

# Upper Truckee National Wild & Scenic River

## *Questions & Answers*

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### **What are Wild & Scenic Rivers?**

The National Wild & Scenic Rivers Act is the nation's primary river conservation tool. Congress passed the Act in 1968 to specifically balance our existing policy of building dams to develop rivers for the water, power, and flood control resources, with a new policy of protecting some free flowing rivers with outstandingly remarkable scenic, recreation, historical/cultural, fish/wildlife, geologic, and other values for the benefit and enjoyment of present and future generations. To be eligible for protection, a river or stream must be free flowing and possess one or more outstandingly remarkable values. There is no length or flow criteria (other than free flowing), so even small streams with seasonal flows, as well as small lakes, may be included for protection in the System.

### **Why is the Upper Truckee River proposed for National Wild & Scenic River Protection?**

In 1998, the U.S. Forest Service recommended protection of seven miles of the Upper Truckee River in the National Wild & Scenic Rivers System. Today, a coalition of conservation, recreation, and business interests are proposing to protect approximately 32 miles of the Upper Truckee River and its tributaries, including Meiss, Round, Dardanelles, Showers, and Four Lakes, and as a Wild River in the National Wild & Scenic Rivers System.

### **How does Wild & Scenic designation protect rivers?**

Wild & Scenic protection explicitly prohibits the federal government from licensing or permitting new hydroelectric dams or major diversions on protected stream segments. The federal government may license new water resource projects upstream or downstream of protected segments as long as the projects do not unreasonably diminish the stream. Public lands within an average quarter mile wide corridor on both sides of designated Wild & Scenic Rivers are managed to protect the river's free flowing character and outstandingly remarkable values.

### **Does Wild & Scenic protection affect private property?**

No, because the National Wild & Scenic Rivers Act confers no federal authority over private land use or local zoning of private lands. There is no practical impact on private property, except that federal protection typically increases private property values and contributes to the local economy by attracting tourists and recreational visitors. The National Wild & Scenic Rivers Act prohibits fee title condemnation of any private lands along protected rivers if 50% or more of the river segment in question is already under public ownership. As a practical matter, no private land has ever been condemned on any of the more than 2,000 miles of National Wild & Scenic Rivers in California. There is no private land involved in the proposed protection of the Upper Truckee River and its tributaries.

### **How does Wild & Scenic protection affect public lands?**

Public lands within an average of 1/4 mile on each side of the river are managed to protect the river's free flowing character and outstanding values. Federal agencies that administer public lands are responsible for the management of designated rivers and are required to develop a plan within three years of designation to guide future management of the protected stream.

### **What does Wild, Scenic, or Recreational classification mean?**

In addition to protecting a river's free flowing character and outstanding values, federal agencies are also required to manage the public lands along protected segments according to their Wild, Scenic, or Recreational classification. Classification is based on the existing level of development along the river. The following guidelines are used to establish and manage for classification:

- Wild - These segments are wild, unroaded and undeveloped. Logging, road building, new mining claims, developed campgrounds, and motorized access are generally prohibited on Wild segments. All other activities associated with public lands such as grazing, mining of valid existing claims, hunting and other forms of non-motorized recreation are permitted subject to the protection of outstanding values. Because of the pristine and unroaded nature of its watershed, the Upper Truckee River and its tributaries are proposed for Wild classification.
- Scenic - These segments are generally undeveloped, but may have occasional road crossings and riverside structures that are visually screened from the river. Motorized use on trails may or may not be permitted based on existing use. All other activities normally associated with public lands are permitted, as long as visual quality and outstanding values are protected.
- Recreational - These segments are generally developed, with parallel roads, bridges and structures. All activities normally associated with public lands may occur provided that the stream's outstanding values are protected.

#### **Does Wild & Scenic protection affect existing water rights?**

No, the state's authority to regulate water rights remains unaffected by designation. There is a federal water right conferred by designation, but it begins at the date of designation and is junior to all other existing rights. To assert this right, the managing federal agency must apply to the appropriate state water rights agency and any decision would follow existing state water rights procedures and established rule of law. To acquire water rights, federal agencies would have to pay fair market value. As a practical matter, federal protection will not affect downstream water projects and are unlikely to affect any upstream water projects. None of the Wild & Scenic Rivers in California have affected the operation of upstream and downstream dams and other water facilities.

#### **How does a stream become a Wild & Scenic candidate?**

Congress may protect rivers outright through legislation or may direct federal agencies that manage public lands to conduct studies and make recommendations concerning designation. The Forest Service, BLM, and other federal agencies that manage public lands are also required to identify, study, and recommend candidate Wild & Scenic Rivers in the land and resource planning process. To be eligible, a candidate river must be free flowing and possess one or more outstanding values. Once a river is determined eligible, the agency provides interim protection of the river's free flowing character and outstanding values until Congress acts in response to the agency study.

#### **Which California rivers enjoy federal protection?**

More than 2,000 miles along 25 California rivers are included in the National Wild & Scenic Rivers System. Here are the protected rivers (not including various forks and smaller tributaries) and their protection date: Middle Fork Feather River (1968), North Fork American River (1978), Smith River (1981), Klamath River (1981), Scott River (1981), Salmon River (1981), Trinity River (1981), New River (1981), Van Duzen River (1981), Eel River (1981), Lower American River (1981), Merced River (1987), Kings River (1987), Kern River (1987), Big Sur River (1992), Sisquoc River (1992), Sespe Creek (1992), Black Butte River (2006), Owens River Headwaters (2009), Cottonwood Creek (2009), Amargosa River (2009), Piru Creek (2009), North Fork San Jacinto River (2009), Palm Canyon Creek (2009), and Bautista Creek (2009).

*For more information concerning the potential Wild & Scenic designation of the Upper Truckee River contact:*

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