

# Durable Freshwater Protection

*a framework and cases including the  
Wild & Scenic Rivers Act*



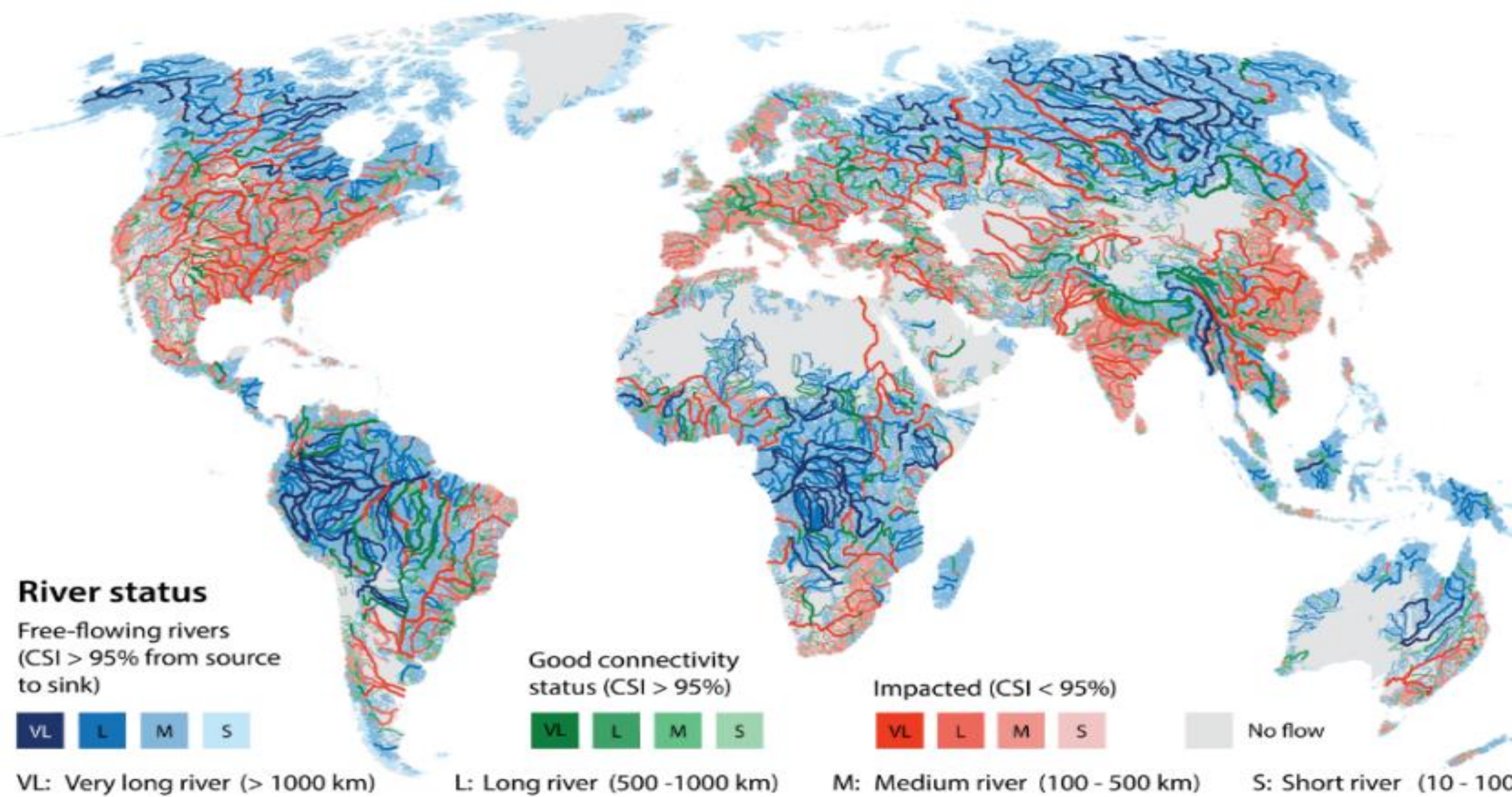


Freshwater  
ecosystems are  
the  
***most  
threatened and  
least protected***  
of earth's  
systems



*Inia geoffrensis* © Kevin Schaefer







# Over 500 dams are planned or under construction in protected areas

The wrong dam in the wrong place can change how a river flows and cause blockages. Species that move to find food, reproduce, or seek new habitat as the seasons change—such as salmon and river dolphins—can no longer do so. This threatens important freshwater ecosystems and people and wildlife who depend on them for survival.

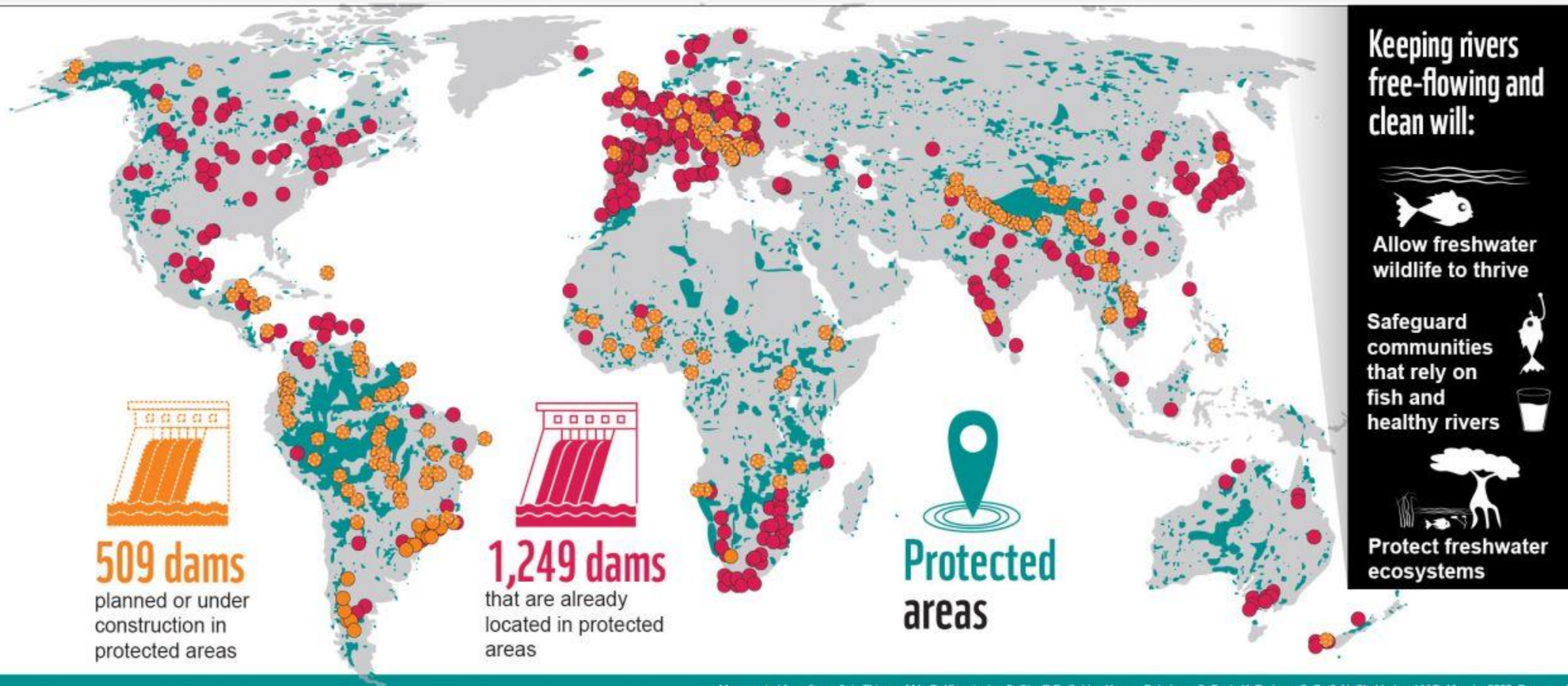






Photo: The Craighead brothers. John, left, and Frank, right, are shown here in Hells Canyon of the Snake River in 1970. © Craighead family.

## The Power of an Idea





# Wild and Scenic Rivers Act - Sec. 1(b)



Queets River, Washington

“The Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States **needs to be complemented** by a policy that would **preserve other selected rivers** or sections thereof **in their free-flowing condition to protect the water quality** of such rivers and to **fulfill other vital national conservation purposes”**





# Wild and Scenic Rivers Act - Sec. 1(b)



Fossil Creek, Arizona

“It is hereby declared to be **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.”



# Wild and Scenic Rivers Act - Sec. 1(c)



“The purpose of this Act is to implement this policy by instituting a **national wild and scenic rivers system**, by designating the initial components of that system, and by **prescribing** the **methods** by which **and standards** according to which **additional components** may be **added to the system** from time to time.”







# Wild and Scenic Rivers Act - Sec. 2(b)



## Eligibility

- Free-Flowing (S. 16(b))
- Possessing 1 or more ORVs
  - Directly river-related
  - Unique, rare or exemplary at regional or national scale
  - Based on professional judgement







# Interagency Wild and Scenic Rivers Coordinating Council



**Cooperative Governance** - The goal of the Interagency Wild and Scenic River Coordinating Council (IWSRCC) is to improve interagency coordination in administering the Wild and Scenic Rivers Act, thereby improving service to the American public and enhancing protection of important river resources.

The Council consists of national and field-level representatives from the four wild and scenic river administering agencies—the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service.





# Wild & Scenic Rivers Study Process



## ● Classification

- Three classes: Wild, Scenic, and Recreational
- Criteria: existing shoreline and water resources development, access, and water quality







# Wild & Scenic Rivers Study Process



- Suitability
  - Basis for recommendation
  - Answers 3 questions:
    - Should Wild & Scenic River values be protected?
    - Is Wild & Scenic River designation best method to protect?
    - Is there a commitment by non-federal entities?
  - Decision and Recommendation







East Rosebud Creek, Montana



The Durable Freshwater Protection framework provides a structure to best identify and implement actions that permanently maintain the ecological status, social values, and economic benefits of freshwater ecosystems.



## **DURABLE**

Implementation is long-term or permanent. Can be achieved through formal legislation, policies, permanent sources of funding, and social support.



## **FRESHWATER**

Explicitly addresses the needs of freshwater ecosystems to sustain biodiversity, ecosystem services, and other designated qualities within the contexts of human uses and dependencies, and climate change.

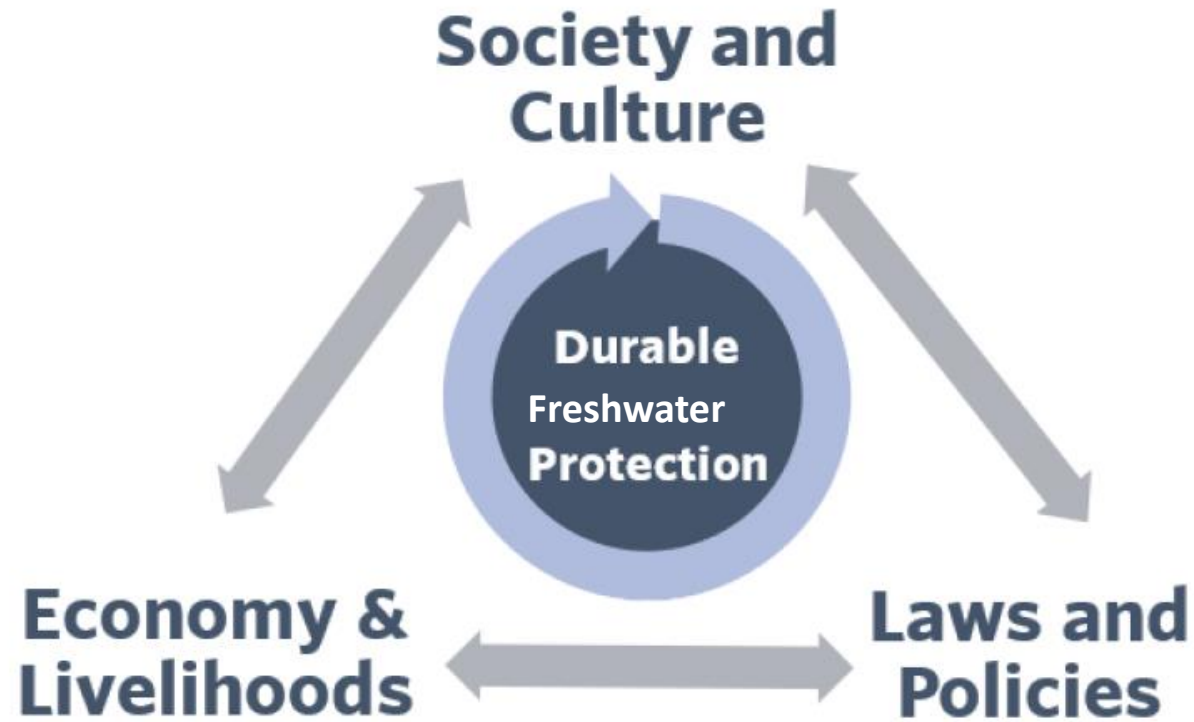


## **PROTECTION**

Applied using single or multiple mechanisms to address needs at appropriate scales including individual river reaches, areas of lakes, wetlands, and entire watersheds.



**Durable Freshwater Protection is achieved when a designation is reinforced by legal, social, and economic structures.**





# The key characteristics of Durable Freshwater Protection include...

**1. Stakeholder Engagement:** Individuals and communities having values dependent on river and watershed attributes are actively involved in and supportive of planning, decision-making, and management.

**2. Favorable Enabling conditions:** There is a supportive political climate and a catalyst(s) that can build political will and organize political and community support for the implementation.

**3. Planning:** Assessment of river and watershed qualities that are important and worthy of protection, and identification of key ecological attributes that need to be addressed and where actions should be implemented to address them.

**4. Economic and ecosystem service costs and benefits:** Identify and assess the economic costs and benefits and ecosystem services (“provisioning, regulating, supporting, and cultural services”) likely to be realized because of the freshwater and river protection effort. Analyze local and regional economies and traditional ways of life that are compatible with and/or will benefit from freshwater and river protection including natural infrastructure for flood and drought mitigation, economic resilience, and cultural renewal.

**5. Appropriate Mechanism(s):** Defined mechanism(s) that is/are needed to maintain functioning rivers and avoid future threats are implemented at appropriate scales to accomplish river protection goals. Mechanisms consist of laws, policies, regulations, judicial actions, and rights in natural resources and other enforceable and binding actions or rules.

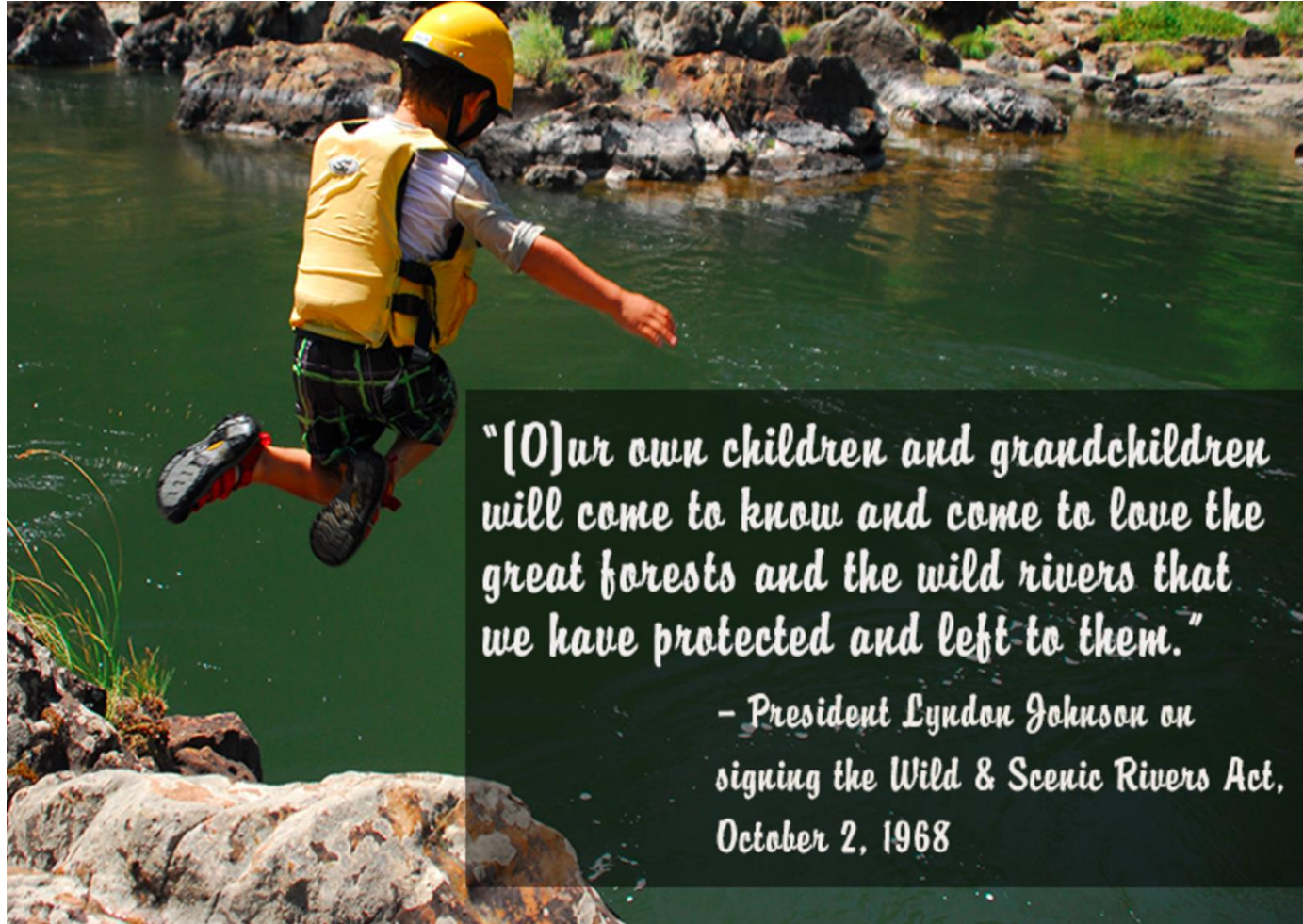
**7. Institutional arrangements:** Constructs, such as river basin commissions, third party-led procedures, forums for education, input, and consensus-building, agency administrative responsibilities are assigned to implement planning and enforcement for river protection.

**8. Enforceability:** Legally authorized procedures are established to review, approve, deny, and/or approve with mitigating conditions those proposed land and water uses, uses of riverine resources, and other potential sources of impacts along or within the river and/or watershed for compatibility with the officially approved designations and mechanisms.

**9. Funding:** Long-term sources of adequate funding, resources and capacity must be assured for the planning, decision-making and enforcement functions. Consideration should be given to identify incentives for river protection and to encourage locating river-related compatible uses in areas appropriate for such uses.

**10. Evaluation and Adaptive Management:** a monitoring capability is needed to periodically assess effectiveness of mechanisms, river threats, conditions and health, and to make needed adjustments.

# Protection Mechanisms



*"[O]ur own children and grandchildren will come to know and come to love the great forests and the wild rivers that we have protected and left to them."*

*– President Lyndon Johnson on signing the Wild & Scenic Rivers Act, October 2, 1968*

- Legislation or Policies
- Administrative Designations
- Regulations
- Acquisition of enforceable rights in land or water
- Judicial action



# Restoration *and* Protection – Penobscot, Maine Case Study

*‘the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.’*

*Mechanism – U.S. Clean Water Act*



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## Toward a global framework...

- World Conservation Congress - motion 009 Protecting rivers and their associated ecosystems as corridors in a changing climate
- Special Issue on **Durable Protections for Free-Flowing Rivers**, for the journal *Sustainability*





***Thank you and please feel free to contact me with ideas or questions***

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