

title] may be cited as the ‘Merrimack River Study Act of 1990.’”

Pub. L. 101-306, §1, June 6, 1990, 104 Stat. 260, provided that: “This Act [amending section 1274 of this title] may be cited as the ‘East Fork of the Jemez River and the Pecos River Wild and Scenic Rivers Addition Act of 1989.’”

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-557, title I, §101, Oct. 28, 1988, 102 Stat. 2782, provided that: “This title [amending sections 1274 and 1276 of this title and enacting provisions classified as notes under section 1274 of this title] may be referred to as the ‘Omnibus Oregon Wild and Scenic Rivers Act of 1988.’”

Pub. L. 100-547, §1, Oct. 28, 1988, 102 Stat. 2736, provided: “That this Act [amending section 1274 of this title and enacting provisions listed in a table of Wilderness Areas set out under section 1132 of this title] may be cited as the ‘Sipsey Wild and Scenic River and Alabama Addition Act of 1988.’”

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-590, title II, §201, Oct. 30, 1986, 100 Stat. 3332, provided that: “This title [amending section 1276 of this title] may be cited as the ‘Farmington Wild and Scenic River Study Act.’”

SHORT TITLE OF 1972 AMENDMENT

Pub. L. 92-560, §1, Oct. 25, 1972, 86 Stat. 1174, provided: “That this Act [amending section 1274 of this title and enacting provisions classified as a note under section 1274 of this title] may be cited as the ‘Lower Saint Croix River Act of 1972.’”

SHORT TITLE

Pub. L. 90-542, §1(a), Oct. 2, 1968, 82 Stat. 906, provided that: “This Act [enacting this chapter] may be cited as the ‘Wild and Scenic Rivers Act.’”

§ 1272. Congressional declaration of purpose

The purpose of this chapter is to implement the policy set out in section 1271 of this title 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.

(Pub. L. 90-542, §1(c), Oct. 2, 1968, 82 Stat. 906.)

Editorial Notes

CODIFICATION

Section consists of subsec. (c) of section 1 of Pub. L. 90-542. Subsecs. (a) and (b) of section 1 are classified to section 1271 and section 1271 note, respectively.

§ 1273. National wild and scenic rivers system

(a) Composition; application; publication in Federal Register; expense; administration of federally owned lands

The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned that are found by the Secretary of the Interior, upon application of the Governor of the

State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this chapter and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line. Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under chapter 2003 of title 54 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

(b) Classification, designation, and administration of rivers

A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1271 of this title. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas—Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

(Pub. L. 90-542, §2, Oct. 2, 1968, 82 Stat. 906; Pub. L. 94-407, §1(1), Sept. 11, 1976, 90 Stat. 1238; Pub. L. 95-625, title VII, §761, Nov. 10, 1978, 92 Stat. 3533; Pub. L. 113-287, §5(d)(29), Dec. 19, 2014, 128 Stat. 3267.)

Editorial Notes**AMENDMENTS**

2014—Subsec. (a). Pub. L. 113-287 substituted “chapter 2003 of title 54” for “the Land and Water Conservation Act of 1965”.

1978—Subsec. (a). Pub. L. 95-625 provided for notification of the Federal Energy Regulatory Commission and publication of any application in the Federal Register; made it an expense of the United States for administration and management of federally owned lands; treated amounts available to the States under provisions of law not as an expense of the United States; and made federally owned lands within boundaries of State rivers free of ownership or administration of State or local authority.

1976—Subsec. (a). Pub. L. 94-407 inserted provision for inclusion of specified segment of New River in North Carolina.

§ 1274. Component rivers and adjacent lands**(a) Designation**

The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) **CLEARWATER, MIDDLE FORK, IDAHO**—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) **ELEVENTH POINT, MISSOURI**—The segment of the river extending downstream from Thomsville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) **FEATHER, CALIFORNIA**—The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California; to be administered by the Secretary of Agriculture.

(4) **RIO GRANDE, NEW MEXICO**—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) **ROGUE, OREGON.**—

(A) **IN GENERAL.**—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge, to be administered by the Secretary of the Interior or the Secretary of Agriculture, as agreed to by the Secretaries of the Interior and Agriculture or as directed by the President.

(B) **ADDITIONS.**—In addition to the segment described in subparagraph (A), there are designated the following segments in the Rogue River:

(i) **KELSEY CREEK.**—The approximately 6.8-mile segment of Kelsey Creek from the Wild Rogue Wilderness boundary in T. 32 S., R. 9 W., sec. 25, Willamette Meridian, to the confluence with the Rogue River, as a wild river.

(ii) **EAST FORK KELSEY CREEK.**—

(I) **SCENIC RIVER.**—The approximately 0.2-mile segment of East Fork Kelsey Creek from headwaters downstream to the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, as a scenic river.

(II) **WILD RIVER.**—The approximately 4.6-mile segment of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 5, Willamette Meridian, to the confluence with Kelsey Creek, as a wild river.

(iii) **WHISKY CREEK.**—

(I) **RECREATIONAL RIVER.**—The approximately 1.6-mile segment of Whisky Creek from the confluence of the East Fork and West Fork to the south boundary of the non-Federal land in T. 33 S., R. 8 W., sec. 17, Willamette Meridian, as a recreational river.

(II) **WILD RIVER.**—The approximately 1.2-mile segment of Whisky Creek from road 33-8-23 to the confluence with the Rogue River, as a wild river.

(iv) **EAST FORK WHISKY CREEK.**—

(I) **SCENIC RIVER.**—The approximately 0.9-mile segment of East Fork Whisky Creek from its headwaters to Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, as a scenic river.

(II) **WILD RIVER.**—The approximately 2.6-mile segment of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 8 W., sec. 11, Willamette Meridian, downstream to road 33-8-26 crossing, as a wild river.

(III) **RECREATIONAL RIVER.**—The approximately 0.3-mile segment of East Fork Whisky Creek from road 33-8-26 to the confluence with Whisky Creek, as a recreational river.

(v) **WEST FORK WHISKY CREEK.**—The approximately 4.8-mile segment of West Fork Whisky Creek from its headwaters to the confluence with the East Fork Whisky Creek, as a wild river.

(vi) **BIG WINDY CREEK.**—

(I) **SCENIC RIVER.**—The approximately 1.5-mile segment of Big Windy Creek from its headwaters to road 34-9-17.1, as a scenic river.

(II) **WILD RIVER.**—The approximately 5.8-mile segment of Big Windy Creek from road 34-9-17.1 to the confluence with the Rogue River, as a wild river.

(vii) **EAST FORK BIG WINDY CREEK.**—

(I) **SCENIC RIVER.**—The approximately 0.2-mile segment of East Fork Big Windy Creek from its headwaters to road 34-8-36, as a scenic river.

(II) **WILD RIVER.**—The approximately 3.7-mile segment of East Fork Big Windy Creek from road 34-8-36 to the confluence with Big Windy Creek, as a wild river.

(viii) **LITTLE WINDY CREEK.**—

(I) **SCENIC RIVER.**—The approximately 1.2-mile segment of Little Windy Creek from its headwaters to the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 33, Willamette Meridian, as a scenic river.

(II) **WILD RIVER.**—The approximately 1.9-mile segment of Little Windy Creek from the Wild Rogue Wilderness boundary in T. 33 S., R. 9 W., sec. 34, Willamette Meridian, to the confluence with the Rogue River, as a wild river.