



Neches Wild and Scenic River Initiative

BOUNDARIES

The establishment of boundaries for a Wild and Scenic River is somewhat confusing and, indeed, the process for determining boundaries has evolved over the 40-year life of the Wild and Scenic Rivers System.

The Wild and Scenic Rivers Act provides *maximum* widths for designated rivers, but does *not* require that each river use that width, only that it *not exceed* that width.

Boundaries for Wild and Scenic Rivers are primarily to determine management actions on lands that are already *federally* owned, such as national parks and national forests.

Where private lands are involved, the boundary marks the area within which the manager will focus work with local communities and landowners in developing effective strategies for protection. The boundary also defines the area in which the managing agency has the authority to acquire land, but, significantly, does not require that any of the land be acquired.

Federal managers of Wild and Scenic Rivers have no ability to direct management on private land. Before the Neches River would be added to the National Wild and Scenic River System, a cooperative management plan voluntarily agreed-upon by local landowners and communities would have to be developed. Establishing the boundaries for the river would be accomplished as part of that plan. The Neches will be added to the Wild and Scenic Rivers System only if there is a demonstrated commitment by the local people to protect the river.

How Boundaries are Chosen

In the past, most Wild and Scenic Rivers flowed largely or entirely through federal land and the maximum width allowed, ¼ mile on either side of the river with no more than 320 acres per mile, was often used.

For private lands, however, an arbitrary boundary is not workable. The boundaries along private lands routinely vary in width, sometimes to reflect the natural terrain of the river, at other times in response to varying land use patterns or varying needs to protect the outstandingly remarkable values of the river.

For some rivers, boundaries have been considered irrelevant. For example, for the Farmington River, which flows primarily through private land, the management plan concluded that defining a distinct lateral boundary would serve no useful purpose and, indeed, could be counter-productive.

Rivers are added to the Wild and Scenic Rivers System to protect clearly-identified characteristics of the river and its immediate environs which have “*outstandingly remarkable values*”. During the detailed study conducted before a river is designated, potential values, such as scenery, history, fish and wildlife, or recreation are identified. Once the *outstandingly remarkable values* are identified, the river is assessed for its suitability for inclusion in the Wild and Scenic Rivers System. A separate boundary may be established for each *outstandingly remarkable value*, to define useful areas for developing cooperative management strategies to protect the specific values. Or, as in the case of several private lands rivers in the northeast, the study may conclude that boundaries are irrelevant in the specific case.

Discussion of “Bank-to-Bank” Boundaries

Occasionally the suggestion is made that the boundary of a Wild and Scenic River be riverbank-to-riverbank, that is, within the bed of the river. A federal court has determined that bank-to-bank would be unacceptable as an *overall* guideline, because it is the intent of the Wild and Scenic Rivers Act to protect the river and its immediate environs, not just the water column.

In the case of private lands rivers, however, the boundary could *in places* narrow to be bank-to-bank in the river bed, to accommodate a specific situation.

Boundary Determination Not the Same as “Take Lines”

It is important to clarify that boundary determinations are not *take lines*. That is, there is no requirement for acquiring the land inside the boundary. Acquisition of up to an average of 100 acres per mile and easement acquisition on any land within the boundary is *allowed* by the Wild and Scenic Rivers Act. But no acquisition is required.

Boundaries Give No Authority to the Federal Agency to Administer Private Lands

Establishing a boundary for a Wild and Scenic River does not provide the federal administering agency the authority to regulate private lands, or state and local government lands. It simply defines the area under which the federal agency will work with landowners and local governments to protect the river.