4.4.3 Wild, Scenic, and Recreational Rivers

4.4.3.1 Introduction
4.4.3.2 Section Objectives
4.4.3.3 DOT Policy
4.4.3.4 Legal Basis
   Abstract of Law/Regulation
   Other Related Regulations
4.4.3.5 General Methodology Analysis and Evaluation
   Federal Process
   State Process
4.4.3.6 Interagency Coordination and Agreements
4.4.3.7 Project Development and Construction Guidance
   Project Scoping Stage
   Preliminary Design (Phases I-IV)
   Final Design (Phases V & VI)
   Construction Considerations
4.4.3.8 Operations Guidance
4.4.3.9 Flow Chart
   Federal Process
   State Process
4.4.3.10 Local Projects Guidance
4.4.3.11 Appendices
   A. Legal Citation
   B. Scope of Services
   C. Definitions
   D. References/Technical Documents
   E. Contacts
   F. Sample Statements
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 System 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. Where a Transportation project involves a proposed crossing of a Designated River or other effect on a Designated River or its environment, the requirements of the Wild and Scenic Rivers Act must be taken into account. Road construction is specifically identified as an activity that might be contrary to the purposes of the act.

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. In the Adirondack Park, the designated boundaries generally average ¼ mile from each bank of the river.

The table below shows the NYSDOT Regions that have rivers designated in both the National and State River Systems.

Table 1. Applicability of Wild and Scenic Rivers considerations by NYSDOT Regions

<table>
<thead>
<tr>
<th>NYSDOT Region</th>
<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></td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</td>
<td>4, 8, 9</td>
<td>1, 2, 3, 4, 5, 6, 7, 8, 9, 10</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) (see Appendix D.1).

In New York State, the Upper Delaware River between Hancock and Port Jervis is the only Designated National Wild and Scenic River segment. The Genesee River, from the southern end of Letchworth State Park to Mount Morris Dam, is unique in the Federal WSRA, being given permanent Study River 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 affect Designated, Study or rivers on the Nationwide Rivers Inventory and their immediate environments or require federal permit must coordinate 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 written approval 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 to avoid adverse environmental impacts.

**NYS System of Wild, Scenic and Recreational Rivers (WSRR)**

All projects, regardless of funding or actions, need to be reviewed for potential involvement with Designated State Wild, Scenic and Recreational Rivers to ensure compliance with state laws and regulations.

The New York State System of WSRR presently consists of 107 sections that are state-designated, encompassing approximately 1,300 miles of rivers, or river segments, most of which are in the Adirondack Park. The complete list of all Designated Wild, Scenic, and Recreational Rivers in NYS can be found at Appendix D.17. The list of APA Rivers can be found in Appendix D.15 of this section.

The NRI is used by NYSDEC as their list of Inventory Rivers. Designers and project managers should consult the Nationwide Rivers Inventory for New York when determining applicability of the Wild, Scenic and Recreational Rivers’ laws and regulations.

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

The provisions of Title 27 of Article 15 of the Environmental Conservation Law (ECL) and implementing regulations 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 as follows:

1) In wild river areas, no new structures or improvements, no development of any kind and no access by motor vehicles is permitted (Section 15-2709(2a));
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; and with the further exception that public access through new road construction may be allowed, provided that there is no other such access within two land miles in either directions (Section 15-2709(2b));
3) In recreational river areas, the lands may be readily accessible by roads or railroads on one or both banks of the river, and may also have several bridge crossing and numerous river access points (Section 15-2709 (2c)).

**Tip:**

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 without a permit. New construction or expansion of an existing structure (e.g. bank stabilization) requires coordination with the river administering agency.
In implementing regulations 6NYCRR Part 666.6, the NYSDEC added a fourth category, **community designation**, and authorized the designation of specific areas as “community” within recreational river areas. Refer to **Appendix D.16 - Commissioners Order issued on January 12, 2010** that provided two community designations on the Peconic River in the Town of Riverhead, Suffolk County as an example of such a designation.

A State Permit under the Wild, Scenic and Recreational Rivers System Act is required for certain construction activities in the vicinity of designated wild and scenic rivers. These permits have Standards for Issuance (**Appendix D.5**) and may attach additional conditions as well. Projects within designated river areas that are not consistent with the State Wild, Scenic and Recreational Rivers System Act must request a variance from the NYSDEC and show good and sufficient cause that compliance with the Act would create unnecessary hardship for the applicant. Variance provisions are listed in **6 NYCRR 666.9**. Lands within the Adirondack Park which are not State lands, are subject to separate regulations (**9 NYCRR Part 577**) administered by the Adirondack Park Agency (APA).

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 consideration must be given to Designated Rivers, Study Rivers, and rivers on the Nationwide Rivers Inventory. This section provides materials and guidelines for addressing National and State Wild, Scenic and Recreational River concerns during the project development process.

### 4.4.3.3 NYSDOT Policy

The NYSDOT policy is to advance projects in accordance with federal and state Wild, Scenic, and Recreational Rivers laws, regulations, policies and objectives.

### 4.4.3.4 Legal Basis

**Abstract of Law/Regulation**

The **Wild and Scenic Rivers Act** (16 USC 1271-1287 - Public Law 90-542) established the National Wild and Scenic Rivers 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 other river 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.

Title 27 of Article 15 of the Environmental Conservation Law and its Implementing Regulations 6 NYCRR Part 666 regulate development in the vicinity of State Wild, Scenic and Recreational Rivers. The law and its implementing regulations regulate the use of the rivers and their immediate environs to preserve their free-flowing condition and protect them for the benefit and enjoyment of present and future generations. NYSDEC regulates land use and development within all designated river areas in New York State and within State owned/public lands in the Adirondack Park. Land use and development within all designated river areas outside State/public owned lands in the Adirondack Park is regulated by the Adirondack Park Agency. If a project is located within the boundaries of a wild, scenic and recreational river area outside State/public owned lands in the Adirondack Park, a permit from the Adirondack Park Agency is required, pursuant to 9 NYCRR Part 577.

Other Related Regulations

Federally funded 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 certain whether a designated river segment is subject to Section 4(f), he or she should consult with the river administering agency to make a Section 4(f) determination (TEM Section 4.4.13 Parks and Recreational Areas).

4.4.3.5 General Methodology Analysis and Evaluation

For each alternative under consideration, NYSDOT must conduct an environmental analysis to identify the potential effects on the natural, cultural and recreational values of Designated and Study Rivers, and rivers on the Nationwide Rivers Inventory. A design alternative which has the potential to adversely impact the values for which a river was designated, or foreclose options to designate a river that is on the NRI, or a congressionally authorized Study river, cannot be selected unless the adverse effects are mitigated. The NYSDOT’s NEPA process does not substitute for a WSRA determination by the federal river-administering agency.

In order to avoid project delay, it is important for river-administering agencies (e.g., NYSDEC, APA and/or 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 schedule.

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 mitigate adverse impacts to river resources or designation potential. NPS will provide input and guidance to avoid critical resource values at the project site, as well as recommending minimization measures to be taken to protect the river’s status or potential for listing. If impacts are unavoidable, mitigation for lost values may be required.

Federal Process: 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/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>Existing Conditions/Affected Environment.</td>
</tr>
<tr>
<td></td>
<td>STEP NWSR1. Determine if the project is within ¼ mile of a National Designated Wild, Scenic, Study or a river on the Nationwide Rivers Inventory or river corridor.</td>
</tr>
</tbody>
</table>

**Tip:** 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 to avoid adverse environmental impacts that would impair the river’s designation.

Review maps and lists, using the following:
1. Designated Wild and Scenic Rivers
2. NRI list on the NPS web site for NY rivers

In NYS the Genesee River, from the southern end of Letchworth State Park to Mount Morris Dam, is the only National Study River.

- If the project is not within ¼ mile of a Designated River, and not within ¼ mile of a Study, or river on the Nationwide Rivers Inventory, document this finding in the Project Documentation. No further review is required.
- If the project is within ¼ mile of a Designated River or within ¼ mile of Study or Inventory River corridor, proceed to STEP NWSR2.

Typically the Regional Environmental/Landscape Architecture Units undertake the analysis and provide a determination.
**PRELIMINARY DESIGN**

<table>
<thead>
<tr>
<th><strong>Determination of Potential Adverse Impacts and/or Beneficial Effects.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STEP NWSR2.</strong> Determine if project has 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 National System.</td>
</tr>
<tr>
<td>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 determine if the free-flowing nature or any of the Outstandingly Remarkable Values (ORVs) of the river segment could be adversely affected by project actions.</td>
</tr>
<tr>
<td>- If 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 (DAD) with justification for this determination. No further review is needed for Federal Process.</td>
</tr>
<tr>
<td>- If impacts have the potential to adversely affect the river classification or river values, proceed to STEP NWSR3.</td>
</tr>
<tr>
<td><strong>STEP NWSR3. National Park Service Consultation.</strong></td>
</tr>
<tr>
<td>Consult with the NPS, New England Support Office, in writing to determine the impacts to the Designated, Study, or Inventory River.</td>
</tr>
<tr>
<td>- If NPS (as Cooperating Agency) recommends changes to the proposed project because of extent of impacts, consider design changes 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.</td>
</tr>
<tr>
<td>- If NPS concurs, document coordination and concurrence with NPS in the DAD.</td>
</tr>
<tr>
<td>Typically the Regional Environmental/Landscape Architecture Units undertake the coordination with NPS.</td>
</tr>
<tr>
<td><strong>Alert!</strong></td>
</tr>
<tr>
<td>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 corridor unless the National Park Service or the appropriate river-administering agency has been consulted in writing regarding potential adverse effects of the project on the rivers designation or study status.</td>
</tr>
<tr>
<td>PROJECT STAGE</td>
</tr>
<tr>
<td>---------------</td>
</tr>
<tr>
<td>INITIATION</td>
</tr>
<tr>
<td>SCOPING</td>
</tr>
</tbody>
</table>
|               | **STEP SWSRR1. Determine if the project is within ½ mile of a State Designated River or river corridor.** 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 ½ mile of a State Designated River or ¼ mile within the Adirondack Park, go to STEP SWSRR1a.  
|               |   • If the project is within ½ mile of a State Designated River or ¼ mile within the Adirondack Park, go to STEP SWSRR2.  
|               | **STEP SWSRR1a. Determine if the project is within ½ mile of a State Study or Inventory River.**  
|               |   • If the project is not within ½ mile of a State Study River or Inventory River, document this finding in the Project files. No further review is required.  
|               |   • If the project is within ½ mile of a State Study River segments or Inventory river, review for adverse impacts, document findings, including discussion on efforts to avoid or minimize impact in the Project Documentation.  
|               | Typically the Regional Environmental/Landscape Architecture Units undertake the review and provide the determination.  
| PRELIMINARY DESIGN | **Determination of Potential Adverse Impacts and/or Beneficial Effects.**  
|               | **STEP SWSRR2. Review for potential adverse effects that can alter or preclude the values of the river.**  
|               | Determine if the proposed project actions have the potential to adversely affect, alter or degrade the natural, cultural and/or recreational values of the
river segment. If necessary consult in writing with NYSDEC Regional Office, or if project is located outside public lands in the Adirondack Park, consult the APA.

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

- If a review with NYSDEC and/or 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. Determine if a Wild, Scenic and Recreational River 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.

**Tip:**
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.

**Tip:**
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
If the application is not complete, the NYSDEC 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 begins. 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.

**STEP SWSRR4. Apply for Wild, Scenic and Recreational Rivers Permit or Variances.**

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.

Submit permit application to the NYSDEC Regional Permit Administrator. Use Appendix D.11 for NYSDEC Wild, Scenic and Recreational Rivers Permit application.

Submit permit application to APA for projects within the Adirondack Park. Refer to Appendix D.14 for the Application form and Instructions.

Typically the Regional Environmental/Landscape Architecture Units prepare and submit permit application to NYSDEC unless a consultant is being used.
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 System Act, and its implementing regulations 6NYCRR Part 666 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.

Project Scoping Stage

Document whether the project is within ¼ mile of Designated National or within 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 ½ mile of 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.

Preliminary Design (Phases I-IV)

Document if the project is within the National or State River System segments or corridor and whether it will have an adverse impact. Document all 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. Also, document all improvements resulting from mitigation. The Design Report should state that the agency with jurisdiction concurs and a permit will be obtained in Final Design.

Final Design (Phases V & VI)
The conditions of any coordination with NPS should be incorporated into the contract documents.

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

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 documented before transmitting the ECOPAC to the Regional Construction Office.

Construction Considerations

Required permits must be obtained before beginning of construction activities in Designated Wild, Scenic or Recreational River 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 Designated Wild, Scenic and Recreational River corridor, construction personnel should also consult the NYSDOT's 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
Wild and Scenic Rivers Program (Federal Process)

Legend:
- Scoping Stage
- Scoping and/or Preliminary Design
- Preliminary Design
- Final Design

* Mitigation Commitments agreed to in Preliminary Design should be documented in the Design Report and should be incorporated into contract documents during Final Design.

Note: The flow chart is graphical presentation of the Federal Wild and Scenic Rivers process. Refer to Federal Process subsection for additional details about the required steps.
**Legend:**

- Scoping Stage
- Scoping and/or Preliminary Design
- Preliminary Design
- Final Design

* Mitigation Commitments agreed to in Preliminary Design should be documented in the Design Report and should be incorporated into contract documents during Final Design.

**Note:** The flow chart is a graphical presentation of the State Wild, Scenic and Recreational Rivers process. Refer to State Process subsection for additional details about the required steps.
4.4.3.10 Local Projects Guidance

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 Rivers: 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 in which the river is located.

Free-flowing: Section 1286 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 River Areas:** Section 1273(B)(2) of the Act defines Scenic Rivers as 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 Areas:** Section 1273(B)(1) of the Act defines Wild river areas as 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.

**Recreational River Areas:** Section 1273(B)(3) of the Act defines Recreational river areas as those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

**Nationwide Rivers Inventory (NRI):** A list of Rivers and river segments that was considered to have met the criteria for further study and potential inclusion as designated rivers under the National Wild and Scenic Rivers Act.

**National Study Rivers:** Rivers on the NRI that Congress authorized 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.

**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, and the area is generally or largely undeveloped.

**Outstandingly Remarkable Values (ORVs):** Are unique values occurring in the river corridor upon which the eligibility of the river into the system is based. To be outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. It could be a species, geologic, scenic, or cultural feature. Further, the ORVs resources should be located in the river or on its immediate corridor (generally within 1/4 mile of the bank on either side of the river); contribute substantially to the functioning of the river ecosystem; and/or owe their location or existence to the presence of the river. Such Values include scenic, recreational, geologic, fish and wildlife, historic, cultural, botanic, hydrologic, paleontologic, scientific, or heritage values.

**STATE**

**State Wild, Scenic or Recreational Rivers** carry essentially the same definitions as National Rivers. Additions to the State definitions include:
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.

Inventory Rivers: There is currently no official NYSDEC list of Inventory Rivers for the NYS Rivers System. The NPS Nationwide Rivers Inventory (NRI) is used by NYSDEC as their list of Inventory Rivers.

Designated Rivers - All rivers that are included as part of the NYS Wild, Scenic and Recreational Rivers System.

Community Rivers: In 1994 this NYS River System category was added to cover 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. The regulatory provision for "community" designation allows for less restriction on land use in recreational river areas than the traditional recreational river area classification, and permits development on lands in and around river area hamlets, villages and towns that existed at the time the Recreational River was designated. (See Table of Use Guidelines in 6 NYCRR Part 663.13).

D. References/Technical Documents


3. Table of Use Guidelines for Wild, Scenic and Recreational Rivers System Part 666.13: http://www.dec.ny.gov/regs/4610.html, and

Wild, Scenic and Recreational Rivers Permit Profile: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wsrr.pdf

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 of Wild, Scenic and Recreational Rivers Permit(s): http://www.dec.ny.gov/permits/6387.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

Environmental Science Bureau
Program Area Contact
Chris Shiyam, Ph.D.
(518) 485-2004

New York State Department of Environmental Conservation
Division of Fish, Wildlife and Marine Resources (http://www.dec.ny.gov/lands/32739.html)
625 Broadway
Albany, NY 12233-3504
(518) 402-8874
NYSDEC Regional Offices: http://www.dec.ny.gov/about/558.html

National Park Service
15 State Street
Boston, MA 02109
(617) 223-5065

NYS Adirondack Park Agency (http://www.apa.state.ny.us/contact.html)
P.O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977
(518) 891-4050

Appendix F. Sample Statements

To be developed.