

CALIFORNIA WILD AND SCENIC RIVERS ACT

OVERVIEW

The California Wild and Scenic Rivers Act (CWSRA) was passed in 1972 to protect designated rivers that possess extraordinary scenic, recreation, fishery, or wildlife values. Rivers or river segments are classified under the CWSRA as “wild”, “scenic”, or “recreational”. Wild rivers are free of impoundment and generally are inaccessible except by trail, with primitive watersheds or shorelines and unpolluted waters. Scenic rivers are free of impoundments, with shorelines or watersheds that are still largely primitive and shorelines that are largely undeveloped, but accessible by roads in places. Recreational rivers are readily accessible by road or railroad, may have some development along their shorelines, and may have been impounded or diverted in the past. The CWSRA provides for designated rivers to be “preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state”.

The CWSRA defines “river” as “the water, bed, and shoreline of rivers, streams, channels, lakes, bays, estuaries, marshes, wetlands and lagoons, up to the first line of permanently established riparian vegetation”. It defines “immediate environments” only generally, as the land “immediately adjacent” to designated segments. “Free-flowing” is defined as “existing or flowing without artificial impoundment, diversion, or other modification to the river”.

The CWSRA prohibits the construction of any water-impoundment facility on any river included in the system. This prohibition does not apply to certain temporary flood storage facilities on the Eel River or to temporary impoundments for recreational purposes on segments of rivers with a history of these impoundments. (The Secretary for Resources cannot authorize temporary recreation impoundments, however, without first making several findings.) No water diversion facility may be constructed on any river included in the system unless the Secretary for Resources determines that the facility is needed to supply domestic water to local residents and that the facility will not adversely affect the river’s free-flowing condition and natural character.

The CWSRA prohibits any State department or agency from assisting or cooperating, “whether by loan, grant, license, or otherwise”, in the planning or construction of any dam, reservoir, diversion, or other water-impoundment facility that could adversely affect the free-flowing condition and natural character of the designated river and segments.

According to the CWSRA, the California Resources Agency “is responsible for coordinating the activities of state agencies whose activities affect the rivers in the system with those of other state, local, and federal agencies with jurisdiction over matters which may affect the rivers”.

WHO NEEDS TO COMPLY?

CWSRA requirements apply to all CALFED actions that take place on a river segment that the CWSRA designates as wild, scenic, or recreational and that could affect the resources for which the river was designated. Appendix C lists the rivers that have segments that are designated as components of the State Wild and Scenic Rivers System.

WHAT DOES COMPLIANCE ENTAIL?

The CWSRA's jurisdiction is limited to those areas within or immediately adjacent to a designated river. Because any activity that occurs in the river typically will also require a [Section 1601 Lake or Streambed Alteration Agreement](#) from the California Department of Fish and Game (DFG), DFG is responsible for evaluating any impacts on the wild and scenic river and including that information in the Section 1601 or 1603 agreement, which DFG then forwards to the Resources Agency.



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