

Appendix A

Managing a WSR Pretest—Answer Key

Instructor notes and answer key

Course instructors should have participants:

- Take pretest after reading pre-training materials (Council’s *Wild and Scenic River Management Responsibilities* technical paper) but before actual training
- Discuss pretest as a group near completion of the training

Intent is to get participants thinking about core concepts before training begins and to give them a sense of accomplishment after its completion—helping them to assess effectiveness of the training. The pretest also helps participants identify questions they would like addressed in the training.

The pretest isn’t to be graded or collected. Rather it may be used before, during and/or to finish training. Questions may be tailored to achieve a specific lesson plan. Refer to “instructor’s notes” for ideas for further discussion.

Instructions:

Please fill in or circle the correct answer(s).

1) Identify the purposes (values) for which rivers are added to the National System.

Answer: Free-flowing condition, water quality and outstandingly remarkable values

Instructor’s notes

The values for which rivers are added to the National System are expressed in Section 1(b), the Congressional declaration of policy:

- Preserve selected rivers in their free-flowing condition
- Protect water quality of these rivers
- Fulfill other vital national conservation purposes -- protect and enhance each river’s specifically identified ORVs

Direction to protect and enhance these values is found in Section 10(a).

2) What is the importance of a detailed description of a river's outstandingly remarkable values?

- a) Basis for developing programmatic management direction
- b) Basis for developing site-specific management actions
- c) Basis for developing the (lateral) corridor boundary
- d) Baseline for monitoring
- e) All of the above

Answer: e)

Instructor's notes

A detailed description of the river's ORVs is essential to achieve all of the above. Using an outstandingly remarkable fishery as an example, a detailed description of species, species vigor, life-cycle attributes (e.g., spawning, rearing), and habitat conditions provides the necessary context to develop programmatic direction and site-specific management actions. It also establishes a baseline for future monitoring to ensure the nondegradation and enhancement standard of Section 10(a) is met. Refer to question 10 for additional background on c).

3) Who may add a river to the National System?

- a) Congress
- b) Secretary of the Interior
- c) Secretary of Agriculture
- d) President of the United States

Answer: a) and b)

Instructor's notes

Congress has added the majority of rivers to the National System through the enabling legislation in 1968 and its subsequent amendment. Note: The Council website includes a copy of the numerous laws that have added rivers to Section 3(a) and made other technical changes to the WSRA.

<http://www.rivers.gov/publications.html#wsract>

The governor of a state may also petition the Secretary of the Interior to add a state-protected river to the National System under Section 2(a)(ii). Refer to *Designating Rivers Through Section 2(a)(ii) of the Wild and Scenic Rivers Act (2000)*, a technical report of the Council for information about prerequisites and conditions. Independent of how a river is designated, its values (free-flowing condition, water quality and ORVs) are to be protected and enhanced.

4) Is a comprehensive river management plan required for state-administered, federally designated rivers?

Yes or No

Answer: No.

Instructor's notes

A CRMP is not required for state-administered, federally designated rivers; i.e., rivers added under Section 2(a)(ii). However, most state river protection systems have a plan requirement.

5) Which entity is responsible for implementation of Section 7(a) (water resources projects) and 13(c) (federal reserved water rights) on state-administered, federally designated rivers?

- a) State river management agency
- b) National Park Service
- c) Bureau of Land Management, National Park Service, USDI Fish and Wildlife Service, or USDA Forest Service

Answer: b)

Instructor's notes

The NPS is responsible to protect state-administered, federally designated rivers against the harmful effects of water resources projects (Section 7(a)) and to secure a federal reserved water right based on its role to review a governor's application under Section 2(a)(ii). In situations where there is another adjacent federal land managing agency, the NPS may effect a written agreement with that agency to assume these roles.

6) List and briefly describe the three classes of wild and scenic rivers.

_____	_____
_____	_____
_____	_____

Instructor's notes

Refer to Section 2(b) and the Interagency Guidelines for a description of wild, scenic and recreational classifications¹.

¹ Department of the Interior and Agriculture Interagency Guidelines for Eligibility, Classification and Management of River Areas, *Federal Register* – Vol. 47, No. 173; September 7, 1982, pp. 39454-39461

7) River classifications serve as a general framework for the type and intensity of land management activities.

True or False

Answer: True

Instructor's notes

To be “administered” in a class means defining the river’s initial landscape character and, through development of the CRMP, establishing standards relative to future in-corridor land uses.

8) Does classification have a relationship to Section 7(a) (water resources projects) and 10(a) (nondegradation and enhancement policy)?

Yes or No

Answer: No

Instructor's notes

The intent of the WSRA, to preserve a river’s free-flowing condition and to protect and enhance its values applies equally to the three classifications.

9) Who is responsible to determine the detailed river corridor boundary (and classification, if not defined in the enabling legislation) for a congressionally designated WSR and in what time frame?

- a) Congress one year from date of designation
- b) River-administering agency one year from date of designation
- c) Congress within three full-fiscal years of designation
- d) River-administering agency within three full-fiscal years of designation

Answer: b)

Instructor's notes

Section 3(b) requires the (lateral) corridor boundary to be established within one year from the date of the river’s designation. However, most agencies complete the final boundary through development of the CRMP even though this extends the timeframe. This approach allows the river-administering agency, working with the communities of interest, to develop a detailed description of the ORVs to guide boundary development.

10) The river's outstandingly remarkable values serve as the basis for establishment of the boundary.

True or False

Answer: True

Instructor's notes

A detailed description of the river's ORVs helps inform the location of the (lateral) corridor boundary. For example, a boundary may be drawn to extend up a significant portion of a key spawning tributary on a river with fish as an ORV.

11) How many acres per river mile may be included in the final boundary?

- a) 160 acres
- b) 320 acres
- c) 640 acres
- d) 320 acres (lower 48 states and for rivers designated under ANILCA and flowing through National Parks), 640 acres (for other rivers designated under ANILCA, Elkhorn Creek and Fifteenmile Creek in Oregon, and Virgin River in Utah)

Answer: d)

Instructor's notes

Section 3(b) provides a flexible boundary of up to 320 acres per river mile (or 640 acres for rivers designated under ANILCA, Elkhorn Creek and Fifteenmile Creek) to allow the river-administering agency to include the river's ORVs to the greatest extent possible.

12) What are the requirements for notifying Congress and the public of the final river corridor boundary?

- a) Transmittal to Congress
- b) Notice of availability published in the *Federal Register*
- c) Publication of availability in local newspaper

Answer: a) and b)

Instructor's notes

Section 3(b) requires transmittal of the final boundary package (map and legal description) to Congress and also publication of a notice of its availability in the *Federal Register*.

13) Is a plan required for congressionally designated wild and scenic rivers?

Yes or No

Answer: Yes

Instructor's notes

Section 3(d)(1) requires a CRMP for congressionally designated rivers. This plan is to be developed within three full-fiscal years from designation.

14) Which of the following elements should be included in a comprehensive river management plan?

- a) Description of the existing resource conditions, including a detailed description of the outstandingly remarkable values
- b) Goals and desired conditions for protecting river values
- c) User capacities
- d) Water quality and instream flow requirements
- e) Description of the responsibilities and opportunities for partnership
- f) Description of regulatory authorities of other governmental agencies that assist in protecting river values
- g) Monitoring strategy

Answer: All of the above

Instructor's notes

Section 3(d)(1) and other sections of the WSRA specify these elements to be addressed in a CRMP. Refer to the instructor's notes on p. 9 for additional background.

15) Acquisition of lands is limited to 100 acres per river mile.

True or False

Answer: True

Instructor's notes

Section 6(a) limits acquisition of lands in fee title to an average of no more than 100 acres per mile on both sides of the river.

16) The federal government cannot condemn lands when:

- a) 50% or more of the river corridor is owned by U.S., state(s), or by political subdivision of those state(s)
- b) Lands are within any incorporated city, village or borough with valid zoning ordinances that protect river values

Answer: a) and b)

Instructor's notes

Refer to Sections 6(b) and 6(c).

17) Which of the following activities are likely to be a water resources project subject to Section 7(a)?

- a) Bridge or highway construction/reconstruction (in bed/bank of river)
- b) Recreation facility (boat launch, fishing pier)
- c) Revetment on private land
- d) Project work licensed under the Federal Power Act
- e) In-channel fish or wildlife restoration project

Answer: All of the above

Instructor's notes

To be subject to review under Section 7(a), the above projects would need to meet two conditions:

- Project proposal is in bed or banks of a designated river
- Project is proposed by a federal agency or it requires some type of federal assistance such as a permit, license, grant or loan

18) Who is responsible for making a determination under Section 7(a)?

- a) Congress
- b) Secretary of the Interior or Agriculture through the federal river-administering agency
- c) Federal assisting/constructing agency

Answer: b)

19) Might a new hydroelectric project (or portion thereof) be constructed in a designated river corridor?

Yes or No

Answer: No

Instructor's notes

The FERC is prohibited from issuing a license (or exemption) for construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the FPA if the project is "on or directly affecting" a designated river. The river-administering agencies apply the statute to prohibit any new hydropower project or portion thereof within the river corridor.

20) Might other federally assisted water resources projects be constructed in a designated river corridor?

Yes or No

Answer: Yes

Instructor's notes

Other federally assisted water resources projects are not automatically prohibited. Rather, they are subject to review by the river-administering agency as to their potential to have a "direct and adverse" effect on the river's free-flowing condition, water quality and ORVs.

21) What is the standard in the Act for evaluating federally assisted water resources projects below/above or on a stream tributary to a designated river?

- a) On or directly affecting
- b) Direct and adverse
- c) Invade the area or unreasonably diminish scenery, recreation, fish or wildlife values
- d) All of the above

Answer: c)

Instructor's notes

This standard of Section 7(a) specifically identifies consideration of scenery, recreation, fish or wildlife values in the designated river. These four values are the most likely to be affected by actions below/above or on a stream tributary to a designated river corridor. Some or all may also be ORVs.

22) May public lands within congressionally designated rivers be disposed of under public land laws?

Yes or No

Answer: No

Instructor's notes

Section 8(a) directs that all federal lands be retained in public ownership, with the limited exchange provision in Section 6(d).

23) Does the Act withdraw wild segments of a congressionally designated river from mining or mineral leasing laws?

Yes or No

Answer: Yes

Instructor's notes

Section 9(a)(iii) withdraws wild river segments from locatable and leasable mineral entry, subject to valid existing rights. For all three classifications, mining claimants may only obtain title to the mineral deposits and such rights to the use of the surface and surface resources as are reasonably required for prospecting or mining (Section 9(a)(ii)).

24) The primary management direction of the Act, i.e., "to protect and enhance the values" for which a river is added to the National System is interpreted as a nondegradation and enhancement policy.

True or False

Answer: True

Instructor's notes

Section 10(a) establishes a nondegradation and enhancement policy for all rivers regardless of classification.

25) The Act resolves any potential conflict between wild and scenic rivers and wilderness by requiring the most restrictive provisions of either act to apply.

True or False

Answer: True

Instructor's notes

Section 10(b) eliminates the potential for conflict on wild and scenic rivers flowing in designated wilderness by applying the more restrictive provisions of either act in any situation of conflict. This section recognizes the importance of designating river systems by removing any potential for conflict in dual designations.

26) May the river-administering agency use its general statutory authorities to meet the purposes of the Act on private-land rivers?

Yes or No

Answer: Yes

Instructor's notes

Sections 10(c) and 10(d) provide the USFS, BLM, NPS and USFWS the ability to use its respective general statutory authorities to achieve the purposes of the WSRA. On a private-land river, this authority allows the river-administering agency to permit and otherwise direct activities on the water column (e.g. boating). This authority does not apply to private activities on the upland.

27) May the river-administering agency affect partnerships with state and local government for planning and management of designated rivers?

Yes or No

Answer: Yes

Instructor's notes

Section 10(e) encourages a federal-state partnership in river administration. It recognizes the benefits from collaborative development and implementation of the CRMP and the role of local and state government in directing activities on nonfederal lands (e.g., water pollution abatement, zoning).

28) May the river-administering agency provide technical and limited financial assistance to states, their political subdivisions, landowners, private organizations and individuals to protect wild and scenic rivers?

Yes or No

Answer: Yes

Instructor's notes

Section 11(b)(1) provides the authority for technical and limited financial assistance to protect designated rivers. Projects/activities conducted under this authority may be applied on nonfederal lands within and proximate to a designated river.

29) Does the Act provide any direction for activities of other federal agencies within or adjacent to a designated river corridor?

Yes or No

Answer: Yes

Instructor's notes

Section 12(a) requires other federal agencies to protect wild and scenic river values in actions for which they are responsible within and adjacent to a designated river corridor.

30) What is the role of the river-administering agency in protecting water quality?

- a) None
- b) Monitoring
- c) Cooperate with Environmental Protection Agency and state water pollution agencies

Answer: c)

Instructor's notes

Section 12(c) directs the river-administering agency to cooperate with the U.S. Environmental Protection Agency and state water-quality agencies in addressing water quality concerns of a designated river. Cooperation requires active participation by the river-administering agency in evaluation of existing water quality, identification of limitations, and development of the often long-term strategies necessary to address water quality-related problems.

31) Does the Act affect state responsibilities for fishing and hunting, interstate compacts, or ownership of navigable streambeds?

Yes or No

Answer: No

Instructor's notes

Sections 13(a), 13(e) and 13(f) clarify that nothing in the WSRA affects a state's responsibility for managing fish and wildlife, an interstate compact, or state ownership of navigable waterways.

32) Does the Act create a federal reserved water right for a designated wild and scenic river?

Yes or No

Answer: Yes

Instructor's notes

Section 13(c) of the Wild and Scenic Rivers Act (Act) expressly reserves the quantity of water necessary to protect river values. This federal reserved water right is generally adjudicated in a state forum (e.g., state court or basin-wide adjudication). The designation does not supersede existing, valid water rights and establishes a priority date coincident with the river's date of designation into the National System.

The United State's federal reserved water right has been addressed in recent adjudications in Idaho and Oregon. Both decisions recognize that preserving the values identified in Section 1(b) of the Act is among the purposes for which the water was reserved. These values are the river's free-flowing condition, water quality and outstandingly remarkable values. The United States must determine the quantity necessary to protect water-dependent, outstandingly remarkable values.