

# Partnership Wild and Scenic Rivers

*Jamie Fosburgh, Joe DiBello, and Fred Akers*

## Revisiting the Wild and Scenic Rivers Act

THE NATIONAL WILD AND SCENIC RIVERS SYSTEM was established through enactment of Public Law 90-542 in October 1968. The Wild and Scenic Rivers Act is a visionary piece of legislation, laying the framework for a national system of rivers protected from federal development projects under section 7 of the act, as well as prompting states and local river protection efforts with federal assistance and incentives under section 11 of the act. The main purpose of the act as defined in section 1(b) is to make it the policy of the United States

that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.

The only river included in the initial legislation from the private-lands-dominated northeastern United States was the Allagash, which was proposed as the inaugural component of a class of “state-administered” wild and scenic rivers under section 2(a)(ii) of the act (pending anticipated application by Maine’s governor). Absent the unique Allagash resolution, none of the original components of the system were found in the Northeast—not surprising given the relative lack of federal lands, the density of the population, and the region’s prevalence of communities based around their rivers. And yet, the act clearly anticipated that such rivers should be considered and included, with specific provisions limiting land acquisition authority on rivers where communities had enacted “compatible” zoning (section 6(c)), and encouraging local and state participation in administration and management (sections 10 and 11).

## Early designation efforts

Early congressionally authorized studies of potential wild and scenic rivers in the private-lands, community-based setting of the populated Northeast all failed to result in designation. These early studies, including the Housatonic (Connecticut), East Branch Fish Creek (New York), Wood/Pawcatuck (Rhode Island), and others, uniformly failed to embrace the planning and assistance provisions of the act to solve the fundamental questions of how to protect national river values on private lands without a massive federal acquisition campaign.

The studies resulted in questions, not answers, such as:

- How do you protect identified “outstandingly remarkable” values of a river when they are not on public lands?
- How will local, state, and federal jurisdictions coordinate?

- What is the role of landowners?
- Who is in charge?
- How will coordination occur?
- Who has the funding responsibility?
- What is the federal role?
- Will there be condemnation authority?
- What local zoning or other non-federal protection standards will be sufficient?

### Partnership innovation emerges

Congress amended the Wild and Scenic Rivers Act in the late 1970s, and again later, to limit federal land acquisition and mandate cooperative federal, state, and local planning conservation efforts, which opened the door to management innovation and collaboration. At about the same time, planners with the Department of the Interior in the East were using civic engagement to work in partnership with various private and government experts and states and local governments interested in river conservation. In these activities, no federal management or designation was promised or expected, but the planners nonetheless utilized the assistance authorities found in sections 10 and 11 of the Wild and Scenic Rivers Act. This principle would soon be developed and formalized as the National Park Service (NPS) Rivers, Trails, and Conservation Assistance Program.

As top-down and more collaborative, locally driven planning and management approaches began to meld and blend, a river conservation model built on alternatives to direct federal management and administration began to take form.

In 1984, Rolf Diamant and Glenn Eugster, who at the time were land use planners with NPS from Boston and Philadelphia, respectively, and Chris Duerksen, who was an attorney and senior associate at The Conservation Foundation, published *A*

*Citizen's Guide to River Conservation*. This "how-to" book emphasizes building multi-interest citizens' coalitions through community involvement in river and stream conservation efforts. This book has been and continues to be used as an important reference for the study and designation of many wild and scenic rivers using the local partnership planning model.

### Pioneering wild and scenic river efforts

Several pioneering efforts picked up the challenge, and in different ways, have laid the groundwork for a new approach to wild and scenic rivers on non-federal lands.

**Upper Delaware River (New York/Pennsylvania; 1978).** The designation of the Upper Delaware River in 1978 (Figure 1) was the first time that Congress had designated a river with an (almost complete) prohibition against federal land acquisition and yet a mandate to NPS. Congress directed NPS to achieve Upper Delaware River management and protection goals and develop the management plan for the river, in coordination with local communities organized into an advisory committee. The development of the plan was completed in 1986, but was controversial and difficult in the post-designation setting.

The Upper Delaware National Scenic Recreational River was the place where the

Figure 1. Upper Delaware National Scenic Recreational River. Photo courtesy of NPS.



concept of a partnership river took form. Stakeholder conflicts required a team of practitioners skilled in working with community leaders to design a process to develop a community-based management plan. Here is where the NPS planners refined and further learned the lessons of balancing federal management with state and local needs and those of the private sector to meet the requirements of the Wild and Scenic Rivers Act, and to conserve the river and manage recreational use in partnership.

In 1986, the Upper Delaware National Scenic and Recreational River management plan was completed. One of the lessons learned is that there is a need for community and resident engagement throughout the planning process. Another observation made was that it is important to discuss river management in addition to eligibility during the study process. If river management plans could be developed prior to designation, more understanding, acceptance, and broader consideration of alternatives would occur and the federal or NPS role would be better and more appropriately defined.

**Wildcat Brook (New Hampshire; 1984 study, 1988 designation; Figure 2).** Spurred by the threat of unwanted hydroelectric development, the town of Jackson, New Hampshire, successfully partnered

with members of Congress and NPS on the authorization of a new kind of wild and scenic river study—one that would answer the questions that thwarted earlier unsuccessful designation efforts by developing and implementing a successful river conservation plan as the centerpiece of the study process.

The plan, developed by the town with support of NPS and a specially formed local advisory committee, identified and implemented local zoning, conservation easements, and riverfront restoration elements necessary to protect the river's special values. The Wildcat Brook river conservation plan in turn became the basis of federal legislation in 1988 to designate the Wildcat as a component of the national system—with the support of landowners, local and state officials, and the federal government.

**Westfield River (Massachusetts; 1993).** Planning for the Westfield River (Figure 3) utilized a similar approach, but one that took advantage of the built-in mechanisms of section 2(a)(ii) of the act to limit and define the federal role. The critical element still was to complete the plan in partnership with local communities and landowners prior to designation. For the Westfield, this was accomplished through the assistance of NPS acting under the Rivers, Trails, and Conservation Assistance

Figure 2. Scenic Wildcat Brook at Jackson, New Hampshire. Photo courtesy of the authors.



Figure 3. Westfield Wild and Scenic River. Photo courtesy of Chris Curtis.



Program (rather than under a congressionally authorized study), and through state planning grants.

Chris Curtis, of the Pioneer Valley Planning Commission, initiated this process in 1984, also choosing to form a locally based advisory committee to assist in developing the conservation plan. In 1992, Massachusetts Governor William Weld submitted a completed greenway plan to the secretary of the interior with the support of local communities, landowners, and state and federal officials. The submitted plan was the basis of the Westfield's designation in 1993 as a state-administered component of the national wild and scenic rivers system.

**Great Egg Harbor River (New Jersey; 1992).** The Great Egg Harbor River was studied and designated as part of the national wild and scenic rivers system by Congress in 1992 based on its outstandingly remarkable cultural, historic, recreational, and natural resource values, thereby becoming a cooperatively managed unit of

the national park system. The Great Egg Harbor was the first national wild and scenic river to incorporate an extensive tidal estuary (Figure 4). The primary partners were local conservation advocates, residents, four counties, and 12 municipalities. Through citizen advocacy, all 12 municipalities resolved to recognize that their economic and cultural vitality were supported by their close proximity to the Great Egg Harbor River and designated tributaries. They also recognized that the health of the Great Egg Harbor River is dependent upon the economic, cultural, and environmental policies of its surrounding municipalities. As a result of this recognition, they agreed to participate in the designation process and long-term management of the river.

With NPS, county and state agencies, and local advocates, these municipalities formed the Great Egg Harbor River Planning Committee. Through participation in this committee, the municipalities assisted in the preparation of local river management plans and a comprehensive manage-

Figure 4. Estuary of the Great Egg Harbor River. Photo courtesy of the authors.



ment plan for the long-term management and protection of the federally designated segments of the Great Egg Harbor River and its tributaries.

This planning process identified the need to continue a formal organization to monitor implementation of the comprehensive management plan and assist the 12 municipalities, individually and collectively, in dealing with matters concerning the Great Egg Harbor River system. The citizen advocates incorporated and became the Great Egg Harbor Watershed Association, which was written into the management plan as the “host organization.” It was agreed that the 12 municipalities and the Great Egg Harbor Watershed Association would establish the Great Egg Harbor National Scenic and Recreational River Council. The council’s role is to provide ongoing monitoring, coordination, and assistance in implementing the comprehensive management plan to the participating municipalities and NPS. While the earlier cases involved partnerships, the Great Egg Harbor River was the first true partnership wild and scenic river (PSWR), and its river council process is used as a model for other PSWR river councils and committees.

### **Fulfilling the model: PSWR designations today**

With a refined planning and management approach established around alternatives to direct federal management and administration, NPS has been called on to address a growing demand for wild and scenic river protection for “private lands rivers” in more urban environments on the East Coast. Starting in 1986, Congress has authorized NPS eligibility studies for 12 river systems in seven states from New Hampshire to Florida.

Partnership wild and scenic rivers, as they are now referred to, share the following common principles and management systems:

- No federal ownership or management of lands (and federal ownership is not authorized in legislation or recommended in the management plan)
- Administration of the designation and implementation of the management plan is accomplished through a broadly participatory “council” or “committee” organized and convened for each river specifically for this purpose.
- Land use continues to be governed by local communities and states through existing laws, regulations and authorities.
- The river management plan is written and implemented through a broadly participatory process involving guidance from locally based representatives. The plan is locally developed with NPS assistance and is locally approved prior to federal designation (as a part of the feasibility study). The plan, locally approved and endorsed by relevant state and federal authorities, forms the basis of the designation and guides subsequent management.
- The costs and responsibilities associated with managing and protecting river resources are shared among all of the partners—local, state, federal, and non-governmental. Landowner participation and volunteerism is an essential element of the partnership and viewed as the backbone of success.

As the administering agency, NPS is responsible for implementing section 7 of the Wild and Scenic Rivers Act, reviewing projects that are federally funded, spon-



sored or licensed to ensure consistency in preserving identified “outstandingly remarkable values” for which the river was designated. This responsibility is coordinated with each river’s council or committee. NPS is also authorized to provide technical and financial assistance to river organizations.

What is distinctive about these designations (Table 1) is the reliance on federal, state, local partnerships in river management and conservation. The designated rivers are administered by NPS but the partnership organizations are responsible for day-to-day management. They are similar to national park units in that there are specific NPS management and administrative responsibilities and line-item operating appropriations for each of the areas. The difference between these areas and traditional units of the national park system is that there is minimal federal ownership and a reliance on cooperation and partnership

with other government and private organizations.

Another key factor to the dynamic nature of PWSRs is the growing and active leadership role that Congress plays in the process. Based on local grassroots interest and concern for river conservation, over the last 20 years members of Congress from seven East Coast states have repeatedly introduced and pushed Congress to pass bills to study and designate almost a dozen rivers with over 500 river miles. And these same members of Congress have developed an informal partnership to work together to support more stewardship funding for the management implementation and long-term protection of these PWSRs.

Paralleling this leadership in Congress, local partners from each PWSR have formed a national network, called “Partnership Wild and Scenic Rivers,” that works to support the needs of this growing program and ensure the success of PWSRs.

Table 1. Partnership wild and scenic rivers.

	Wild Miles	Scenic Miles	Recreational Miles	Year(s) Designated	Website
Eightmile River		25.3		2008	<a href="http://www.eightmileriver.org">www.eightmileriver.org</a>
Farmington River	0	0	14	1994	<a href="http://www.farmingtonriver.org">www.farmingtonriver.org</a>
Great Egg Harbor River	0	30.6	98.4	1992	<a href="http://www.greategg.org">www.greategg.org</a>
Lamprey River	0	0	23.5	1996 & 2000	<a href="http://www.lampreyriver.org">www.lampreyriver.org</a>
Maurice River	0	28.9	6.5	1993	<a href="http://www.cumaucriver.org/pages/Maurice.html">www.cumaucriver.org/pages/Maurice.html</a>
Westfield River	2.6	42.9	32.6	1993 & 2003	
Sudbury, Assabet & Concord rivers	0	14.9	14.1	1999	<a href="http://www.Sudbury-Assabet-Concord.org">www.Sudbury-Assabet-Concord.org</a>
Musconetcong River			24.2	2006	<a href="http://www.musconetcong.org">www.musconetcong.org</a>
Wekiva River	31.4	2.1	8.1	2000	<a href="http://www.floridastateparks.org/wekiwasprings">www.floridastateparks.org/wekiwasprings</a>
Lower Delaware River	0	25.4	41.9	2000	<a href="http://www.state.nj.us/drbc/wild_scenic.htm">www.state.nj.us/drbc/wild_scenic.htm</a>
White Clay Creek	0	24	166	2000	<a href="http://www.mercury.ccil.org/~wcwa/">www.mercury.ccil.org/~wcwa/</a>

## River conservation challenges and opportunities for today and tomorrow

The PWSRs have established a model for successful adaptation of the Wild and Scenic Rivers Act to a community-based, private-lands setting. In 2007, the Ash Institute for Democratic Governance and Innovation at Harvard University's John F. Kennedy School of Government named PWSRs to its list of the top 50 government innovations linking citizens with important public services. Legislation to conduct Vermont's first-ever wild and scenic river study (for the Missisquoi River), which is based on the partnership model, is also pending, and the success of the upper Farmington River designation has prompted a newly authorized study of the remainder of that river system. In May 2008, in the 40th anniversary year of the national wild and scenic rivers system, Congress has fittingly enacted protection for the nation's newest wild and scenic river, based on the PWSR approach: 25.3 miles of the Eight-mile River in Connecticut.

There are many more valuable rivers to protect in our country, and the partnership

model is an intelligent and cost-effective one for the conservation of hundreds of miles of rivers and thousands of acres of riparian land at a small fraction of the cost of full acquisition. By working together with Congress, federal agencies, state governments, local governments, non-governmental organizations, private landowners, and citizens, we should be able to unlock the door to including many more rivers in the national wild and scenic rivers system.

The PWSR approach complements the still-active and important consideration of wild and scenic river designations predominantly on federal lands of the Bureau of Land Management, U.S. Forest Service, and National Park Service, where hundreds of deserving rivers lie within the boundaries of established federal areas. As we celebrate the 40th anniversary of the national wild and scenic rivers system and look forward to the 50th and beyond, the PWSR approach offers the promise and potential to fill out the national system by creating a successful mechanism to manage and protect important rivers outside the federal domain.

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**Jamie Fosburgh**, Northeast Region, National Park Service, 15 State Street, Boston, Massachusetts 02109; [Jamie\\_Fosburgh@nps.gov](mailto:Jamie_Fosburgh@nps.gov)

**Joe DiBello**, Northeast Region, National Park Service, 200 Chestnut Street, Philadelphia, Pennsylvania 19106; [Joe\\_DiBello@nps.gov](mailto:Joe_DiBello@nps.gov)

**Fred Akers**, Great Egg Harbor Wild and Scenic River, P.O. Box 395, Newtonville, New Jersey 08346; [akers@gowebway.com](mailto:akers@gowebway.com)