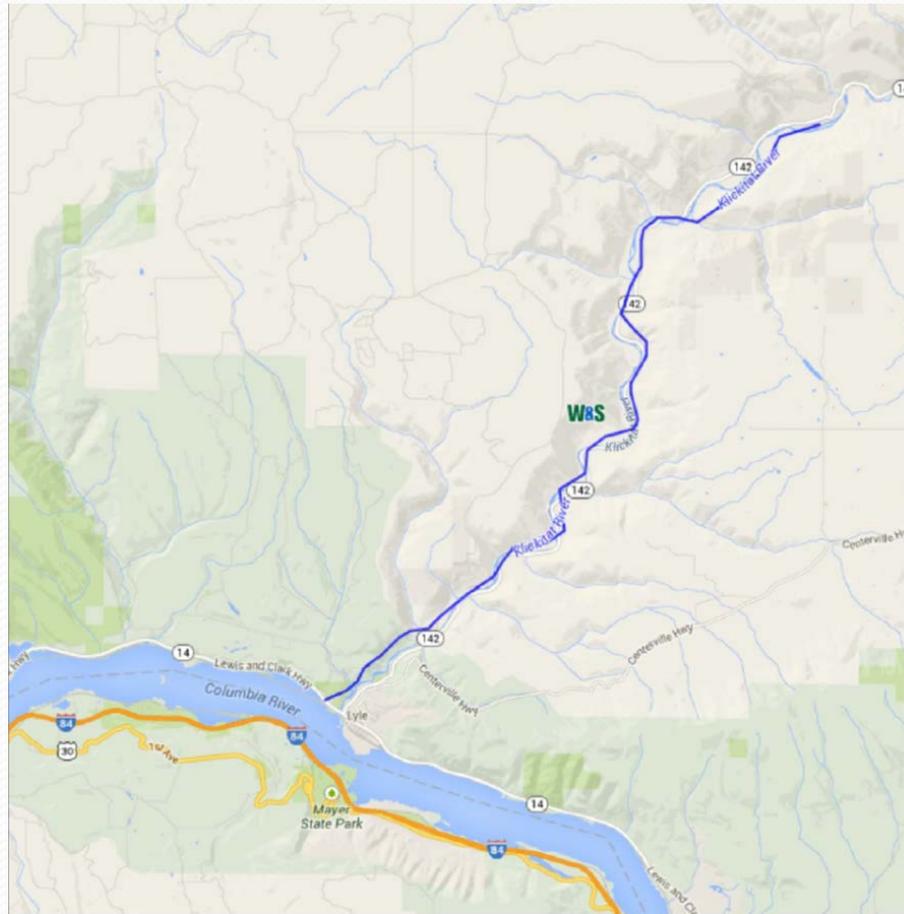
# State of Washington

Approximately 70,439 miles of river in Washington, of which 197 are designated as Wild & Scenic (Less than 3/10 of 1%)

# Designated WSR

- Three in the State:
  - Klickitat
  - White Salmon
  - Skagit

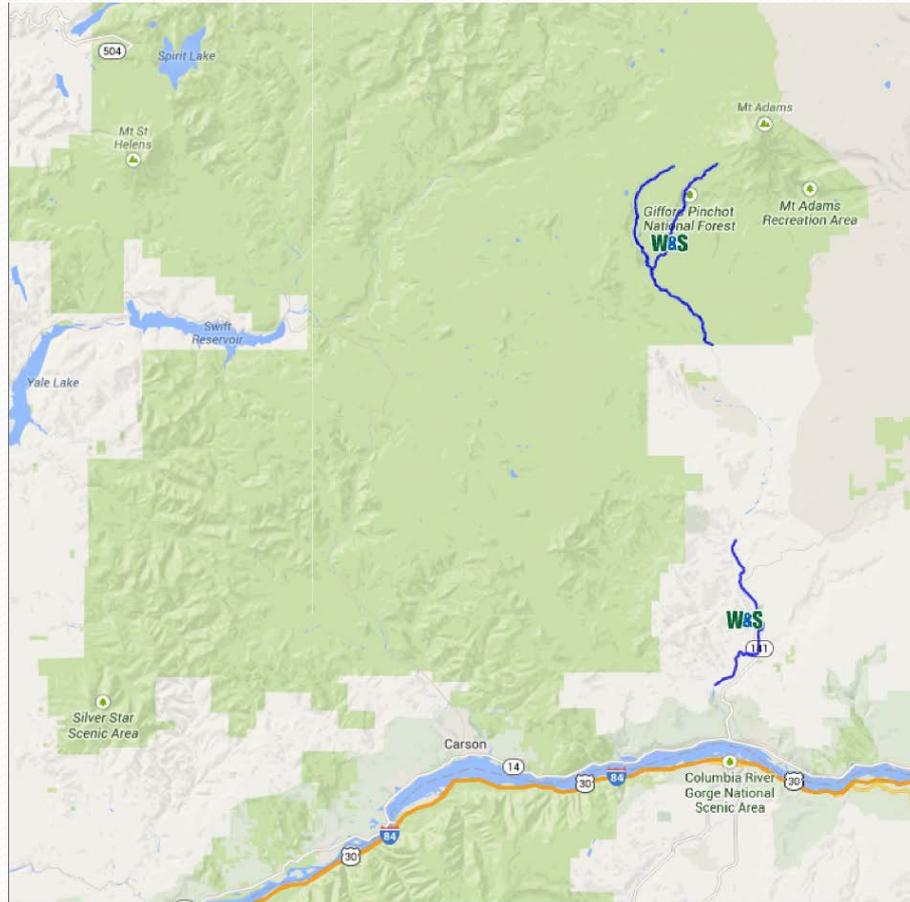
# Klickitat River



# Klickitat River

- From the confluence with Wheeler Creek, near the town of Pitt, to the confluence with the Columbia River. 10.8 miles total. Managing agency: USFS, Columbia River Gorge Scenic Area.

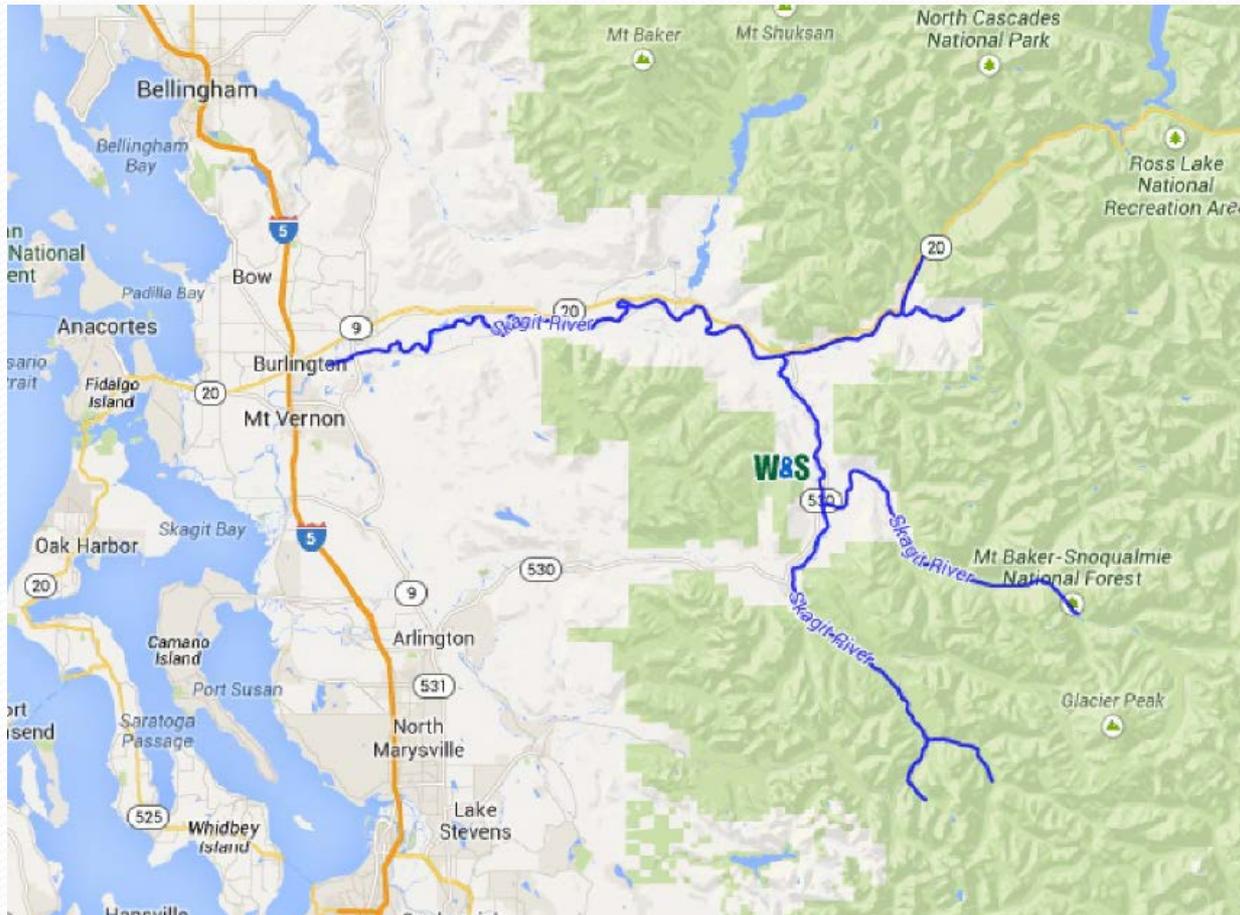
# White Salmon River



# White Salmon River

- Designated Reach:
- 1986: From its confluence with Gilmer Creek, near the town of B Z Corner, to its confluence with Buck Creek.
- 2005: White Salmon River from its headwaters to the boundary of the Gifford Pinchot National Forest. Cascade Creek from its headwaters to its confluence with the White Salmon River. This designation is not contiguous with the 1986 designation farther downstream.
- Total: Wild – 6.7 miles, Scenic – 21.0 miles; Total: 27.7 miles. Managing agency: USFS, Columbia River Gorge Scenic Area.

# Skagit River



# Skagit River

- 1978: The segment from the pipeline crossing at Sedro-Woolley upstream to and including the mouth of Bacon Creek. The Cascade River from its mouth to the junction of its N. & S. Forks; the S. Fork to the boundary of the Glacier Peak Wilderness Area. The Suiattle River from its mouth to the boundary of the Glacier Peak Wilderness Area at Milk Creek. The Sauk River from its mouth to its junction with Elliott Creek. The N. Fork of the Sauk River from its junction with the South Fork of the Sauk to the boundary of the Glacier Peak Wilderness Area.
- Skagit River from Bacon Creek downstream to just east of Sedro-Woolley, is classified as Recreational.
- Tributaries (Sauk, Suiattle, Cascade Rivers) are classified as Scenic.
- Managing agency: USFS (Mt. Baker-Snoqualmie National Forest).
- Total: Scenic – 100.0 miles, Recreational – 58.5 miles; Total: 158.5 miles

# Washington Study Rivers

- **Four in the state**
- **Skagit River:** From Mount Vernon to and including the mouth of Bacon Creek, plus additional segments of the Sauk, Suiattle, and Cascade tributaries.
- **Klickitat River:** Upstream of the confluence of the Little Klickitat River to the Yakama Indian Reservation.
- **Snake River:** From the town of Asotin to the Oregon state line.
- **White Salmon River:** Upstream of the confluence with Gilmer Creek.

# FHWA & WSDOT

Authorities & Roles

Coordination Processes

# Authority & Roles

- Aspects of FHWA program determined to be a water resources project in a WSR are subject to Section 7 of the Wild and Scenic Rivers Act.
- River-administering agency must determine whether there are “direct and adverse effects” to the values of the WSR or Study River.
- 4(f) may also apply.

# Coordination Processes

- ID early in planning process
- Requires FHWA, WSDOT, & USFS (& other interested parties) to coordinate.
- Conducted under the auspices of FHWA's role in meeting its responsibilities under NEPA.
- Each alternative must assess potential effects on the river.
- WSDOT's NEPA analysis does not substitute for a Section 7 determination by USFS.

# Section 7 Evaluation

- Prepared by USFS
- 10 Steps in the Evaluation
- Set out in Forest Service Manual (FSM) 2354.7 and more specifically in FSM 2354.76 – Evaluation Process:
  1. Establish Need
  2. Define proposed activity
  3. Describe how activity will directly alter within channel conditions
  4. Describe how activity will directly alter riparian &/or floodplain
  5. Describe how activity will directly alter upland conditions

# Section 7 Evaluation con't.

6. Evaluate & describe how changes in on-site conditions can/will alter existing hydrologic or biologic processes.
7. Estimate the magnitude and spatial extent of potential off-site changes.
8. Define the time scale over which steps 3-7 are likely to occur.
9. Compare project analyses to management goals.
10. Make Section 7 Determination.

# Section 7 Evaluation & NEPA

- Use Section 7 procedure to determine the effects of a proposed water resource project in compliance with NEPA.
- Section 7 must be completed as a separate analysis but included as part of a broader environmental analysis.

# Most Recent Experience

SR20 Skagit River CED

# Project Goal & Objectives

## Goal

- Maintain a safe and functioning highway by providing a long-term, environmentally suitable solution for protecting SR 20 from Skagit River bank erosion.

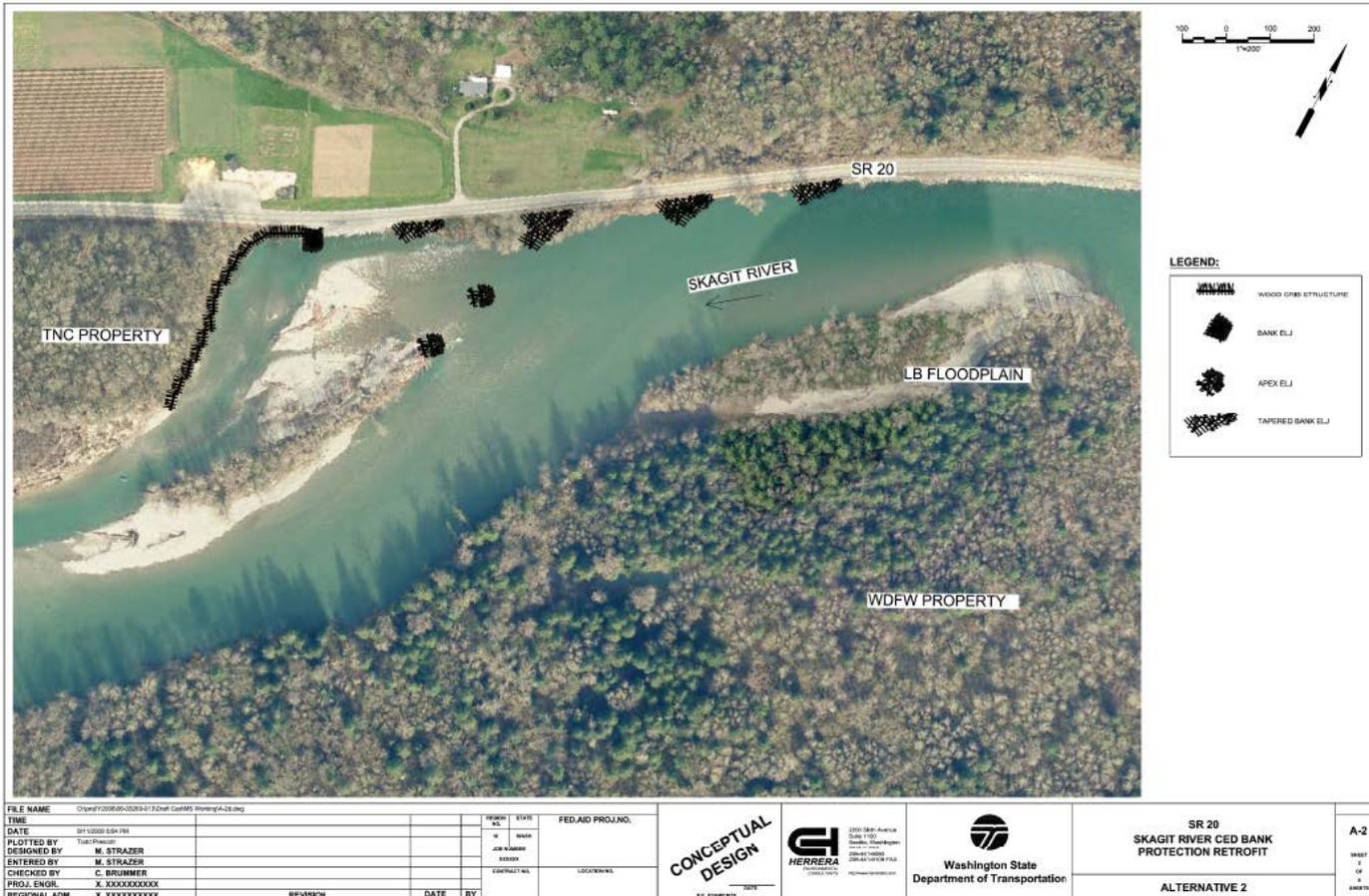
## Objectives

- Minimize repetitive maintenance and repair of the highway.
- Mitigate environmental and cultural impacts associated with project design and construction.
- Protect and enhance aquatic and riparian conditions as appropriate.
- Design project consistent with Wild & Scenic River setting (including habitat value, visual appearance, and limiting hazards to river users).
- Minimize traffic impacts during construction

# Location



# Proposed Fix



FILE NAME	C:\p\11\00105-020-013\Draw_Cad\M5 Working\A-2.dwg
TIME	
DATE	09/12/08 0:00 PM
DESIGNED BY	M. STRAZER
ENTERED BY	M. STRAZER
CHECKED BY	C. BRUNNER
PROJ. ENGR.	X XXXXXXXXXXXX
REGIONAL ADM.	X XXXXXXXXXXXX

REVISION	DATE	BY

FED.AID PROJ.NO.	
LOCAL/STATE	

**CONCEPTUAL DESIGN**



**SR 20**  
**SKAGIT RIVER CED BANK**  
**PROTECTION RETROFIT**  
**ALTERNATIVE 2**

A-2  
 SHEET  
 3  
 OF  
 4  
 SHEETS

# Dolotimbers

**Existing**

Rockpoint - 4 mi

Skagit River

**SR 20 Skagit River CED - Conceptual Design Visualization**

**Proposed**

Project Limits

SR20

Bank Engineered Dolo/Log Jam

Apex Engineered Dolo/Log Jam

Bank Engineered Dolo/Log Jam

Dolo/Log Crib Revetment

**Dolo Detail**  
(with bark form-liner treatment)

8'-4 1/2"

8'-4 1/2"

**Dolo/Log Jam Detail**

Washington State Department of Transportation

This design visualization is produced by the WSDOT Visual Engineering Resource Group (VERG) 360-709-8008

# Lessons Learned/Questions

- Stakeholder meetings – as early as possible. Introduce project and expected role to USFS as soon as possible.
- USFS needs to write the Section 7 Evaluation, but we provide much of the needed information. 3-6 month process.
- Concurrence from USFS needed before or after NEPA? Jeff wrote a note in the ECS detailing WSDOT's continuing consultation with Forest Service after he signed ECS.

# Conclusions

- Jeff's experience/thoughts
- Questions?

