



THE NATIONWIDE RIVERS INVENTORY

EVALUATION
OF A RIVER
CONSERVATION
TOOL

This document was made through a cooperative agreement between
American Rivers and the National Park Service.

Cover: Potomac River, Maryland: Exceptional diversity of flow gradients creating exceptional whitewater for recreation. River corridor contains areas for rock climbing with rare gorges and cliffs up to 150 feet in height.

Executive Summary

In March 1980, the first draft of the Nationwide Rivers Inventory (NRI) was published under provisions of the Wild and Scenic Rivers Act of 1968. The NRI is a listing of river segments potentially eligible for Wild and Scenic River designation that are offered some level of protection from Federal agency river-related projects. This year marks the 20th anniversary of the NRI, and as such, a review of its success as a functioning river conservation tool is appropriate. This document records the history of the NRI, assesses its strengths and weaknesses, and develops a list of future options for achieving greater river protection through its use.

The goals of the NRI are: to provide baseline data on the condition and extent of free-flowing rivers so these could be monitored over time; to provide input for informed decisions on utilization of river resources (including utilitarian uses); to assist state, local, and private river conservation efforts; to identify additional segments for wild and scenic river designation, and determine the extent to which the system is representative of the diversity of the nation's rivers.

Recognizing the need to strengthen the Wild and Scenic Rivers Act, President Carter, in his August 2, 1979 *Message on the Environment*, issued a Presidential directive calling for Federal agencies to take particular care not to harm rivers which may qualify for future inclusion in the Wild and Scenic Rivers System.

The NRI has had some notable successes in fulfilling these goals. In some regions, NPS consultations implemented following this Presidential directive resulted in preventing, or substantially modifying possibly hundreds of inappropriate water resources projects on NRI rivers. The United States Forest Service (USFS) has effectively used the NRI as a list of initial rivers to study for wild and scenic river designation. The NRI has also helped some states to accomplish state river assessments. What we see is that the NRI, while not fulfilling its original purpose of contributing many rivers to the Wild and Scenic River System, nonetheless has been an important river conservation tool. Its current Achilles heel, however, is the lack of an effective monitoring system, making it difficult to determine which segments have been impacted since the initial inventory, and parts of the current NRI are out of date.

There are numerous ways the NRI could be strengthened, improved, or updated. One possibility is a new Presidential directive or Executive Order to re-inventory rivers across the country and to implement stronger Federal agency protection for NRI rivers. Federal agencies could comply more consistently with the existing Presidential directive, channel more resources towards protecting NRI rivers, and collaborate to maintain the inventory's accuracy. Or, states could protect NRI rivers through state river protection systems, or complete state river assessments based on the methodology used to develop the NRI. Another option is for national NGOs and the National Park Service (NPS) to market the NRI to local river groups as a river conservation tool, and develop partnership river conservation campaigns for NRI rivers. The Administration, Federal and state agencies, national NGOs and local river groups must decide whether or not maintaining a list of free flowing rivers is important at this time, and whether or not it is worth the effort to realize the NRI's full potential as a river conservation tool.

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Introduction

In 1976, the Nationwide Rivers Inventory (NRI) was initiated under provisions of the Wild and Scenic Rivers Act of 1968. The NRI is a listing of river segments that are potentially eligible for wild and scenic river designation. The National Park Service (NPS) is responsible for maintaining the NRI.

The goals of the NRI are: to provide baseline data on the condition and extent of free-flowing rivers so these could be monitored over time; to provide input for informed decisions on utilization of river resources (including utilitarian uses); to assist state, local, and private river conservation efforts; and, to identify additional segments for wild and scenic river designation and determine the extent to which the Wild and Scenic River System is representative of the diversity of the nation's rivers.

On August 2, 1979, President Jimmy Carter issued a Presidential directive that strengthened the NRI by requiring Federal agencies to take particular care not to harm rivers listed on the NRI, and to study them for possible inclusion in the Wild and Scenic Rivers System. NPS published and distributed the first version of the NRI in August, 1982.

As we approach the 20th anniversary of the NRI, a review of its success as a river conservation tool is appropriate. This paper records the history of the NRI and suggests options for strengthening it. Research included reviewing NPS documents, personal interviews with past and current NPS employees knowledgeable about the NRI's development and track record, and interviews with representatives of the Interagency Wild and Scenic Rivers Coordinating Council (a Federal council whose mission is to improve inter agency coordination in administering the Wild and Scenic Rivers Act).

The goal of this paper is to answer the following questions:

- Who authorized the NRI's development, and why?
- How was the NRI's data collected, and is it inclusive and current?
- Do Federal agencies regularly consult with NPS as required by the Presidential directive?

- Has the NRI been effective in protecting some of the last free-flowing river segments in the country from environmentally insensitive projects?
- Has the NRI been used to identify rivers for wild and scenic river designations?
- Has the NRI been successful in assisting and encouraging state, local, and private efforts to conserve rivers?

History

Basis in Wild and Scenic Rivers Act

With the passage of Public Law 90-542 (the Wild and Scenic Rivers Act of 1968), Congress called for the identification of potential wild, scenic, and recreational river areas within the nation:

"In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potential. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved."

— Wild and Scenic Rivers Act, Section 5(d), 1968

In partial fulfillment of Section 5(d), NPS maintains the NRI as a national listing of potentially eligible river segments. A river segment may be listed on the NRI if it is free-flowing and has one or more "outstandingly remarkable values" (ORVs). The kinds of ORVs that can qualify a river for listing include: exceptional scenery, fishing or boating, unusual geological formations, rare plant and animal life, and cultural or historical artifacts that are judged to be of more than local or regional significance.

The NRI's roots can be traced back to 1969 when the Department of the Interior's Associate Solicitor for Parks and Recreation informed the Acting Director of the Bureau of Outdoor Recreation (BOR) that Section 5(d) authorized the Secretary of the Interior to "conduct studies and investigations for the purpose of identifying additional wild,

"With a sense of pride, heritage, and accomplishment, people can look to these waterways [Wild and Scenic Rivers] as remarkable reminders of an idealized America that once was, and still exists, though in fewer and fewer places."

— Tim Palmer in [The Wild and Scenic Rivers of America](#)

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scenic and recreational river areas.” Less than a year later, BOR’s Assistant Director for State Grants and Resource Studies drafted a memo to all Regional Directors that provided a legal interpretation of Section 5(d), and proposed 44 rivers for inclusion in a national list. A year later, the Assistant Director for State Grants and Resource Studies sent a memo to all Regional Directors providing the procedures for adding and deleting rivers on the Section 5(d) list, and an outline for compiling a Summary Report to determine a river’s eligibility for inclusion on the list. Data collected for the Summary Reports included river length, significant ORVs, and surrounding land ownership.

Creation of the Inventory

The creation of the NRI began in the mid-1970’s under then-Director of BOR, James Watt (see Appendix A). The concept of a national inventory of potential wild and scenic rivers was proposed by BOR’s Southeast Regional Director Bob Baker who reportedly acquired a strong belief in resource inventories as fundamental to natural resources planning and management from the future NPS Director, William Penn Mott, while working under him in the California State Parks System. The NRI idea was presented to Watt and the Office of Management and Budget as a way of putting limits on the eventual size of the National Wild and Scenic Rivers System. The inventory was first conducted in the eastern states, and then in the western states. NPS published and distributed an initial draft of the eastern states’ segments in March, 1980, and a final version of the completed NRI (which included east and west segments) in August, 1982.

Eastern Wild and Scenic Rivers Study - Phase I

BOR initiated the Eastern Wild and Scenic Rivers Study in 1976 in cooperation with state and local agencies. BOR southeast regional staff collected US Geological Survey (USGS) topographic maps (1:500,000) east of the Mississippi and identified free-flowing river segments 25 miles or longer. In some cases, rivers less than 25 miles in length were included if the rivers were thought to be regionally or nationally significant. Maps and lists of these rivers were sent to other eastern regional offices of BOR to identify segments of rivers impounded by dams or channelized, and to delete them from the list. BOR created a point system to assess development impacts within one-quarter mile of the rivers’ banks. River segments having a cumulative point-per-mile total of 100 or more were deleted, as were most intermittent streams (see Appendix B). BOR circulated the resulting list of rivers to Federal and state resource agencies, citizen groups, and individuals, for review and revision. Public meetings were held in each region and additional nominations and deletions were considered at that time. BOR staff flew over the river segments on the list and recorded them on videotape to evaluate cultural and water resource developments, scenic quality, and flow, and to delete ineligible segments. Following field and aerial evaluation, the revised list of segments was again circulated for review, and comments were used to prepare the final list of rivers.

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Eastern Recreational Rivers Study - Phase II

Seventy-five percent of the rivers initially listed were deleted through the course of "Phase I" largely due to the amount of development within the river corridor. Some of these rivers were potentially eligible as recreational rivers as defined by the Wild and Scenic Rivers Act. In 1978, the Department of the Interior's Heritage Conservation and Recreation Service (HCRS), the predecessor agency to BOR, surveyed thirteen states in the northeast for their opinions and ideas regarding the potential for an additional inventory of urban, cultural and recreational rivers. Nine states, five of which had their own wild and scenic river programs, responded with support for conducting the study. HCRS held a regional workshop in December, 1979, to coordinate collecting data for the study. Public and private officials were notified of the study's objectives and solicited for potential candidate rivers, and HCRS regional offices conducted literature reviews to assess existing data. Additional data was collected in-house and by subcontractors using uniform data sheets. HCRS regional offices also conducted workshops with state river agencies to collect public comments and information. HCRS staff flew over and videotaped the top five segments in each physiographic section, and summarized river information by physiographic section and river category (urban, cultural, and recreational). Upon review of additional public comments, the final list of urban, cultural, and recreational rivers was compiled by the regions and submitted to the Washington office.

"We should incorporate at least the crown jewels among America's wild and scenic rivers and at least one representative from each physiographic region of the nation."

— Dennis Canty
River Specialist

Western Wild and Scenic Rivers Study - Phase I

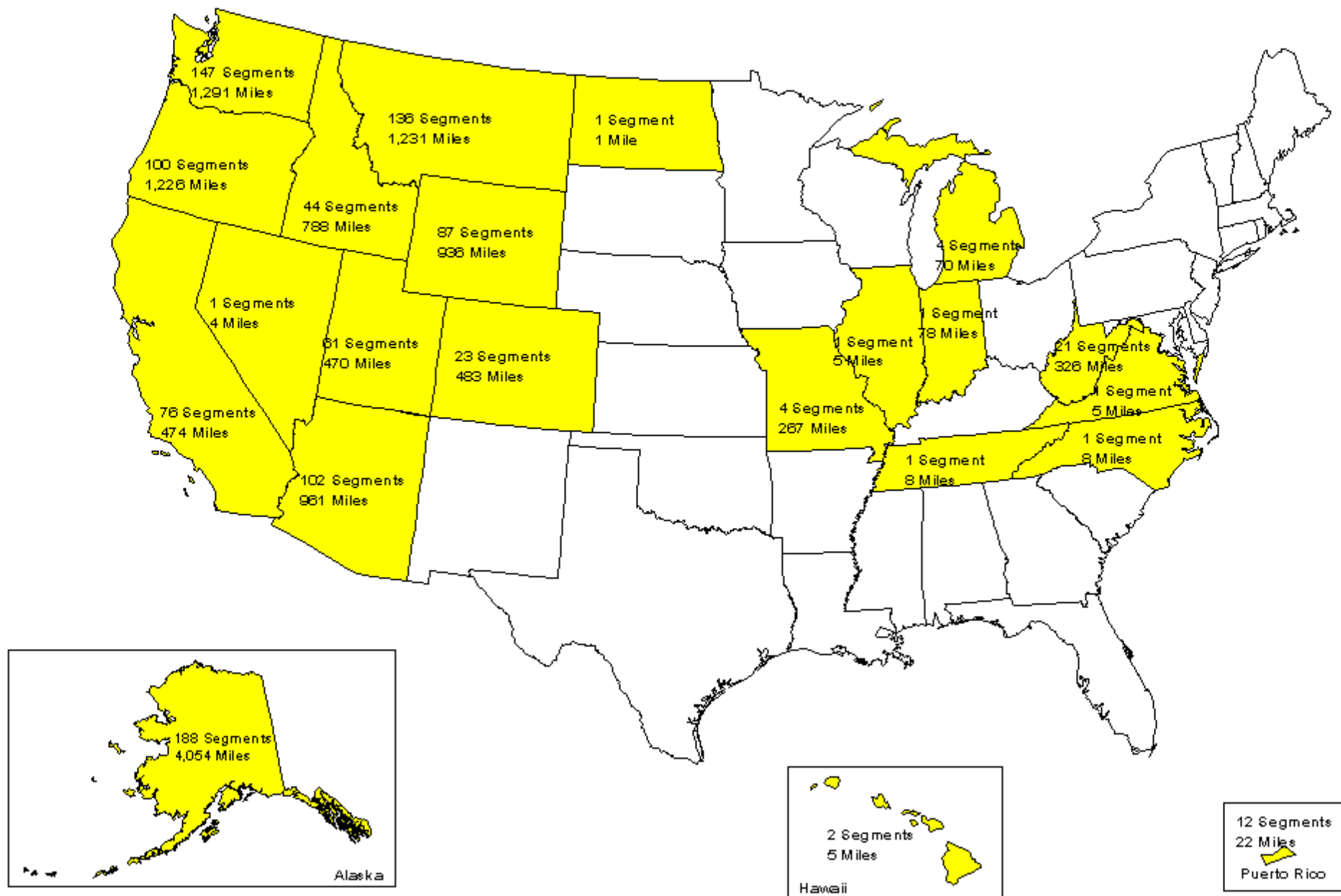
While HCRS completed "Phase II" in the East, the agency started "Phase I" in the West. In January 1979, HCRS's Northeast Regional Director suggested that HCRS could conduct a western rivers inventory that built upon the lessons learned from the eastern inventory. By April, general information and data sheets were mailed out to public and private sector officials soliciting them for their involvement in the western inventory. The western inventory used six steps, or filters, to conduct the inventory process, much like the eastern inventory:

- Length (segments ≥ 5 miles)
- Water Resource Development (rivers free of existing impoundments or other alterations such as channelization, straightening, dikes, and levees)
- Cultural Development (a point system was used to grade projects found within ¼ mile on each side of the river bank)
- Input by Experts (the river list was circulated for comment)
- Aerial Survey (approximately 20% of the total river mileage in each physiographic section was videotaped)

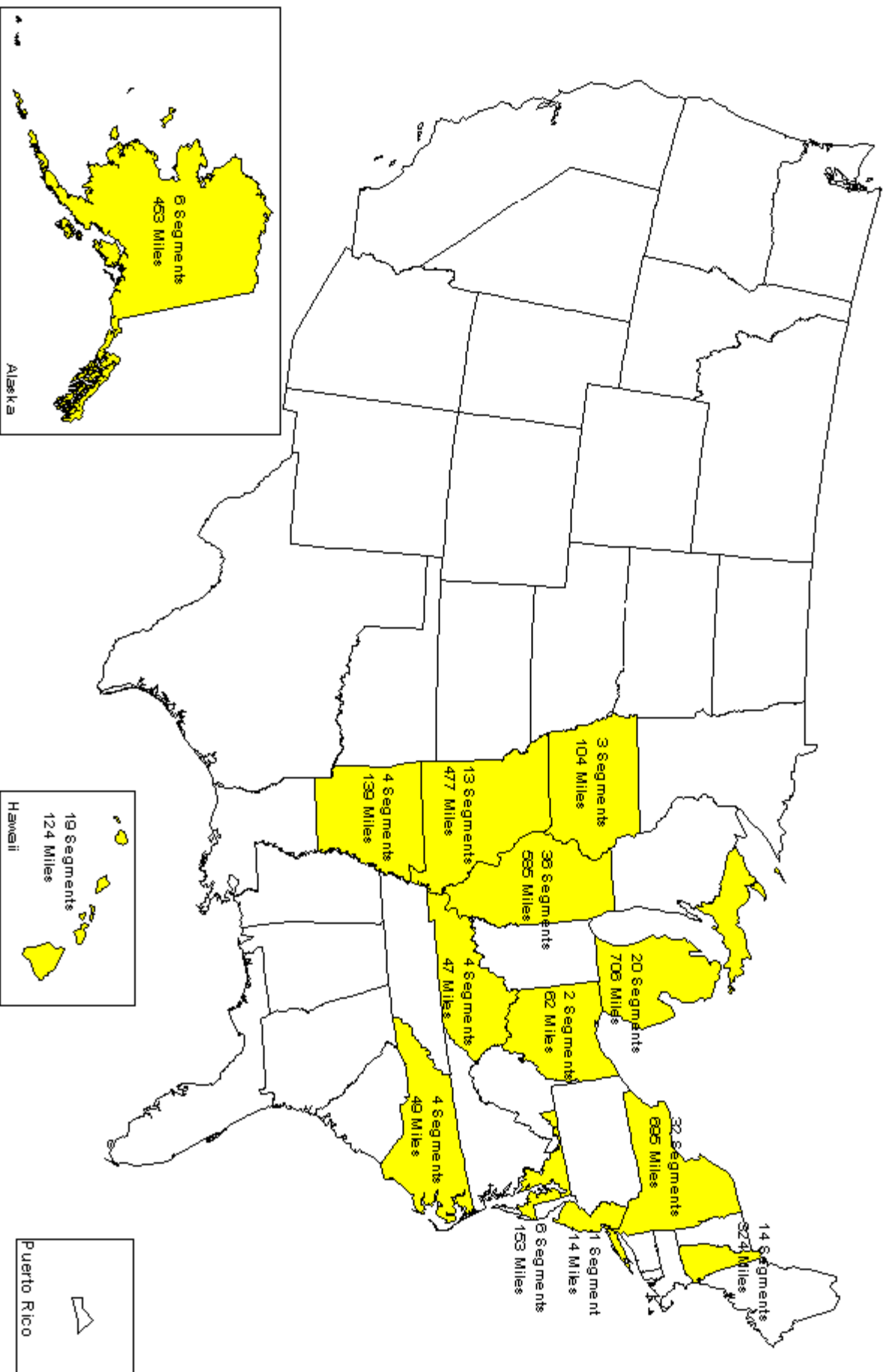
Fact:

The only states which did not participate in the initial inventory in 1982 were Alaska, Montana, and Puerto Rico.

Nationwide Rivers Inventory 1993 Federal Agency Update



Nationwide Rivers Inventory 1995 State Update



- River Evaluation (a list of the top free-flowing segments for each physiographic region was developed)

Western Recreational Rivers Study - Phase II

In 1980, HCRS western Regional Directors began mailing out general information and data collection sheets to public and private sector officials to collect data for the “Western Recreational Rivers Study.” One goal of the study was to obtain a full range of data on the stream segments listed during the wild and scenic rivers study. The other goal was to add any stream segments with outstanding or multiple natural or scientific resource features that were either overlooked or did not qualify under Phase I of the wild and scenic study process.



Merced River, California: Listed on the NRI with wild, scenic, and recreational values, the Merced flows through the rugged terrain of Yosemite National Park. In the spring, the river presents the most challenging whitewater streams in California. A portion of the Merced was added to the National Wild and Scenic Rivers System in 1987.

Updating and Revising the NRI

On May 17, 1982, the Director of NPS issued a memo to the Regional Directors informing them of the procedures for revising the NRI. (This occurred three months prior to NPS’s distribution of the initial version of the NRI in August, 1982.) The

“...it [NRI] must be kept current in order to be of maximum value to state, local and other Federal agencies and the private sector.”

— Russell Dickenson
NPS Director, 1982

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Director instructed the regional offices to submit requests for changes to the NRI to the Rivers and Trails Division. Requests for deletions had to contain justification for the proposed deletion (e.g., construction of a dam, diversion project, or any additional development that diminished the “outstandingly remarkable” values of the river, etc.). Requests for additions had to contain the same information gathered for the original NRI. No changes were considered effective until transmitted to Federal agency heads by the Assistant Secretary for Fish, Wildlife and Parks or other responsible departmental official in Washington. NPS envisioned an annual update of the NRI, but the Director decided that “a large number of change requests could lead to a somewhat more frequent revision,” and updating the NRI had to be performed within the existing budgetary allocations.

Between 1982 and 1988, there were at least two groups of additions made to the original NRI using these procedures. Although data on the number of segments added in the first revision cannot be located (other than the Manumuskin River, NJ), the second revision added the Chester (MD), Merrimack (NH), and Connecticut (CT) rivers to the NRI with Director Mott’s signature on January 26, 1988. Three years later, the NRI was republished and distributed with the additional revisions.

In 1990, NPS officials at the national and regional levels began to discuss an official update of the NRI. NPS national river policy staff created goals and objectives for the NRI update and decided the update should take place in two phases: 1) identification of segments on Federal lands found eligible for wild and scenic river designation through agency studies, and 2) identification of segments which the states believed contained ORVs.



Rio Espiritu Santo, Puerto Rico: Different segments of the Rio Espiritu Santo, and NRI river, are classified as having wild, scenic, and recreational values. Surrounded by dense tropical vegetation, the waterfalls, rapids, and pools provide excellent habitat for goby and other unique and endangered fish species.

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The Federal lands update was initiated as part of the celebration of the 25th anniversary of the National Wild and Scenic Rivers Act, in 1993. The update added new information on existing listings and added new river segments found on lands managed by the Bureau of Land Management (BLM), NPS, and United States Forest Service (USFS). NPS hired six interns over the course of a year to compile segment information from natural resource agency management plans (see Table 1). With NPS Director Roger Kennedy's signature, 1,012 segments equaling 12,713 river miles were added, and 464 river segments were updated. (See III. 1.)

Federal Agency 1993 Update		
Agency	Number of Segments	
	Updated Listings	Added Listings
BLM	54	152
NPS	30	194
USFS	390	666

Table 1: This table indicates the number of segments updated and added to the NRI during the 1993 Federal agency update.

The second phase of the update used a state nomination process. NPS mailed nomination forms and instructions to each state with a deadline set for March 31, 1995. Seventeen states responded with additions (see III. 2.) A total of 164 river segments equaling 3,932 river miles were added to the NRI through state nominations. NPS Director Roger Kennedy officially added these segments on October 15, 1995.

Presidential Directive and Council on Environmental Quality Regulations

Recognizing the need to strengthen the Wild and Scenic Rivers System, President Carter, in his August 2, 1979 *Message on the Environment*, issued a Presidential directive calling for Federal agencies to take particular care not to harm rivers which may qualify for future inclusion in the Wild and Scenic Rivers System (see Appendix C). Any Federal agency contemplating an action that could adversely affect the value for which a river had been listed on the NRI was to consult HCRS prior to initiating such action. Carter also directed Federal agencies to study NRI segments on Federal lands for wild and scenic river eligibility, to provide interim protection for those rivers, and to prepare designation legislation for:

"Each Federal agency...[shall]...make an assessment of whether the rivers identified in the Nationwide Rivers Inventory and which are on their lands are suitable for inclusion in the Wild and Scenic Rivers System. If an agency determines that a river would be suitable for inclusion in the System, the agency shall, to the extent of the agency's authority, promptly take such steps as are needed to protect and manage the river and the surrounding area in a fashion comparable to rivers already included in the Wild and Scenic Rivers System. In addition, the agency is encouraged...to prepare legislation to designate the river...if appropriate."

— Presidential directive, 1979

On August 10, 1980, the President's Council on Environmental Quality (CEQ) issued a *Memorandum For Heads of Agencies*. The Memorandum outlined agencies' responsibilities under the Presidential directive. CEQ also presented a brief set of procedures providing guidance on how to integrate those responsibilities with normal environmental analysis procedures under the National Environmental Policy Act (NEPA) (see Appendix D).

The CEQ memo states that the Presidential directive does not prohibit an agency from taking, supporting or allowing an action that would adversely affect wild and scenic values of NRI rivers. However, it does require each agency to study, develop, and describe all reasonable alternatives before acting, and to avoid and mitigate adverse effects on NRI rivers. Where agency action could effectively foreclose the designation of a wild, scenic, or recreational river segment, CEQ directed the agencies to consult with NPS, (the successor agency to HCRS as of February, 1981.) The memo described the consultation requirement as part of the normal environmental analysis process, providing the opportunity for NPS to assist other agencies in meeting program objectives without irreparably damaging potential wild, scenic, and recreational river areas. The goals of this consultation were: 1) to encourage better planning at an early stage in order to reduce resource management conflicts or to avoid them altogether, and 2) to provide an opportunity to seek early resolution of problems by policy-level officials, if necessary.

"Each Federal agency shall, as part of its normal planning and environmental review processes, take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Rivers Inventory..."

— President Jimmy Carter, 1979

The NRI as a River Conservation Tool

The purpose of the NRI is as follows:

The NRI is a compilation of comprehensive consistent data on the Nation's significant free-flowing streams for use by Congress, government agencies at all levels, and the private sector. Potential uses of the inventory include the following

1. To provide baseline data on the condition and extent of significant free-flowing river resources so these resources can be monitored over time.
2. To provide input for informed decisions on utilization of the nation's river resources for purposes such as recreation, water supply, irrigation, hydroelectric power, flood control and wild and scenic river conservation; and to identify potential water use conflicts prior to a sizable commitment of private or public funds.

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"Any environmental documents prepared on the proposed action should identify the impact of natural, cultural and recreational values, address the comments submitted by NPS, and state the avoidance / mitigation measures adopted. Any disagreement will be resolved through existing procedures."

— CEQ's Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Rivers Inventory, 1980

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- 3 To assist and encourage state, local, and private efforts to conserve rivers.
- 4 To determine the extent to which the rivers in the National Wild and Scenic Rivers System are representative of the diversity of rivers of the nation and to permit identification of additional segments.

The 1979 Presidential directive and CEQ regulations strengthened the NRI by defining how exactly it would “provide input for informed decisions on utilization” and “permit identification of additional segments” for the Wild and Scenic Rivers System. The resulting consultation process has helped to fulfill the NRI’s potential “to provide input on informed decisions.” The Presidential directive’s instructions for Federal land agency planning for NRI rivers also helped to fulfill the NRI’s potential as “baseline data” for the Wild and Scenic Rivers Program. Specific regional NPS offices worked with states to use the NRI as a model for state river assessments, and this in part fulfilled the NRI’s potential to “...assist and encourage state...efforts to conserve rivers.” Certain local and private efforts to protect rivers have been strengthened, or inspired, by a river’s listing in the NRI. These uses are discussed in detail below.

Federal Agency Coordination with NPS

The 1979 CEQ regulations clearly outlined a process for agency coordination. Federal agencies considering an action that could “effectively foreclose wild, scenic, or recreational river status” of rivers on the NRI must first consult with NPS. CEQ guided NPS to review the project and suggest modifications or alternate sites on projects that could foreclose eligibility status. In addition, the regulations stated federal agencies must conform with normal NEPA guidelines for projects proposed on NRI rivers.

To determine the extent to which Federal agencies are actually complying with the Presidential directive and CEQ regulations, American Rivers interviewed current and former NPS staff responsible for reviewing projects on NRI rivers. American Rivers also approached the USFS and BLM to determine what special actions were being taken for NRI rivers on public lands in their jurisdiction. In some areas, particularly the Mid-Atlantic and Northeast, Federal agency consultation with NPS on proposed projects on NRI segments has been of some benefit to rivers. Specific information on exactly how many rivers have been protected, or how many projects have been modified, however, is difficult to obtain:

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“There is probably no way to quantify the number of projects that have been modified or improved to protect NRI segments, even if in a fairly minor way. But it certainly numbers in the hundreds, and the cumulative impact is considerable.”

— NPS Staffer, Boston Office, NPS

The process for reviewing proposed Federal agency projects on NRI rivers varies between NPS regional offices, however, and has generally been managed on an ad hoc basis. Since the 1994 reorganization of NPS, staff reported that they have not had adequate staff to fully review and suggest changes to projects that might affect an NRI river.

These NPS consultations generally begin with a letter from a Federal agency, such as the Army Corps of Engineers, to NPS. The NPS receives thousands of letters every year through each regional office’s Division of Environmental Compliance. NRI-related letters are forwarded to staff in the Rivers and Trails Conservation Assistance Program, except in the Midwest office, where the requests remain with the Division of Environmental Compliance. The number of these coordination letters varies. In the Midwest, for example, staff estimated they received approximately three to ten letters per month regarding proposed projects on NRI rivers. The Intermountain office reported reviewing about six NRI-related projects in the past six years. The Southwest office reported they have not seen a single NRI-related letter in over a year.

All NPS staff interviewed reported that there is no regular process in place to check whether or not projects are modified, mitigated or proceed forward as planned. And all NPS staff interviewed could cite examples of projects proposed on NRI rivers, including stream channelization, rip rap, and other extensive alterations, that may have moved forward without their knowledge.

On the other hand, many projects proposed on NRI rivers have been stopped or modified through the NPS consultation process. The following are examples cited during these interviews:

James River, Virginia

In early 1979, the Appalachian Power Company and American Electric Power Service Corporation (AEP) identified a site near the confluence of the James and Tye Rivers for the placement of a nuclear power plant. Potential impacts included those associated with a low, run-of-the-river dam, a 20,000 acre reservoir created by draining and damming two tributaries, new roads and railroad lines within the river corridor, intake structures on the main stem, and the construction of related facilities within the river corridor. The NPS region office in Philadelphia wrote a letter to the power companies, expressing concern that the values for which the James River had been listed on the NRI would be

Fact:

The longest NRI segment is located on the White R. in South Dakota (327 miles long)

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negatively impacted by the project. Mitigation and alternate sites were discussed. In April, 1979, NPS produced a 57-page document on the impact of the proposed plant on the James River. In September, 1979, Chairman of the Board and CEO at AEC, W.S. White, Jr., wrote to inform then-Secretary of the Interior Cecil Andrus that, "...the incident at Three Mile Island and the lack of solution to the management of radioactive waste, among other things, have cause us to rethink our approach to nuclear power." The project never went forward. Interestingly, White's letter made positive reference to the HCRS's coordination efforts:

"I wish to thank you and your staff for the cooperation we received, including the information received from the Northeast Region of HCRS in Philadelphia. We believe the approach used in this case helped to identify potential problems in locating a nuclear power plant on the Tye River in Central Virginia. Such an approach may prove useful in the future in maintaining the necessary equilibrium between energy producing projects and environmental concerns."

St. Mary's River, Maryland

In 1983, the Baltimore District Office of the Army Corps of Engineers permitted the Maryland Department of Natural Resources' (DNR) proposed dam on the St. Mary's River, a river listed on the NRI. The dam would have created a 300-acre "swimming" reservoir to be featured in a new 2,300 acre state park. The permit went forward as planned, despite the DNR's consultation with NPS. NPS had suggested alternate sites to protect the wild and scenic river eligibility of the St. Mary's River, and modifications that would have decreased river impacts. Then the Chesapeake Bay Foundation filed suit in U.S. District Court protesting destruction of protected wetlands. American Rivers and the Audubon Society also launched campaigns to save the free-flowing Mary's River from becoming a man-made lake and to protect the important wetlands habitat for birds. This broad outcry, together with NPS's lack of support for the project, eventually worked to kill it.

South Platte River, Colorado

In the late 1980s, EPA refused to issue a 404(b) permit for the Denver Water Board's proposed Two Forks Dam on the North and South Forks of the Platte River, an NRI river. EPA received over 11,000 comments in their review of the requested permit. American Rivers listed the South Platte as the nation's most endangered river in 1988, and requested that NPS's Intermountain Regional Office to include the river segment that would be affected by the proposed dam on the NRI. The regional NPS office then requested that the national office add the segment to the

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NRI. In its letter notifying the Denver Water Board of the permit rejection, EPA cited the river's outstandingly remarkable values, as assessed by both the USFS and NPS, and the availability of a lower cost alternative, as reasons for their rejection of the Two Forks Dam permit.

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Lower Arkansas River, Arkansas and Mississippi

In 1998, the states of Arkansas and Mississippi sought a permit to build a bridge on the Lower Arkansas River over an environmentally sensitive section known as "big island," an area listed on the NRI. The Arkansas Fish and Game and the Midwest office of the NPS worked together to find an alternative location further south on the river that did not impact the NRI segment. The final Environmental Impact Statement (EIS) for this project is currently out for review, and the preferred alternative locates the project at the alternate non-NRI site.

NRI and USFS Planning

In the 1980s, American Rivers and Sierra Club Legal Defense Fund, among other groups, appealed USFS management plans for their failure to comply with the Wild and Scenic Rivers Act and the Presidential directive on the NRI. National Forests were then required to at a minimum study rivers on the NRI for wild and scenic river eligibility and suitability. The USFS "Wild and Scenic River Evaluation Handbook" (FSH 1909.12, Chapter 8) states, in Section 8.11, "Each river identified in [the NRI developed by the NPS, USDI] that crosses National Forest System lands should be studied as part of the forest land management planning process." USFS policy is to provide "interim protection" for rivers studied and found eligible or suitable for wild and scenic river designation. The USFS uses its existing authority to protect the free-flowing, outstandingly remarkable values, and classification of eligible or suitable rivers. Hundreds of NRI and non-NRI rivers on National Forests have been protected this way. One USFS staff person who wished to remain anonymous said, "To a large extent, NRI rivers have been evaluated in USFS planning processes, and are being protected."

NRI and BLM Planning

Although BLM did cooperate in adding sections of eligible rivers to the NRI during the 1993 update, discussions with BLM staff revealed that the agency generally does not comply with the 1979 Presidential directive and CEQ regulations regarding the NRI. BLM has done numerous eligibility and suitability studies for wild and scenic river designation of rivers on public lands, but without special consideration of rivers listed on the NRI. Rather, the NRI is one of many source lists used in the

NRI EXAMPLE:
River: Mill Creek
State: OH
Listed: 1995
Length: 31 miles
Comments: High hale cliffs, well-wooded.
Habitat for Northern Brook Lamprey, an endangered species.
Classification: Scenic
ORVs: Scenic, Geologic, Fish

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inventory phase of BLM planning. The agency takes a broad approach during such evaluations, to plan for a whole watershed, geographic unit, or ecosystem. Other than as a source list, there is no additional reference to the NRI in the BLM's operating manual. BLM may conduct its own assessment of impacts of proposed projects on NRI rivers, as suggested by one BLM staff person in the national office, but BLM does not consult with NPS on projects proposed on NRI rivers. For the purposes of this study we did not check to determine whether or not any assessments or consultations regarding NRI rivers are actually being done at the regional level of BLM.

NRI and State River Assessments

Statewide river assessments are cooperative multi-organization planning processes to objectively and systematically identify, evaluate and comparatively assess a variety of river corridor resources of value to the public. The rationale for conducting an assessment is to gather better information about specific river corridors in order to focus the priorities of river interests, and promote more comprehensive, objective decision-making and conflict avoidance between competing river uses. In the late-1970s, the State of Maine decided to undertake a state rivers assessment in order to evaluate their rivers and streams for hydropower potential, as well as historical, natural, and recreational values. Maine's Bureau of Parks and Recreation looked to NPS to assist with an evaluation of river resources using the study methodology NPS had developed to compile information for the NRI. The resulting assessment identifies the most important natural and recreational rivers in the state, as well as areas suitable for hydropower. Since the Maine Rivers Study, 22 statewide river assessments have been completed (See III. 3). Many of these states called upon NPS expertise, utilizing processes developed during the NRI. Some states used information gathered during these assessments to participate in the 1995 update of the NRI.

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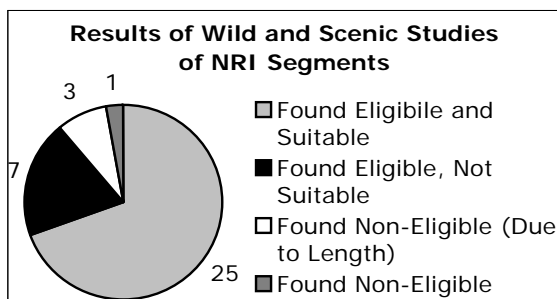
NRI and Wild and Scenic River Studies

One original purpose of the NRI was to develop a list of potential wild and scenic rivers. NRI rivers are free-flowing rivers with one or more ORVs, and are tentatively eligible for designation. But before a river can be added to the National Wild and Scenic River System, it must undergo extensive studies to determine its eligibility, classification, and suitability. Rivers can be studied under two provisions of the Wild

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and Scenic Rivers Act: Section 5(a) (Congressionally Authorized Studies) or Section 5(d) (Agency-Identified Studies). To determine whether or not there is a strong correlation between the NRI and the Wild and Scenic Rivers System, we reviewed Section 5(a) studies. We did not review 5(d) studies because it would have taken an inordinate amount of time to gather these studies from each regional office of each Federal lands agency.

As of December, 1999, 136 rivers had been identified for study under Section 5(a). Of the 98 studies we reviewed, only 36 were of NRI rivers. Thus, there is only a weak correlation between the NRI and rivers identified by Congress as worthy of studying for wild and scenic river designation. In general, NRI rivers make good wild and scenic river candidates. Of the 36 NRI rivers studied, all but four were found eligible for wild and scenic river designation. Three of the four non-eligible rivers did not have the required mileage for designation. Seven of the 36 rivers were found eligible but not suitable, due to lack of public support (see Graph 1).



Graph 1: This graph shows the results of NRI rivers studied for Wild and Scenic Designation.

In some cases, a threat to a river listed on the NRI has prompted greater local interest in wild and scenic river designation. For example, in the late 1980s, New Hampshire citizens became concerned about dams proposed on four NRI rivers: Wildcat Brook, the Lamprey River, the Merrimack River, and the Pemigewasset River. Local groups launched campaigns to stop the dam projects, and they decided to work with the NPS regional office in Boston to study the rivers for wild and scenic river designation. In the end, Wildcat Brook and the Lamprey River were successfully designated. The Merrimack River and the Pemigewasset River were not designated, but during the study process, developers decided to abandon their dam proposals. The proposed dam site on the Merrimack River was purchased by the State of New Hampshire to create a state park.

Court Cases Citing the NRI

Comment [AM1]: Is this correct? Check with Blair --

Fact:

Over 3,400 segments totaling more than 84,600 river miles are listed in the current edition of the NRI.

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the NRI as a river conservation tool

Nationwide
Rivers
Inventory

A LEXIS search of published court decisions using the keyword "NRI" has turned up only two published opinions, neither of which conferred any special status or protections for rivers listed on the NRI. This suggests neither the NRI nor the 1979 Presidential directive may be strong enough to protect rivers when other rights and authorities are presented in court.

1) National Wildlife Federation v. F.E.R.C., 912 F.2d 1471 (D.C. Cir. 1990).

In this case, National Wildlife Federation sought review of FERC's decision to grant the city of Fort Smith, Arkansas, a license to construct a dam and a small hydroelectric powerhouse. The court recited the fact that the project would inundate some 1.5 miles of Lee Creek, part of a segment of 49 miles that was listed in the NRI. (See 912 F.2d at 1474.) However, it does not appear either that plaintiff raised this as part of any of its arguments, or that the court relied on the fact of a listing on the NRI in reaching its decision. The plaintiff instead argued that FERC's actions violated the Federal Power Act, the National Environmental Policy Act, and the Clean Water Act; it did not raise the issue of potential violation of the provisions of the Wild and Scenic Rivers Act.)

2) Hughes River Watershed Conservancy v. Glickman, 81 F.3d 437 (1996). The Nature Conservancy and other environmental groups and individuals sought court review of decisions by the Natural Resources Conservation Service (NRCS) and the U.S. Army Corps of Engineers (Corps) to approve construction of a dam on the North Fork of the Hughes River in northwestern West Virginia. The North Fork was listed on the NRI as a potential addition to the National Wild and Scenic Rivers System. Among other things, plaintiffs argued that in preparing an Environmental Impact Statement for the proposed dam, and because the river is listed in the NRI, NRCS and Corps must evaluate the benefits of designation as a wild and scenic river as an alternative to building the dam. The court rejected this contention, holding that ". . . the NRI does not purport to imply any particular obligations on Federal agencies." (81 F.3d 437, 459) (emphasis added). In support of this holding, the court cited language in the NRI document itself, as follows:

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The Inventory was conducted by the Department of the Interior with the cooperation of state and local agencies. However, listing of these rivers is in no way an endorsement by the participating agencies that the rivers and river segments are the best within their jurisdiction, nor that they feel any specific action should be taken to protect these rivers. (81 F.3d 437, 450) (emphasis added).

The court thus upheld the actions of the NRCS and the Corps. It should be noted that the Hughes River case does not address in any way the obligation placed on each Federal agency to avoid or mitigate adverse effects on rivers identified in the NRI, and to consult with NPS.

NRI Representation of the Diversity of the Nation's Rivers

Another original goal of the NRI was "to determine the extent to which the rivers in the National Wild and Scenic Rivers System are representative of the diversity of rivers of the nation and to permit identification of additional segments." There are approximately 3,250,000 river and stream miles in the continental United States. Approximately 84,500 miles involving 3,431 segments have been listed on the NRI.

This is just 2.6% of the country's total river mileage. To determine how well these rivers actually represent our nation's diverse rivers, we looked at the number of NRI rivers in each physiographic division and subdivision of the country based on "Physical Divisions of the United States" (prepared by Nevin M. Fenneman in cooperation of the Physiographic Committee of the Geological Survey.) We also counted the number of NRI rivers in each NPS region to see where NPS and state agencies had been most active during the inventory process (Table 2, III. 4, and Appendix E and F.)

Good Physiographic Representation

Physiographic divisions including the Pacific Boarder, Cascade-Sierra Mountains, Atlantic Coastal Plain, New England, Eastern Piedmont, and Adirondack Region of NY are well represented. Well represented physiographic sections include the Northern Rocky Mountain Section with 198 segments, the Embayed Section of the Coastal Plains with 156 segments; and the Piedmont Upland with 126 segments. The Mexican Highland Section, with 112 segments, is a surprise since it is located in an arid part of the country.

Nationwide Rivers Inventory

Fact:

The state with the most NRI river miles is Alaska (4,507).

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Penobscot River, Maine: As listed on the NRI, remarkable geological and scenic values, the Penobscot contains a unique variety of significant islands as well as a spectacular impassible gorge.

Poor Physiographic Representation

Physiographic provinces including the Central Lowlands, Great Plains, Wyoming Basin, Columbia Plateau, and Basin/Range are poorly represented. Poorly represented physiographic sections are too numerous to list here, but it is safe to say that some of those sections are found in water-deficient states where there are naturally fewer rivers and water demands by municipal and agricultural interests are intense.

Good Regional Representation

- The Pacific Northwest Region is best represented with an average of 177 river segments per state. Washington has the highest number of segments in the country (250 segments.)
- The Intermountain Region is well represented with an average of 101 river segments per state. Montana has the highest number of segments in the region (136 segments.)
- The Pacific West Region, with an average of 88 river segments per state, is well represented. The majority of these segments are found in the State of California, which has 209 segments.
- The New England Region is well represented, averaging 70 segments per state across the region. New York has the highest number of segments (182 segments).

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Poor Regional Representation

- The Southwest Region is poorly represented with an average of 47 segments per state. Oklahoma has the lowest number of segments (eight segments).
- The Midwest Region is the largest region (13 states), and has an average of 39 segments per state. Michigan has the highest number of segments in the region (100 segments). Seven states in the Midwest contain less than 50 segments, and North Dakota has the fewest (eight segments).
- The Mid-Atlantic Region has an average of 54 segments per state.
- The Southeast Region has an average of 48 segments per state. Louisiana has the fewest number of segments (11 segments).

NPS Region	Number of States	Number of Segments	Length of River Miles
Pacific Northwest	3	518	10,099
Midwest	13	513	21,256
New England	7	491	7,873
Southeast	10	484	17,969
Intermountain	4	403	6,689
Mid-Atlantic	7	377	6,503
Pacific West	3	263	4,039
Alaska	1	194	4,507
Southwest	4	188	5,698
TOTALS	52	3,431	84,633

Table 2: The regional distribution of NRI segments and associated river mileage by NPS regional offices.

Video Footage of NRI Rivers

The NPS Washington office recently surveyed regional offices about the status of the NRI video footage recorded in the late 1970s and early 1980s. Only four of the eight regions that had recorded footage recorded were able to locate their tapes (Midwest, Intermountain, Santa Fe, Pacific West)(see Appendix G). The regions where the NRI was founded (New England, Mid-Atlantic, and Southwest) no longer have their tapes, nor does the Pacific Northwest office. Alaska never recorded their segments. The Santa Fe office is currently converting its original UMATIC tapes to VHS, and the Midwest region is interested in doing the same. The Pacific West's Regional Office in San Francisco turned their tapes over to the Water Resources Archives at UC Berkeley, which makes them available

Fact:
81 out of 86
physiographic sections
are currently
represented in the
NRI.

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Nationwide Rivers Inventory

NRI EXAMPLE:
River: Castor River
State: MO
Listing: 1995
Length: 62.5
Comments: This river supports diverse fish fauna, including at least six state-listed species. This segment is one of few unchannelized streams left in southeastern MO.
Classification: Scenic
ORVs: Scenic, Fish, Geologic, Recreational

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the NRI as a river conservation tool

to the general public. The University paid to have the UMATIC tapes converted to VHS and keeps the originals in an airtight vault.

The Sierra Nevada Environmental Project provides a good example of how these tapes could be used. The Sierra Nevada Environmental Project's goal is to restore riparian areas, and the detail provided in NRI video footage is useful in finding key information to create river restoration plans. Undoubtedly, broader use of this footage is possible. The national NPS office is discussing ways to present the footage on the NRI webpage.

Recent and Current NRI Activities

In recent years, NPS has been working to make the NRI more accessible to the public and more useful as a river conservation tool. In 1996, with financial assistance from nine other Federal agencies, NPS contracted with United States Geological Survey to produce a GIS formatted CD-ROM of the NRI. The CD-ROM contains NRI segment information and additional data layers such as USGS's stream reach and hydrologic unit information, wild and scenic rivers, and Federal land boundaries. Due to a delay in receiving some of the states' 1995 NRI update information, the CD-ROM is missing 604 segments. The CD-ROM was distributed to state and Federal agencies nationwide and is available to the general public upon request.

At an NPS RTCA meeting in 1997, RTCA took a straw poll to determine which regions used the NRI regularly, and which regions supported national NPS work to reinvigorate the NRI. Five of nine offices -- the Boston, Philadelphia, Atlanta, Milwaukee, and San Francisco offices -- voted in favor of continuing NRI efforts. Other offices reported they are rarely consulted on river-related projects, but they still supported efforts to reinvigorate the NRI.

In 1999, NPS launched a new NRI webpage. With the assistance of Student Conservation Association interns, data from the CD-ROM was reformatted and packaged as a state-by-state list. NPS staff contact information was provided for each state listing. NPS is in the final stages of developing an interactive webpage that will be launched in April of this year. The new site will allow users to query the NRI by state, county, or watershed, and produce maps of segments. In 1999, NPS sent three thousand cards advertising the availability of the NRI online via traditional and electronic mail to local non-profit organizations nationwide. Since launching the webpage, NPS has received approximately 100 inquiries from the public to request a copy of the NRI CD-ROM or to obtain information on how to add a river to the NRI.

NPS hosted a meeting in November 1999, to discuss the history and future of the NRI with seven individuals who worked on the NRI while working with HCRS/NPS. These individuals provided important historical comment (much of which was used to create this paper) and stated their views on how NPS might proceed to strengthen the NRI. Those recommendations are included in the following section.

Future Opportunities

In order to make the best use of the NRI as a river conservation tool, it is important to determine how the NRI has been successful so far, and how it has failed. Two fundamental questions are:

1. Did the NRI succeed at doing what it set out to do in the first place?
2. Is the NRI, as originally conceived, useful today?

A comparison of the actual uses of the NRI with the goals of the original NRI and the Presidential directive shows the NRI has been successful in some areas. Although the NRI data may not always be comprehensive and consistent, it has served a purpose for select agencies and river advocacy groups. The USFS in particular has used the NRI successfully as a starting point for wild and scenic river protection. As "input for informed decisions" on river uses, the NRI has helped to inspire some state, local, and private efforts to conserve rivers, although not as widely or as often as one might hope. In terms of the NRI's usefulness in "rounding-out" the Wild and Scenic Rivers System, the NRI has not been very successful. However, one could argue that the Wild and Scenic Rivers System itself is not as a representative system.

The NRI's Strengths:

NPS Coordination Sometimes Modifies or Stops Projects

The NRI has been used by NPS in some regions, particularly in the Northeast, to help build a case for modifying or stopping projects proposed by federal agencies that could damage rivers. The consultation process has been particularly effective when local or national river conservation groups, or other Federal agencies, have also raised concerns about proposed projects.

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Increased Coordination Between State and Federal Agencies

Federal agency coordination with states in creating the NRI, and in completing state river assessments, has led to better relationships between some state agencies and regional offices of the NPS.

NRI Now Online

The availability of the NRI online makes it easier for the general public, NPS, and other Federal agencies to determine whether or not a river is on the NRI. This could lead to greater consultation on the part of agencies and greater awareness of the NRI among local river groups of the NRI as a tool to protect particular rivers.

The NRI's Weaknesses:

Vague Presidential Directive

The Presidential directive does not specify what kind of avoidance or mitigation is required, if any, by the agencies. Merely, Federal agencies must "take care" not to harm rivers. In fact, the Hughes River court case implies the Presidential directive does not translate to any Federal agency obligation to protecting NRI rivers. A clearer, stronger Presidential directive could have allowed Federal agencies to take the NRI more seriously.

Insufficient Resources

There is not enough NPS staff at the regional level to review and follow up on Federal agency projects proposed on NRI rivers, or to assess the NRI for accuracy.

Uneven Quality of Data and Limited Information

The methodology used to create the inventory was largely subjective. As a result, the NRI is not an all-inclusive listing of potentially eligible wild and scenic rivers. Some rivers were left off the list that possibly should have been included. And some segments listed on the NRI no longer qualify for wild and scenic river designation due to development, channelization, dams, and other activities. The accuracy of the original NRI data is questionable. For example, the NPS southwest regional office recently received a letter regarding a proposed project on the Arkansas River, an NRI river. The consulting agency wrote back informing NPS that the NRI segment in

question in fact already had three dams on it. After some investigation, the regional NPS office discovered the initial listing had relied on an outdated USGS map. While regional NPS offices do have these source records, this information is not cited on the actual NRI document. In addition, some rivers only have one “outstandingly remarkable value” listed, the minimum required for listing, but in fact there may be several values that were not evaluated during the inventory. As a result, an agency may take care to protect a river’s listed value, but not other values that could be equally significant, but do not appear on the NRI. For example, cultural and historical information is often underrepresented on the NRI.

Options for NRI Campaigns

Several steps could be taken to enhance the NRI’s effectiveness:

1) *Issue a New, Stronger Presidential Directive or Executive Order.* The Carter Presidential directive is twenty years old, vague, and lacks the authority needed to transform the NRI into a useful conservation tool. A new and stronger Presidential directive or Executive Order could serve as one of the conservation legacies for the outgoing Administration, much as the original NRI Presidential directive was issued in 1979 during the Carter Administration. Strengthening the protection available to NRI-listed rivers through a Presidential directive or an Executive Order would give due recognition to the fact that nearly 1,200 rivers were added to the NRI during the Clinton Administration. The Presidential directive or Executive Order could address a wide range of river conservation topics. In terms of the status of the NRI, it could:

- Reaffirm the public policy of avoiding or mitigate adverse actions on NRI rivers, and address budgetary implications (commit to sufficient funding and staff to do the job).
- Clarify consultation process for “water resources projects” on NRI-listed rivers; where a project is on Federal lands, consultation should be with the appropriate managing agency, not always with NPS. Address process to be followed where disputes arise between Federal agencies involved in consultation.
- Require incorporation of policy/procedures for conservation of NRI rivers, including consultation requirement, into each Federal agency operations manual or handbook.
- Provide mandate to update and complete the NRI listings.
- Provide mandate for Federal agencies to support states that desire to complete a state rivers assessment.
- Include adequate funding for update of NRI in the FY 2002 budget.

Fact:

The average length of a NRI river segment is 25 miles.

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of a river
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future
opportunities

- 2) *Increase Federal Resource Agency Activities.* Alternatively, NGOs, local river groups, and others could target federal agencies to get them to comply more consistently with the existing Presidential directive and CEQ regulations, and specifically to:
 - Commit sufficient staff to conduct consultations, and monitor NRI rivers.
 - Update and complete NRI listings to reflect any changes on each river and to add new rivers to the list.
 - Create a forum to bring together 10-12 agencies involved in NRI rivers and interested NGOs to address river conservation topics, with a focus on the NRI.
 - (NGOs could advocate for an increase in FY 2002 Appropriations for these activities.)

- 3) *Increase State Agency Activities.* Recognizing the devolution of authority to the states, NGOs and NPS could enlist states' support for a re-energized state river conservation program, using the NRI as the framework for these efforts. Possible actions include:
 - Encouraging states to protect their NRI rivers. States would administer protections through their own scenic river protection statutes (33 states) and other programs.
 - Promoting state appropriations for river conservation.
 - Promoting completion of the state river assessments. 22 states have completed this process, some as recently as the late 1990s, and many now use the assessments to plan and manage river resources.

- 4) *Increase Local River Group Activities.* River conservation begins and ends at the local level. NPS and national NGOs could assist in providing the tools and expertise necessary to help local river groups protect NRI rivers, and add to and update the list. Specifically actions include:
 - Developing a river assessment template, similar to the one used to develop the NRI, for use by local groups. These assessments could help groups identify river values, and prioritize conservation efforts. The information gathered could be used by NPS to add the river to the NRI or update the list.
 - Marketing NRI as a tool for river conservation through increased publications, brochures, websites, and advertising.
 - Redefining the importance of a listing on the NRI from being rivers "potentially worthy of wild and scenic designation" to a list of "America's

finest remaining free-flowing rivers worthy of protection through any means.” The NRI could become a focal point used by national and local river conservation groups to prioritize river conservation efforts.

- Marketing video overflight footage to groups for use as a tool for river restoration, and produce stills from these videos for use on NRI webpage (the stills could be downloaded from the webpage).
- Working with local groups to advocate for a new Presidential directive, increased Federal agency compliance with the existing Presidential directive, or state actions.

Conclusion

The weakness of the current NRI as a river protection tool is largely due to the vagueness of Carter’s 1979 Presidential directive. In addition, NPS lacks the resources to consistently monitor activities on NRI rivers and respond to proposed projects, and other Federal agencies do not always recognize their obligation to coordinate with NPS. The inaccuracy of the NRI is largely due to the lack of NPS staff and resources to check for changes to rivers on the list, to achieve a full update, or consistently add new rivers. Throughout the development of the NRI, state and Federal agencies determined a river’s eligibility for the NRI based on subjective methodology. Moreover, the NRI does not provide a source citation that could help offset this inconsistency.

Possibly, the founders of the NRI set out to accomplish too much by attempting to create both a complete, scientifically valid list of any free-flowing river segment with one or more outstandingly remarkable values, as well as a political tool to protect rivers. These divergent goals may account for the confused purpose of the NRI, and its failure to be both a complete, comprehensive list and a strong river protection tool.

Despite imperfections, the NRI has been used effectively in some instances by NPS regional offices, states, and NGOs to achieve river protection. There are numerous options for future actions to strengthen, improve, or update the NRI. The question is whether or not any of these options are a good use of limited resources. The Administration, Federal and state agencies, national NGOs and local river groups must decide whether or not maintaining a list of free-flowing rivers is important at

Fact:

The longest NRI segment in Texas is the Neches river which is 180 miles in length.

Comment [KNM2]: American Rivers

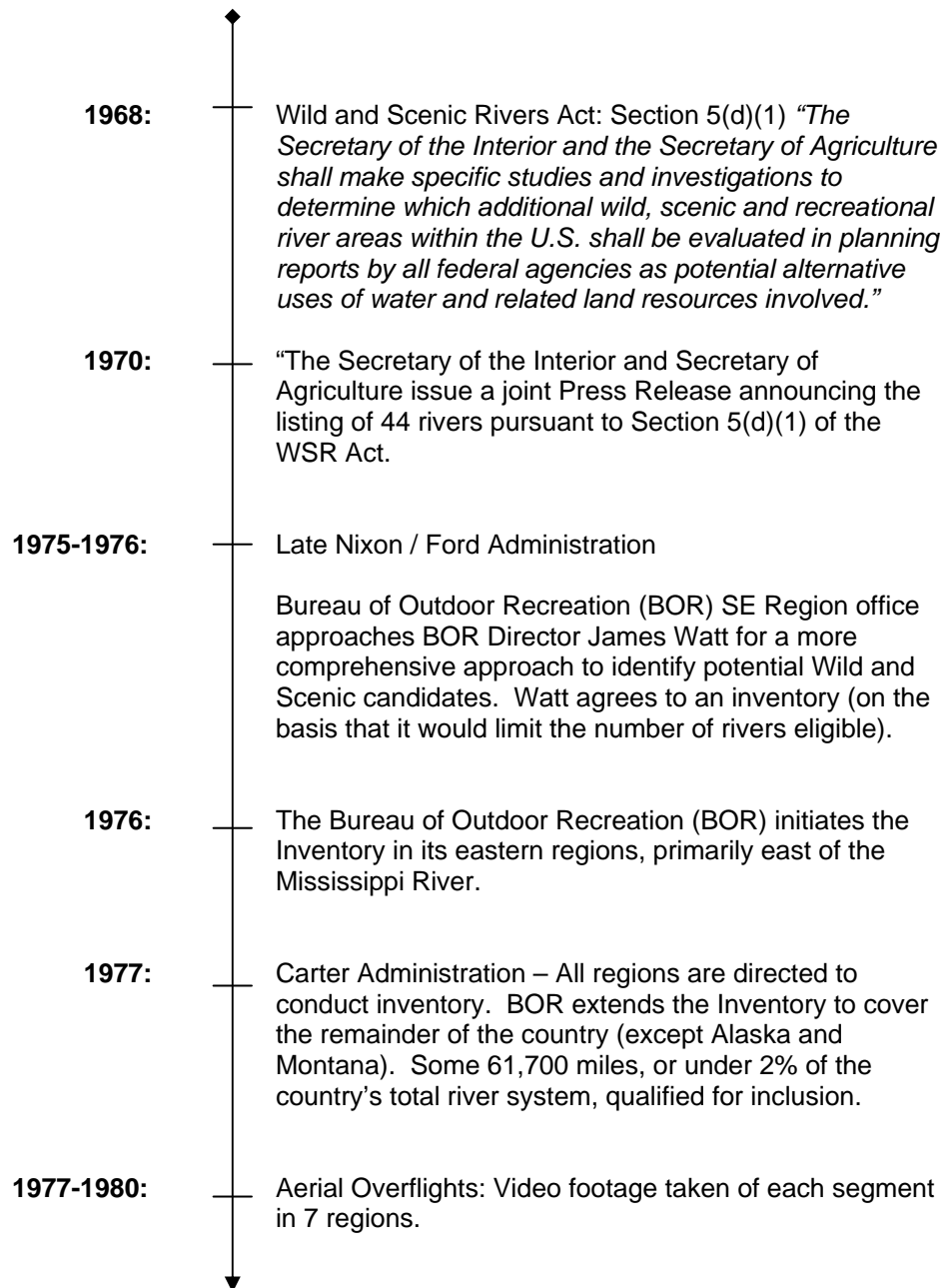
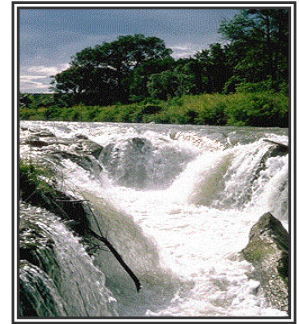
this time, and whether or not it is worth the effort to realize the NRI's full potential as a river conservation tool.

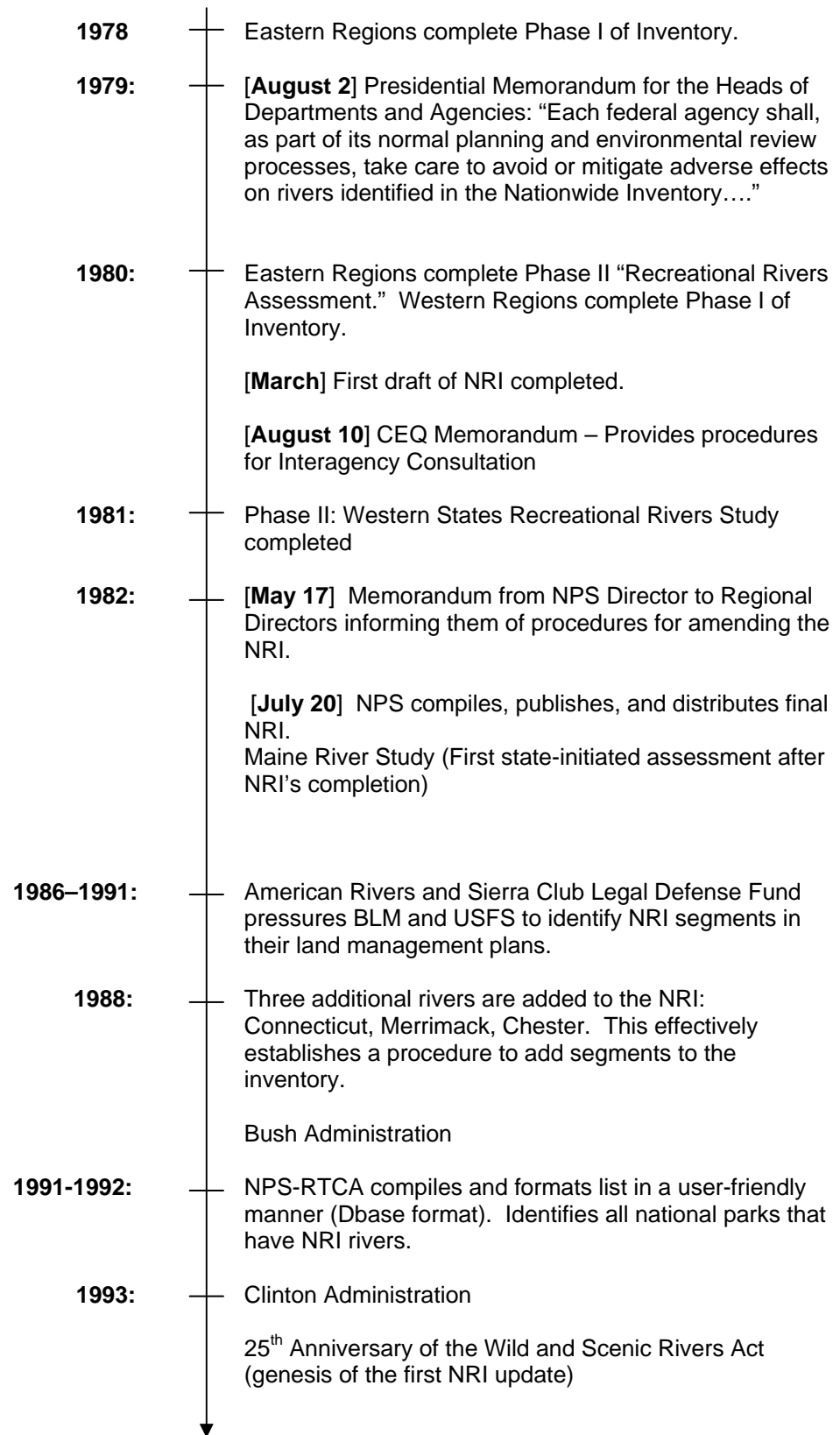
Appendix A

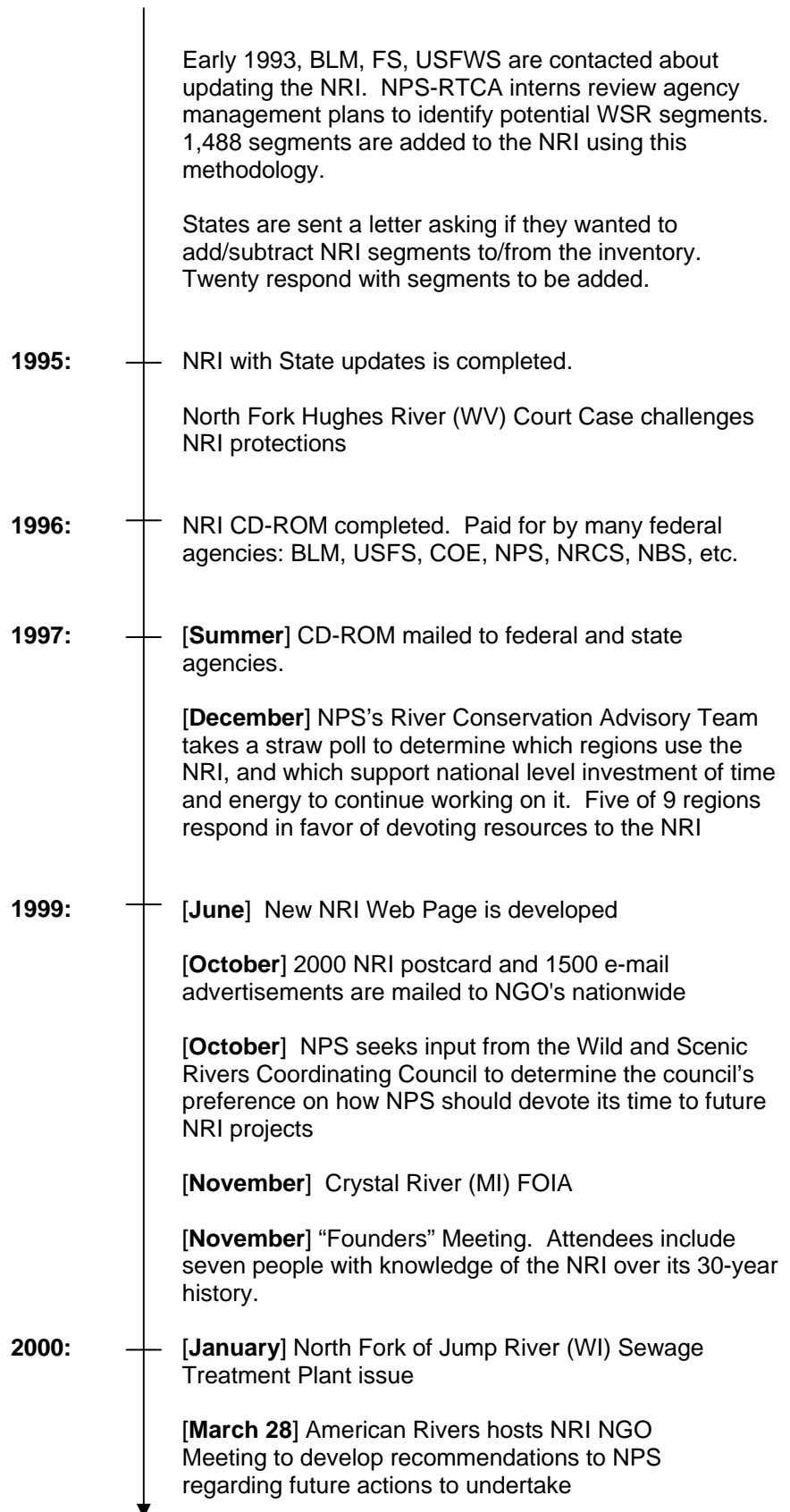
Nationwide Rivers Inventory Timeline



The Nationwide Rivers Inventory: A Historical Timeline







Appendix B

River Identification and Amenities Scoring Sheet

Appendix G

Rivers, Trails, and Conservation Assistance Program Regional Offices

Appendix C

Presidential Directive

Presidential Directive

THE WHITEHOUSE

Washington

August 2, 1979

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

In my environmental message of August 2, 1979, I recognized the important natural, historic, and recreational values of our Nation's river corridors. It is important for the federal agencies to set an example of sound management for state, local, and private landowners by taking an aggressive role in protecting Wild and Scenic Rivers which flow through public lands.

In addition, I recognize that the 1968 National Trails System Act is designed to promote the develop of recreational, scenic, and historic trails for persons of diverse interests and abilities -- including the young, the handicapped, and the aged -- and that the National Trails System is in its fledgling stage. The act provides for designating trails on state, local, and private lands, but only 130 trails have been established since enactment of the Act. In my Environmental Message I stressed the importance of expanding the National Trails System.

Therefore, I am directing that each of you take the following actions:

Each federal agency shall encourage states, localities, and private land holders to designate trails on their lands and to participate with federal agencies and trail users in designating and creating an overall National Trails System which will provide more fully for the trail needs of America.

Each federal agency shall, as part of its normal planning and environmental review process, take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory, prepared by the Heritage Conservation and Recreation Service in the Department of the Interior. Agencies shall, as part of their normal environmental process, consult with the Heritage Conservation and Recreation Service (now the the National Park Service's Rivers, Trails & Conservation Assistance Program) prior to taking actions which could effectively foreclose wild, scenic, or recreational river status on rivers in the Inventory.

Each Federal agency with responsibility for administering public lands shall, as part of its ongoing land use planning and management activities and environmental review process, make an assessment of whether the rivers identified in the Nationwide Inventory and which are on their lands are suitable for inclusion in the Wild and Scenic Rivers System, the agency shall, to the extent of the agency's authority, promptly take such steps as are needed to protect and manage the river and the surrounding area in a fashion comparable to rivers already included in the Wild and Scenic Rivers System. In addition, the agency is encouraged, pursuant to the revised Guidelines, to work with the Agriculture and the Interior Departments to prepare legislation to designate the river as part of the Wild and Scenic Rivers System if appropriate.

Please give these assignments your immediate attention.

Jimmy Carter

Appendix D

Council on Environmental Quality Memorandum and Procedures

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

August 10, 1980

MEMORANDUM FOR HEADS OF AGENCIES

SUBJECT: Interagency Consultation to Avoid or Mitigate
Adverse Effects on Rivers in the Nationwide
Inventory

In his second Message on the Environment, issued in August 1979, the President underscored the need to strengthen the National Wild and Scenic Rivers System and to take particular care not to harm rivers which may qualify for inclusion in the System.

The President issued a directive on August 2, 1979 in conjunction with his Message which required that:

"Each Federal agency shall, as part of its normal planning and environmental review process, take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory prepared by the Heritage Conservation and Recreation Service in the Department of the Interior. Agencies shall, as part of their normal environmental review process, consult with the Heritage Conservation and Recreation Service prior to taking actions which could effectively foreclose wild, scenic, or recreational river status on rivers in the Inventory."

This memorandum is intended to assist your agency in meeting its responsibilities under the President's directive. A brief set of procedures is attached which provides guidance on how to integrate these responsibilities with your normal environmental analysis process under the National Environmental Policy Act (NEPA). The objective is to ensure that the President's directive is met promptly and efficiently.

Development along our rivers continues to outpace our ability to protect those rivers that might qualify for designation in the National Wild and Scenic Rivers System. The Heritage Conservation and Recreation Service (HCRS) in the Department of the Interior has been preparing a Nationwide Inventory of river segments that, after preliminary review, appear to qualify for inclusion in the System. It is therefore essential that federal agencies proceed carefully

and limit any adverse effects of their actions on rivers identified in the Nationwide Inventory. Otherwise, the Inventory could be depleted before the identified rivers can be fully assessed to determine the desirability of including them as components of the National Wild and Scenic Rivers System.

Although the President's directive does not prohibit an agency from taking, supporting or allowing an action which would adversely affect wild and scenic values of a river in the Inventory, each agency is responsible for studying, developing and describing all reasonable alternatives before acting, and for avoiding and mitigating adverse effects on rivers identified in the Inventory. Where agency action could effectively foreclose the designation of a wild, scenic, or recreational river segment, the President has directed the agency to consult with HCRS. It is difficult to restore a river and its immediate environment once its wild and scenic qualities have been lost.

The purpose of this consultation requirement, which is meant to be part of the normal environmental analysis process, is to provide the opportunity for HCRS experts to assist other agencies in meeting program objectives without irreparably damaging potential wild, scenic, and recreational river areas. Consultation with HCRS should encourage better planning at an early stage in order to reduce resource management conflicts or to avoid them altogether. The consultation requirement also provides an opportunity to seek early resolution of problems by policy-level officials if necessary.

Completed portions of the Nationwide Inventory -- those for the Eastern half of the country -- were sent to you from HCRS Director Chris T. Delaporte on November 13, 1979. Forthcoming portions of the Inventory will be transmitted as they are completed." You should ensure that the list of rivers in the Inventory and the attached procedures receive wide distribution in your agency.

Copies of orders, guidance, or memoranda which you use to adopt or to transmit the attached procedures within your agency should be sent to the Council on Environmental Quality (Attention: Larry Williams) and to the Interagency Wild and Scenic Rivers Study Group (Attention: Jack Hauptman, HCRS, 440 G Street, N.W., Washington, D.C. 20243).


Gus Speth
Chairman

Attachment

Procedures for Interagency Consultation to
Avoid or Mitigate Adverse Effects on Rivers
In the Nationwide Inventory

These procedures are designed to assist federal officials in complying with the President's directive (attached) to protect rivers in the Nationwide Inventory through the normal environmental analysis process. NEOA, E.O. 11514, CEQ's NEPA Regulations, and agency implementing procedures should be used to meet the President's directive.

Although the steps outlined below pertain to wild and scenic river protection, they also fit clearly within agencies' existing environmental analysis processes. Agencies are already required: to identify and analyze the environmental effects of their actions; to consult with agencies with jurisdiction by law or special expertise (in this case, the National Park Service (NPS)); to develop and study alternatives; and to use all practicable means and measures to preserve important historic, cultural, and natural aspects of our national heritage.

The procedures outlined below simply link the appropriate elements of the normal environmental analysis process with the President's directive "to take care to avoid or mitigate adverse effects on rivers identified in the Nationwide Inventory." Federal officials should promptly take steps to incorporate the actions specified below into their planning and decision making activities and the conduct of their environmental analyses.

1. Determine whether the proposed action could affect an Inventory river.

Check the current regional Inventory list to determine whether the proposed action could affect an Inventory river.

If an Inventory river could be affected by the proposed action, and environmental assessment or an environmental impact statement may be required depending upon the significance of the effects.

If their action would not affect an Inventory river, no further action is necessary under these procedures. (The agency is still required to fulfill any other responsibilities under NEPA.)

2. Determine whether the proposed action could have an adverse effect on the natural, cultural and recreational values of the Inventory river segment.

Using the Guide for Identifying Potential Adverse Effects, which is appended to these procedures, you should determine whether the proposed action could adversely affect the natural, cultural, or recreational values of the Inventory river segment. Adverse effects on inventoried rivers may occur under conditions which include, but are not limited to:

- (1) Destruction or alteration of all or part of the free flowing nature or the river;
- (2) Introduction of visual, audible, or other sensory intrusions which are out of character with the river or alter its setting;
- (3) Deterioration of water quality; or
- (4) Transfer or sale of property adjacent to an inventoried river without adequate conditions or restrictions for protecting the river and its surrounding environment.

If you have prepared a document which finds that there would be no adverse effects - such as a Finding of No Significant Impact under the CEQ NEPA regulations - you should send a courtesy copy to the NPS filed office in your region.

3. Determine whether the proposed action could foreclose options to classify any portion of the Inventory segment as wild, scenic, or recreation river areas.

In some cases, impacts of a proposed action could be severe enough to preclude inclusion in the Wild and Scenic Rivers System, or lower the quality of the classification (e.g. from wild to recreational). If the proposed undertaking could effectively downgrade any portion of the Inventory segment you should consult with NPS.

Proposed action (whether uses or physical changes), which are theoretically reversible, but which are not likely to be reversed in the short term, should be considered to have the effect of foreclosing for all practical purposes wild and scenic river status. This is because a river segment, when studied for possible inclusion in the Wild and Scenic River System, must be judged as it is found to exist at the time of the study, rather than as it may exist at some future time.

If a proposal, including one or more alternatives, could have an adverse effect on a river in the Inventory, an environmental assessment or, if the effects are significant, an environmental impact statement must be prepared. NPS staff is available to assist you in determining the significance or severity of the effects in connection with your assessment, scoping process, and EIS, if one is needed. A detailed analysis of each of the rivers in the Inventory is available from NPS for your use.

You should request assistance in writing from NPS, as early as you can, providing sufficient information about the proposal to allow NPS to assist you in determining whether any of the alternatives under consideration would foreclose designation. NPS will in turn provide you with an analysis of the impacts on natural, cultural and recreational values which should enable you to make a determination as to whether or not designation would be foreclosed. NPS is available to assist you in developing appropriate avoidance/mitigation measures.

When environmental assessments are prepared on proposals that affect Inventory rivers, copies should be sent in a timely fashion to the NPS field office in your area before a proposed action is taken and while there is still time to avoid or mitigate adverse effects. When environmental impact statements are prepared on proposals that affect Inventory rivers, the lead agency should request NPS and the affected land managing agency to be cooperating agencies as soon as the Notice of Intent to prepare an EIS has been published.

If NPS does not respond to your request for assistance within 30 days, you may proceed with completing preparation and circulation of the environmental assessment or EIS as planned. Even where NPS has been unable to comment on the environmental assessment or DRAFT EIS, you are still obligated by the President's directive to "...take care to avoid or mitigate adverse effects on the rivers identified in the Nationwide Inventory..."

4. Incorporate avoidance/mitigation measures into the proposed action to maximum extent feasible within the agency's authority.

Environmental documents prepared on the proposed action should identify the impact on natural, cultural and recreational values, address the comments submitted by NPS, and state the avoidance/mitigation measures adopted. Any disagreements will be resolved through existing procedures. For projects requiring environmental impact statements, the record of decision must adopt appropriate avoidance/mitigation measures and a monitoring and enforcement program as required by the CEQ regulations (40 CFR Sec. 1505.2(c)).

A Note on the Meaning of "Federal Actions"

The above procedures are meant to apply to all federal actions that could adversely affect a river in the Nationwide Inventory (see Section 1508.18 of CEQ's NEPA Regulations (40 CFR 1508.18) for the meaning of "major federal actions"). For actions which are known in advance to require an environmental assessment or environmental impact statement, these procedures would be followed in the normal course of NEPA compliance. If a federal action would not normally require an environmental assessment or an environmental impact statement, but could adversely affect a river in the Nationwide Inventory, the action should either (1) not be "categorically excluded" under agency implementing procedures, or (2) be considered an "extraordinary circumstance" in which a normally excluded action must be subjected to environmental analysis (see Section 1508.4 of NEPA Regulations).

The above procedures should be used for any proposals (including the evaluation of alternative courses of action) for which the NEPA process is not yet completed. The above procedures should therefore also be applied to a proposed modification or supplement to a previously authorized or implemented action.

APPENDIX I. Guide for Identifying Potential Adverse Effects

The impact of a proposed action should be assessed in relation to the eligibility and classification criteria of the Wild and Scenic Rivers Act, 16 U.S.C. 1271-1287, as amended.

In order to be eligible for inclusion in the National System, a river must:

1. Be "free-flowing," i.e. "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the National Wild and Scenic Rivers System shall not automatically bar its consideration for such inclusion: Provided, that this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the National Wild and Scenic Rivers System". (U.S.C. Sec. 1286)
2. Possess "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values". (U.S.C. Sec. 1271)

Eligible river segments are classified according to the extent of evidence of man's activity as one of the following:

1. "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."
2. "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."
3. "Recreational river areas—Those rivers or sections of river 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." (16 U.S.C. Sec. 1273 (b))

Any action which could alter the river segment's ability to meet the above eligibility and classification criteria should be considered an adverse impact. Actions which diminish the free-flowing characteristics or outstandingly remarkable values or a river segment could prevent the segment from qualifying for including in the national system. Actions which increase the degree of evidence of man's activity, i.e. level of development, could change the classification of the river segment.

The effect of all proposed developments within the river corridor should be assessed in terms of severity of effect and extent of area affected. Developments outside the corridor which would cause visual, noise, or air quality impacts on the river corridor should also be examined.

Only proposed new construction or proposed expansion of existing developments need be considered in assessing impacts. Repair or rehabilitation of existing structures would not have a negative impact except if the action would result in significant expansion of the facility or if the construction process itself would cause an irreversible impact on the environment.

Placement of navigation aids such as buoys and channel markers will not be considered as causing adverse effects.

The following are examples of types of developments which would generally require consultation with NPS because of the potential for adverse effects on

the values of a potential wild, scenic, or recreational river. This list is not exhaustive.

Small dock	Road
Small bulkhead	Railroad
Clearing and snagging	Building (any type)
Drainage canal, culvert or fall	Pipeline, transmission line
Irrigation canal	Bridge or ford
Levee or dike	Gas, oil or water well
Rip-rap, bank stabilization Or erosion control structure	Sub-surface mine opening
Small reservoir	Quarry
Increase in commercial Navigation	Power substation
Dredging or filling	Recreation area
Run-of-the-river dam or Diversion structure	Dump or junkyard
	Change in flow regime
	Clear-cut timber harvest
	Radio tower, windmill

The following are examples of types of development which appear most likely to cause serious adverse effects if they are constructed adjacent to or in close proximity to an Inventory river. Such development proposals will almost always require consultation with NPS because their effects are likely to conflict with the values of a potential wild, scenic, or recreational river. These effects could be severe enough to foreclose designation of the affected river segment. This list is not exhaustive.

Impoundment	Railroad yard
Channelization	Power plant
Instream or surface mining	Sewage treatment plant
Lock and dam	Housing development
Airport	Shopping center
Landfill	Industrial park
Factory	Marina
Gas or oil field	Commercial dock
Major highway	

Appendix E

Regional Representations of NRI River Segments and Miles

Appendix F

State Data

Midwest Region River Management

1. National Park Service Rivers:

St. Croix River	250 miles
Missouri River	98 miles
Niobrara River	76 miles
Total:	3 segments
	424 miles

2. Units with WSR-esque designations:

Buffalo River	135 miles
Mississippi NRRRA	72 miles
Ozark NSR	134
Total:	3 segments
	341 miles

3. State 2(a)(ii) Rivers

Big and Little Darby Creeks, OH	85.9
Little Beaver Creek, OH	33.0
Little Miami River, OH	94.0
Lower St. Croix, MN/WI	25.0
Vermillion (Middle Fork), Ill	17.1

4. Other:

Wolf River, WI (Federal WSR/NPS & Menominee)	24.0
Total:	6 segments
	279.0 miles

5. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
Arkansas	50	2,075.4
Illinois	86	2,821.6
Indiana	19	1,107
Iowa	9	538
Kansas	18	954
Michigan	114	4,079.8
Minnesota	60	2,540.6
Missouri	43	1,864
Nebraska	10	704.6
North Dakota	8	508.5
Ohio	35	1,344
South Dakota	10	971
Wisconsin	51	1,747.9
Total:	513 segments	21,256.4 miles

Northeast Region and National Capital Region River Management

1. Partnership Wild and Scenic Rivers:

Farmington (West Branch) CT	14.0 miles
Lamprey, NH	11.5 miles
Sudbury, Assabet, Concord, MA	29.0 miles
Lamprey River, NH	12.0 miles
White Clay Creek, DE & PA	190.0 miles
Delaware (lower) NJ & PA	67.3 miles
Great Egg Harbor, NJ	129.0 miles
Maurice, NJ	35.4 miles

Total:	8 segments	488.2 miles
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2. NPS Rivers:

Delaware (upper) NJ, PA (UPDE)	73.4 miles
Delaware (middle) NJ, PA (DEWA)	35.0 miles
Bluestone, WV (NERI)	10.0 miles

Total:	2 segments	118.5 miles
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3. State 2(a)(ii) Rivers

Allagash, ME	92.5 miles
Westfield, MA	43.3 miles

Total:	2 segments	135.8 miles
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4. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
Connecticut	19	122 miles
Delaware	41	345 miles
District of Columbia	1	5 miles
Maine	66	1355 miles
Maryland	63	972 miles
Massachusetts	32	229 miles
New Hampshire	118	1792.3 miles
New Jersey	67	490 miles
New York	182	3396.5 miles
Pennsylvania	43	651 miles
Rhode Island	6	38 miles
Vermont	68	939.9 miles
Virginia	92	2575.8 miles
West Virginia	70	1464 miles
Total:	868 segments	14,375.5 miles

Southeast Region River Management

1. Partnership Wild and Scenic Rivers:

Wekiva, FL		41.6 miles
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Total:	1 segment	41.6 miles

2. NPS Rivers:

Obed, TN (OBED)		45.3 miles
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Total:	1 segment	45.3 miles

3. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
Alabama	37	1423 miles
Florida	57	2096.6 miles
Georgia	52	2973 miles
Kentucky	55	1807.5 miles
Louisiana	11	602 miles
Mississippi	26	1651 miles
North Carolina	104	3043 miles
Puerto Rico	12	22.3 miles
South Carolina	30	1827 miles
Tennessee	100	2523.6 miles
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Total:	484 segments	17,969 miles

Intermountain Region River Management

1. NPS Rivers:

Cache la Poudre, CO (in ROMO)	12.0 miles
Flathead, MT (in GLAC)	51.1 miles
Rio Grande, TX	191.2 miles

Total:	3 segments	254.3 miles
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2. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
Arizona	151	2982.3 miles
Colorado	56	1449.8 miles
Montana	136	1231.4 miles
New Mexico	10	925 miles
Oklahoma	8	475 miles
Texas	19	1316 miles
Utah	104	2344.1 miles
Wyoming	107	1664.1 miles

Total:	591 segments	12,387.7 miles
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Pacific West Region River Management

1. NPS Rivers:

Kerns River, CA (SEKI)	27.0 miles
Kings River, CA (SEKI)	55.0 miles
Merced River, CA (YOSE)	81.0 miles
Tuolumne River, CA (YOSE)	54.0 miles
Klamath, CA (REDW)	1.0 miles

Total:	5 segments	218.0 miles
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2. State 2(a)(ii) Rivers

Eel, CA	259 miles
Klamath, CA	37 miles
Lower American, CA	23 miles
Smith, CA	29 miles
Trinity, CA	3 miles

3. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
California	209	3282.2 miles
Hawaii	40	264.5 miles
Idaho	101	2403.4 miles
Oregon	167	3835.4 miles
Nevada	14	492.5 miles
Washington	250	3860.4 miles

Total:	781 segments	14,138.4 miles
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Alaska Region River Management

1. NPS Rivers:

Alagnak (in KATM)	67.0 miles
Aniakchak (in KATM)	63.0 miles
Alatna (in GAAR)	83.0 miles
John (in GAAR)	52.0 miles
Kobuk (in GAAR)	110.0 miles
N. Fork Koyukuk (in GAAR)	102.0 miles
Tinayguk	44.0 miles
Noatak (in GAAR 65 mi/ 265 in WEAR)	330.0 miles
Salmon (in WEAR)	70.0 miles
Charley (YUCH)	208.0 miles
Chilikadrotna (LACL)	11.0 miles
Mulchatna (LACL)	24.0 miles
Tlikakila (LACL)	51.0 miles
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Total:	13 segments 1215.0 miles

2. Nationwide Rivers Inventory:

<u>State</u>	<u>Segments</u>	<u>River Miles</u>
Alaska	194	4506.6
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Total:	194 segments	4,506.6 miles