4.4.3 Wild, Scenic, and Recreational Rivers

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4.4.3.1 Introduction

Certain rivers in New York State, together with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, historic, cultural, ecological, scientific, fish and wildlife, or other similar values that are of national and/or statewide significance. These rivers, protected under the federal Wild and Scenic Rivers Act (WSRA), or state Wild, Scenic and Recreational Rivers Act, shall be preserved in free-flowing condition, and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. For federally administered rivers, the designated boundaries generally average one-quarter mile on either bank in order to protect river-related values. For state administered rivers, the designated boundaries generally average one-half mile on either bank.

Applicability of Wild and Scenic Rivers considerations by NYSDOT Region

This section applies to the projects that may affect a designated national or state wild, scenic or recreational river.

<table>
<thead>
<tr>
<th>Nationwide Rivers Inventory</th>
<th>National Wild and Scenic Rivers</th>
<th>State Wild, Scenic and Recreational Rivers</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYSDOT Region</td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9</td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9</td>
</tr>
</tbody>
</table>

Federal WSRA

Rivers in New York State protected by the federal WSRA:
- Designated Wild & Scenic Rivers (WSR);
- Study Rivers authorized by Congress (Section 5(a) of WSRA); and
- Nationwide Rivers Inventory (NRI).

In New York State the Upper Delaware River, between Hancock and Port Jervis, is the only Designated National Wild, Scenic and Recreational River segment. The Genesee River, from the southern end of Letchworth State Park to the Mount Morris dam, is unique in the Federal Act, being given permanent Study status by Congress.

The NRI list developed and administered by the National Park Service (NPS) consists of some 2,400 miles of Inventory Rivers in New York State that are potentially eligible for inclusion in the National System.

Federally funded projects that require a federal permits, which affect Designated, Study or Inventory River and their immediate environments must coordinate project proposals and reports with the appropriate river-administering agency (in NYS it is typically NPS). If a project is not consistent with the WSRA, a consultation must be arranged with the NPS and a variance must be obtained from them. Projects that have no federal action, do not require National Wild and Scenic River project review, but should be given careful consideration towards avoiding adverse environmental impacts on wild, scenic and recreational rivers.
NYS System of Wild, Scenic and Recreational Rivers (WSRR)
All projects regardless of funding or actions need to be reviewed for potential involvement with State Wild, Scenic and Recreational Rivers to comply with state laws and regulations.

The New York State System of WSRR presently consists of 107 sections that are state-designated, including approximately 1,300 miles of rivers, or river segments, most of which are in the Adirondack Park.

The NYS River System includes 12 Study Rivers at present. These include portions of:

- Batten Kill
- East Stoney Creek
- Pleasant Lake Stream
- The Branch
- Bouquet
- Delaware
- Genesee
- Grasse
- Osgood
- Oswegatchie
- Saranac
- Susquehanna

There is currently no official list of Inventory Rivers for the New York State Rivers System.

New York State Department of Environmental Conservation (NYSDEC) regulations implementing the state Wild, Scenic and Recreational Rivers Act affect management, protection, enhancement, and control, of land use and development on all designated river areas in New York State, excluding those on private lands within the Adirondack Park.

The provisions of ECL Article 15, Title 27, and 6 NYCRR Part 666.13.E place restrictions on the construction of bridges and highways, and impacts to water quality in Wild, Scenic or Recreational River areas in New York State. For instance, the regulations state that:

1) In wild river areas, no new structures or improvements, no development of any kind and no access by motor vehicles is permitted;

2) In scenic river areas there shall be no excavation, or construction of roads, except private roads necessary for residential, agricultural or forest management purposes; in recreational river areas, the lands may be developed for forest management and may be readily accessible by roads or railroads on one or both banks of the river, and

3) Scenic areas may also have several bridge crossing and numerous river access points.

Note that maintenance, restoration, rehabilitation, or even replacement of an existing structure on the same scale in the same location is generally allowed under section 666.13.A.1 of the regulation.

A Wild, Scenic and Recreational Rivers Permit is required for certain construction activities in the vicinity of designated wild and scenic rivers. These permits have Standards for Issuance and may attach additional conditions as well. Projects within an official river area that are not consistent with the State Act must request a variance from
the NYSDEC, and show good and sufficient cause that compliance with the Act would create unnecessary hardship and pose practical difficulties. Variance provisions are listed in 6 NYCRR 666.9.

Private lands within the Adirondack Park are subject to separate regulations (9 NYCRR Part 577) administered by the Adirondack Park Agency (APA).

Please note that the project activities involving more than minor alteration of, or adverse effect upon designated wild, scenic and recreational rivers, must be processed as a Non-Type II Action under NYSDOT SEQRA regulations (17 NYCRR Part 15.14).

4.4.3.2 Section Objectives

State and Federal laws require that special consideration be given to Designated, Study and Inventory Wild, Scenic and Recreational Rivers. This section provides materials and guidelines for addressing the National and State Wild, Scenic and Recreational River concerns in the project development process, and furnishes lists of rivers in the State System and National System in New York State.

4.4.3.3 DOT Policy

The policy of NYSDOT is that its projects be advanced in accordance with the Wild, Scenic and Recreation Rivers laws, regulations, policies and objectives.

4.4.3.4 Legal Basis

4.4.3.4.1 Abstract of Law/Regulation

The Wild and Scenic Rivers Act, (16 USC 1271-1287 - Public Law 90-542) established the National Wild and Scenic River System, designated the components of the System, and instituted the methods and standards by which future components might be added to the System in order to fulfill the goals of the Act. The Act authorized the Secretary of the Interior and the Secretary of Agriculture to study areas and submit proposals to the President and Congress for addition to the system. It describes procedures and limitations for control of lands in federally administered components of the system and for dealing with disposition of lands and minerals under Federal ownership. Rivers are classified in the Act as wild, scenic or recreational. The Act also charges administration of rivers in the National Wild and Scenic Rivers System to four federal land management agencies: the Bureau of Land Management, the National Park Service, U.S. Fish and Wildlife Service, and the U.S. Forest Service. Project sponsors in New York State only deal with the National Parks Service.

The Environmental Conservation Law (ECL), Article 15 Title 27 and its Implementing Regulations 6 NYCRR Part 666 regulate development in the vicinity of Wild, Scenic and Recreation Rivers. The law and implementing regulations regulate the use of the rivers and their immediate environs, preserve their free-flowing condition and protect them for the benefit and enjoyment of present and future generations. NYSDEC regulate the land
use and development within all designated river areas in New York State, excluding those on private lands within the Adirondack Park.

If the project involves work on the private land (e.g., municipal property, county roads) within the wild, scenic or recreational river areas in the Adirondack Park, a permit from the Adirondack Park Agency may be required, pursuant to 9 NYCRR Part 577.

4.4.3.4.2 Other Related Regulations

Federal Highway Administration (FHWA) assisted projects may be subject to the requirements of Section 4(f) of the U. S. Department of Transportation Act (23 CFR Part 774) when they are within the boundaries of a designated Wild, Scenic or Recreational River, or within the corridor of the river that requires the "use" of publicly owned parks, recreational areas, or historic sites. If a Project Manager is not sure if a designated river segment is subject to Section 4(f), he or she should consult with the river administering agency to make Section 4(f) determination.

4.4.3.5 General Methodology Analysis and Evaluation

For each alternative under consideration, NYSDOT conducts an environmental analysis to identify the potential effects on the natural, cultural and recreational values of the Designated, Study or Inventory River.

For the national WSR process, if any alternatives could adversely impact the values for which a river was designated, or foreclose options to designate a congressionally authorized study river, those alternatives cannot be selected unless the adverse effects are mitigated. The NYSDOT’s NEPA analysis does not substitute for a WSRA determination by the federal river-administering agency.

To enable a project to progress smoothly, it is important for river-administering agencies (e.g., NYSDEC, APA, NPS); FHWA (if federally funded), and NYSDOT staff to coordinate early in the project development process to avoid or greatly minimize possible adverse impacts on project schedules.

Compliance with the state and federal environmental requirements for Wild, Scenic and Recreational Rivers may include internal review of impacts and/or consultation with state and/or federal agencies. When a project involves a possible adverse effect to the free-flowing nature of the river segment or to the actual or potential designation of a river, then avoidance and minimization efforts are needed during project design. New bridge construction in a new location over a Designated or Study River is a primary example of a project where NPS will likely require avoidance, minimization or other mitigation measures to alleviate adverse impacts to river resources or designation potential. NPS will provide guidance towards avoiding critical resource values at the project site, as well as recommending minimization measures to be taken to protect the rivers status or future potential listing. If impacts are unavoidable, mitigation for lost benefits may be required.
### 4.4.3.5.1. National Wild and Scenic Rivers (NWSR)

<table>
<thead>
<tr>
<th>PROJECT STAGE</th>
<th>ACTION / STEP</th>
</tr>
</thead>
<tbody>
<tr>
<td>INITIATION</td>
<td>Review and comment on the Draft Initial Project Proposal (IPP) to determine if there are any special circumstances or special technical activities that may require additional attention. During this stage the funding source(s) is (are) identified (e.g., fully/partially federally-funded or 100% state-funded).</td>
</tr>
<tr>
<td>SCOPING</td>
<td><strong>Existing Conditions/Affected Environment.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>STEP NWSR1. Determine if the project is within a ¼ mile of a National Designated Wild, Scenic, Study or Inventory River or river corridor.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> Projects with no federal funding and no federal action do not require National Wild and Scenic River project review, but should be given careful consideration towards avoiding adverse environmental impacts that would impair the river’s designation.</td>
</tr>
<tr>
<td></td>
<td>Review maps and lists, using the following:</td>
</tr>
<tr>
<td></td>
<td>1. Designated Wild and Scenic Rivers</td>
</tr>
<tr>
<td></td>
<td>2. NRI list on the NPS web site for NY rivers</td>
</tr>
<tr>
<td></td>
<td>In NYS the Genesee River, from the southern end of Letchworth State Park to the Mount Morris dam, is the only Study River.</td>
</tr>
<tr>
<td></td>
<td>• If the project is not within a ¼ mile of a National Designated Wild, Scenic River, Study or Inventory River, document this finding in the Project Documentation. No further review is required.</td>
</tr>
<tr>
<td></td>
<td>• If the project is within a ¼ mile zone of a National Designated Wild, Scenic River (Upper Delaware River area, between Hancock and Port Jervis) or within a ¼ mile of Study or Inventory River corridor, proceed to STEP NWSR2, the Federal Process.</td>
</tr>
<tr>
<td></td>
<td>Typically the Regional Environmental/Landscape Architecture Units undertake the analysis and provide a determination.</td>
</tr>
<tr>
<td>PRELIMINARY DESIGN</td>
<td><strong>Determination of Potential Adverse Impacts and/or Beneficial Effects.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>STEP NWSR2. Federal Process:</strong> Potential to adversely affect or alter the values of a designated or study river, or Preclude the addition of a river on NRI to the Federal System.</td>
</tr>
</tbody>
</table>
Use Appendix D.2, “Procedure for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory” to determine if the proposed project actions have the potential to adversely affect, alter or preclude the natural, cultural and recreational values of an Inventory River segment and especially determine if the free-flowing nature or the Outstandingly Remarkable Value (ORV)s of the river segment could be adversely affected by project actions.

- If the project will not potentially adversely affect, alter or preclude the values of the river or river segment, document this finding in the Design Approval Document (DAD) with justification for this determination. No further review is needed for Federal Process.

- If impacts have the potential to adversely affect the river classification or river values, proceed to STEP NWSR3.

**STEP NWSR3. Federal Process: National Park Service Consultation.**

Consult with the NPS, New England Support Office, in writing to determine the impacts to the Designated, Study, or Inventory River.

- If NPS (NPS is Cooperating Agency) recommends changes to the proposed project because of extent of impacts, consider design changes to design plans based on the NPS recommendations to avoid, minimize or otherwise mitigate the proposed impacts. If necessary, modify the project and obtain concurrence from NPS. Document coordination with NPS in the DAD. Go to STEP NWSR4.

- If NPS concurs, document coordination and concurrence with NPS in the DAD. Go to STEP NWSR4.

Typically the Regional Environmental/Landscape Architecture Units undertake the coordination with NPS.

**Alert:** As a general condition of the USACE Nationwide Permit Program, no activity that requires a Nationwide or Individual permit may occur in a Designated or Study River of the National Wild and Scenic Rivers System, unless the National Park Service or appropriate river-administering agency has been consulted in writing regarding potential adverse effects of the project on the rivers designation or study status.
### 4.4.3.5.2 State Wild, Scenic and Recreational Rivers (SWSRR)

<table>
<thead>
<tr>
<th>PROJECT STAGE</th>
<th>ACTION / STEP</th>
</tr>
</thead>
<tbody>
<tr>
<td>INITIATION</td>
<td>Review and comment on the Draft Initial Project Proposal (IPP) to determine if there are any special circumstances or/and special technical activities that may require additional attention. During this stage the funding source(s) is (are) identified (e.g., fully/partially federally-funded or 100% state-funded).</td>
</tr>
<tr>
<td>SCOPING</td>
<td><strong>Existing Condition/Affected Environment.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>STEP SWSRR1. Determine if the project is within a ½ mile of a State Designated River or river corridor.</strong> Review maps and lists, using the following: 1. NYSDOT Environmental Viewer 2. List of NYS Wild, Scenic and Recreational Rivers (NYSDEC) 3. List of Rivers or Segments Designated as Wild, Scenic or Recreational Rivers in the Adirondack Park. • If the project is not within a ½ mile of a State Designated River, go to STEP SWSRR1a. • If the project is within a ½ mile of a State Designated River, go to STEP SWSRR2, the State Process. <strong>STEP SWSRR1a. Determine if the project is within ½ mile of a State Study or Inventory River.</strong> • If the project is not within ½ mile of a State Study River, document this finding in the Project files. No further review is required. • If the project is within a ½ mile of State Study River segments or corridors, review for adverse impacts, document findings, including discussion on efforts to avoid or minimize impact in the Project Documents. Typically the Regional Environmental/Landscape Architecture Units undertake the review and provide the determination.</td>
</tr>
<tr>
<td>PRELIMINARY DESIGN</td>
<td><strong>Determination of Potential Adverse Impacts and/or Beneficial Effects.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>STEP SWSRR2. State Consistency Review: Adversely Affect, Alter or Preclude the Values of the River.</strong> Determine if the proposed project actions have the potential to adversely affect, alter or degrade the natural, cultural and/or...</td>
</tr>
</tbody>
</table>
recreational values of the river segment. If necessary consult in writing with appropriate personnel: from NYSDEC Regional Office or, if project is located within private lands in Adirondack Park, APA (see Appendix D.9).

Review the list of Regulated Activities in a Wild, Scenic and Recreational River Corridor (Appendix D.4).

- If a review with NYSDEC/APA determines that the project will not adversely affect, alter or preclude the values of the river or river segment, document this finding in the Design Approval Document with justification for this determination. This completes the process for State Wild, Scenic and Recreational Rivers.

- If reviews indicate that impacts are likely to adversely affect the river values or classification, proceed to STEP SWSRR3.

**STEP SWSRR3. State Consistency.**  
Determine if a Rivers System Permit or variance is required.

Review the table and listing of uses (Appendix D.3) to determine if project impacts will require a permit, or are deemed incompatible. Note: this list is incomplete and consultation with NYSDEC and/or APA is required to make a final determination of whether a permit will be required or the activity is incompatible. Refer to Appendix D.12 for the NYSDEC Wild, Scenic and Recreational Rivers Permit application procedures, and/or Appendix D.13 for the APA Permit Checklist.

- If the project will not require a Wild, Scenic and Recreational River Permit or variance, avoidance, minimization or otherwise mitigation should be considered, in conjunction with input from the NYSDEC and/or APA when necessary. Summarize actions taken in the Design Approval Documents.

- If the project will require a Wild, Scenic and Recreational River Permit or variances, document consultation with NYSDEC/APA, provide copies of correspondence for the project file. Go to Step SWSRR4.

*Note: Based on the provisions of Article 70 of the Environmental Conservation Law, the Uniform Procedures Act and its implementing regulations, (NYCRR Part 621), within 15 calendar days of receiving an application for a wild scenic or recreational rivers system permit, NYSDEC will determine whether or not it contains all the information needed to begin review. If the application is not complete, the*
Environmental Permits staff will send the applicant a "Notice of Incomplete Application" detailing what is needed. Once NYSDEC receives all the necessary information, and the application is determined complete, the applicant is so notified and the review process is begun. Minor projects may require 45 calendar days for a decision on the permit. Major project review may require up to 90 days if no public hearing is held, and up to 60 days after the close of a public hearing, if one is necessary.

<table>
<thead>
<tr>
<th>FINAL DESIGN</th>
<th>STEP SWSRR4. Apply for Wild, Scenic and Recreational Rivers System Permit or Variances.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Follow all possible avoidance and minimization procedures listed in Section 666.8 of the regulations. Refer to 6 NYCRR Part 666 and Appendix D.10 for guidance for permit or variance submittal.</td>
</tr>
<tr>
<td></td>
<td>• Submit permit application to the NYSDEC Regional Permit Administrator. Use Appendix D.11 for NYSDEC Wild, Scenic and Recreational Rivers System Permit application.</td>
</tr>
<tr>
<td></td>
<td>• Submit permit application to APA for projects within Adirondack Park. Refer to Appendix D.14 for the Application form and Instructions.</td>
</tr>
<tr>
<td></td>
<td>Typically the Regional Environmental/Landscape Architecture Units prepare and submit permit application to NYSDEC unless a consultant is being used.</td>
</tr>
</tbody>
</table>

### 4.4.3.6 Interagency Coordination and Agreements

NYSDOT projects affecting Wild, Scenic and Recreational Rivers must ensure compliance with the involved agencies' regulations.

**Federal Process:** NYSDOT does not have any existing agreements with National Park Service (NPS).

**State Process:** The coordination and consultation process for complying with the state Wild, Scenic, and Recreation Rivers Act and its implementing regulations may involve more than just the Adirondack Park Agency (APA) and the New York State Department of Environmental Conservation (NYSDEC). Other agencies may be involved if the impacted wild and scenic river is also a water of the U.S., including wetlands (USACE), or is located in coastal area (NYSDOS), or if the project is located in NYS owned underwater lands (NYSOGS).
4.4.3.7 Project Development and Construction Guidance

Project development and construction should comply with all applicable laws and regulations, and land use controls such as permits and permit conditions that may be prescribed to protect wild, scenic and recreational river corridors. Project development should be a cooperative effort between the design team, the public, and the agencies with management responsibilities for the affected river corridor from project initiation through Final Design.

3.4.3.7.1 Project Scoping Stage

Document whether the project is within a ¼ mile zone of Designated National or within a ½ mile of a State Wild, Scenic or Recreational River. Document the name and designation of the river and the distance to the project boundary.

Document if the project is within a ½ mile of a State Study or Inventory River segments or corridors and whether a review for adverse impacts is anticipated.

If a project may adversely impact a river in the National or State System, document that coordination with the river-administering agency (e.g., NYSDEC, APA and/or NPS) is anticipated and identify the potential effect.

3.4.3.7.2 Preliminary Design (Phases I-IV)

In the Design Report, document the name and designation of the river in the National or State River System and whether the project is over or adjacent to the river.

Document if the project is within the National or State River System segments or corridor and whether it will have an adverse impact. Document coordination with the river-administering agency (i.e., NYSDEC, APA and/or NPS) and discuss avoidance, minimization or other compensatory mitigation measures resulting from internal review or coordination. The Design Report should include appropriate documentation, that the agency with jurisdiction concur and a permit will be obtained in Final Design.

3.4.3.7.3 Final Design (Phases V & VI)

The conditions of any coordination with NPS should be incorporated in to the contract documents.

If the project involves a regulated activity in a State Wild, Scenic and Recreational River Corridor, obtain a Wild, Scenic and Recreational River Permit or variance from NYSDEC or APA. The permit application is available at the NYSDEC website (see Appendix D.11)

Typically the Regional Environmental/Landscape Architecture Units prepare and submit permit application to NYSDEC.
When preparing the Environmental Commitments and Obligations Package for Construction (ECOPAC), ensure that all necessary environmental commitments and permit conditions relating to Wild, Scenic and Recreational Rivers are met and documented before transmitting the ECOPAC to the Regional Construction Office.

### 3.4.3.7.4 Construction Considerations

Required permits must be obtained before beginning of construction activities in designated wild, scenic or recreation rivers corridor and must follow the contract documents. Construction operations in the vicinity of wild, scenic and recreational rivers should minimize damage from pollution by debris, sedimentation, and other foreign materials being carried into the river. Areas of exposed soil should be minimized, and erosion and sediment control items should be used as shown in the contract documents.

In addition to the specific laws and regulations pertaining to construction activities in wild, scenic and recreation rivers corridor, construction personnel should also consult the NYSDOT’s Environmental Commitments and Obligation Package for Construction Activities (ECOPAC).

### 4.4.3.8 Operations Guidance

Maintenance operations must comply with all applicable laws and regulations, and land use controls such as permits and permit conditions that may be prescribed. When in doubt, consult with the agency responsible for the management of the river corridor, the Regional Maintenance Environmental Coordinator (MEC) and the NYSDOT Environmental Handbook for Transportation Operations.

### 4.4.3.9 Flow Chart

- 4.4.3.9.1. Federal Process
- 4.4.3.9.2. State Process
Wild and Scenic Rivers Program (Federal Process)

Does the Project have federal funding or federal action?

Yes → Review National Wild and Scenic Rivers maps

No → NWSR1 Is the project within a ¼ mile zone from National Designated, Study or Inventory River?

Yes → No review for Wild and Scenic Rivers is required

No → Document in the Project Documentation

End

NWSR2 Will the project potentially adversely affect, alter or preclude the value of the river?

Yes → Consult with NPS. Describe how adverse impacts to river will be avoided or minimized.

No → Document in the Design Report

End

NWSR3

Consult with NPS. Describe how adverse impacts to river will be avoided or minimized.

If necessary, modify the project according to NPS consultation

Get final approval From NPS

Document in the Design Approval Document

NWSR4 Does the project require a USACE NWP or Individual Permit?

Yes → Send Permit Application and documentation to USACE.

No → Document in the Design Report

End
4.4.3.10 Local Projects Guidance

The locally administered federal aid projects should follow procedures provided in this section to address the National and State Wild, Scenic and Recreational Rivers concerns.

4.4.3.11 Appendices

A. Legal Citation


ECL Article 15 Title 27 – Wild Scenic and Recreational Rivers System

6 NYCRR Part 666 - Regulation for Administration and Management of the Wild, Scenic and Recreational Rivers System in New York State Excepting Private Land in the Adirondack Park

9 NYCRR Part 577 - Special Provisions Relating to Wild, Scenic and Recreational Rivers

17 NYCRR Part 15 – Procedures for Implementation of State Environmental Quality Review Act (SEQRA)

Adirondack Park Agency Act- Executive Law, Article 27

FHWA Memorandum (Oct. 1980) – Policy Guidance for Wild and Scenic Rivers. Attachments to this Memorandum include “Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in the Nationwide Inventory” and a “Guide for Identifying Potential Adverse Effects”.

B. Scope of Services

Section 5120 – Wild Scenic and Recreational Rivers

C. Definitions

FEDERAL

Designated River: are rivers from the NRI that have been studied and found to be suitable for designation and have been granted such designation. This inclusion to the list of National Designated Rivers under the Wild and Scenic Rivers Act occurs through an act of Congress or by the Secretary of the Interior upon petition by the Governor of the State the river is located in. Once determined eligible, river segments are tentatively classified for study as either wild, scenic or recreational based on the degree of access and amount of development along the river area. They are described as follows:
**Designated River Study Areas:** rivers, or river segments, which have been designated by Congress, to be studied for possible inclusion in the System. During the study period these areas are granted the same protection as rivers in the System.

**Free-flowing:** Section 16(b) of the Act defines free-flowing as, “existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” The existence of small dams, diversion work, or other minor structures shall not automatically disqualify a river as a potential addition to the National System. There are segments in the National System which are downstream from major dams or are located between dams.

**Scenic Rivers** - Those rivers or sections of rivers that are free of impoundment, with shorelines, or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

**Wild River** - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shoreline essentially primitive and waters unpolluted. These represent vestiges of primitive America.

**National Inventory River:** are rivers placed on the NRI list of rivers and river segments that have been considered under the criteria of the National Wild and Scenic Rivers Act and meet the criteria for further study and/or potential inclusion as designated rivers under the Act. The NRI has been updated and is available on CD-ROM from the NPS in Washington at 202-565-1198. It is viewable using ArcView or ARC/INFO GIS software.

**National Study River:** are rivers from the NRI that have been authorized by Congress to be studied further for potential inclusion into the designated river classification. These rivers are protected for three years from the date the President forwards the study report to Congress. These rivers are also protected during the multi-year study phase prior to formal submission of the report. There are currently no National Study rivers in New York State. However, a portion of the Genesee River has been granted “Permanent Study River” designation by Congress, which requires increased review.

**National Wild and Scenic Rivers System:** A river may be eligible for inclusion in the National System if: it is free-flowing; the river and related adjacent land area possess one or more outstandingly remarkable natural or cultural values (ORVs); and is generally or largely undeveloped.

**Outstandingly Remarkable Value (ORV):** are unique values occurring in the river corridor upon which the eligibility of the river into the system is based. Values include scenic, recreational, geologic, fish and wildlife, historic, cultural,
or other similar values. Other similar values include botanic, hydrologic, paleontologic, scientific, or heritage values.

**STATE**

**Community Rivers** - in 1994 this NYS River System category was added, covering portions of Recreational River Areas which are sufficiently developed to meet certain criteria. This category provides an opportunity for new land developments which were previously not allowed in any river area class.

**Designated River**: All rivers that are included as part of the NYS Rivers System, are termed Designated Rivers.

**Inventory River**: There is currently no official list of Inventory Rivers for the NYS Rivers System.

The **NRI list** for the National System is used by NYSDEC as their list of Inventory Rivers.

**Recreational River** - 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.

**River Area** *(6 NYCRR Part 666.3 subsection (yy)), means the river and the land area in its immediate environs bounded as established by the Commissioner pursuant to Section 15-2711 of the Act. Upon designation and until boundaries are established by the Commissioner, the river area shall be that area within one half mile of each bank of the river.*

**State Study River**: The NYS Rivers System includes 12 Study Rivers at present. These include portions of the Batten Kill, East Stoney Creek, Pleasant Lake Stream and the Branch, and portions of the Bouquet, Delaware, Genesee, Grasse, Osgood, Oswegatchie, Saranac and Susquehanna Rivers.

**State Wild, Scenic or Recreational River**: State designated Wild, Scenic or Recreational Rivers carry essentially the same definitions as National Rivers. Additions to the State definitions include:
D. References/Technical Documents

1. Nationwide Rivers Inventory List (NRI):
   http://www.ncrc.nps.gov/rtea/nri/auth.html

2. Procedures for Interagency Consultation to Avoid or Mitigate Adverse Effects on Rivers in Nationwide Inventory:


4. Wild, Scenic and Recreational Rivers Permit(s), the list of Regulated Activities in a Wild, Scenic and Recreational River Corridor:
   http://www.dec.ny.gov/permits/6393.html

5. The Standards for Issuance a Wild, Scenic and Recreational Rivers Permit(s): http://www.dec.ny.gov/permits/6387.html


7. FHWA Memorandum (May 26, 1981): Section 4(f) Involvement – Wild and Scenic Rivers System

8. Section 4(f) Applicability to Wild and Scenic Rivers:
   http://www.environment.fhwa.dot.gov/projdev/4fpolicy.asp#8


11. Applications for Wild, Scenic and Recreational Rivers Permit Program:
    http://www.dec.ny.gov/permits/6381.html


13. APA Permit Checklist:
    http://www.apa.state.ny.us/Property_Owners/permitChecklist.html

14. APA Permit Application Form and Instructions:
    http://www.apa.state.ny.us/Forms/Alphabetical_Forms.html
E. Contact Information

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