



Neches Wild and Scenic River Initiative

DEVELOPMENT ALONG WILD AND SCENIC RIVERS

The Wild and Scenic Rivers Act affords some protections for a river during the time it is studied for possible inclusion in the Wild and Scenic Rivers System, but those protections allow most development to continue.

The only thing that is flatly prohibited during the study phase is construction of a new hydropower plant on the segments of the river being studied.

If a project on the river involves actual physical construction within the bed and banks of the river below the ordinary high water mark *and is also* a type of project that already requires a federal permit or receives federal assistance, then that project would trigger a review of potential impacts by the Wild and Scenic River study team during the permitting process. It does *not* necessarily mean the project would be denied. On the contrary, most projects that do not involve actual damming of the river are usually permitted on Wild and Scenic Rivers, both during the study process and after the river is designated. Examples that have been allowed on Wild and Scenic Rivers include bridges, pipelines, power lines, intake structures, and boat docks.

Structures such as houses, barns, or hunting/fishing camps along the river would not be subject to review by the Wild and Scenic River study team because they do not require a federal permit and are not within the bed and banks of the river.

A specific example relevant to the Neches is a transmission line that is already proposed to cross the river. According to a representative of the Interagency Wild and Scenic Rivers Coordinating Council, is very unlikely even to trigger review by the study team. Such lines are normally planned to span rivers, with no pole set in the river. If a pole were to be planned to be set actually in the riverbed, then the study team would review the project, but there is no automatic prohibition.

Oil and gas leasing activities on federal lands would continue, but the National Park Service and U.S. Forest Service would not be allowed to sell or trade away any federal land along the river during the study period.

Examples of adjustments that have been made to projects as a result of review by the Wild and Scenic River team include changes in a bridge design to reduce impacts and altering a seasonal schedule for dredging to avoid peak running times for fish.