



Neches Wild and Scenic River Initiative

PROTECTIONS FOR PRIVATE LANDS AND LANDOWNERS

Many of the nation's Wild and Scenic Rivers flow largely or entirely through federally-owned land. When a river proposed for designation as a Wild and Scenic River flows along private land, care must be exercised to see that the designation enhances property values and that no landowner is harmed by the designation.

In the past (for rivers that were primarily on public lands) rivers were usually first added to the Wild and Scenic Rivers System, after which a management plan was written for each river. When a river flows through private lands, however, this leaves too much uncertainty for landowners and other river users.

More and more often, for private lands rivers, the management plans are developed cooperatively under voluntary agreement during the official study process, *before* the river is added to the System. This allows landowners, local governments, and users of the river to be the ones to determine its management strategies. If these entities cannot agree on a plan that protects the river, while allowing compatible uses to go forward, then the river is not designated as a Wild and Scenic River.

The management plan providing the protection framework on private lands is a cooperative one under voluntary agreement. The federal government may offer incentive programs or offer to buy land or easements from willing sellers. ***But federal managers cannot direct management on private land.***

Key facts about Wild and Scenic Rivers and private lands:

- Federal managers of a Wild and Scenic River have no ability to direct management on private land. Similarly, they cannot direct management of state-owned land or land owned by a local government. Indeed, they cannot direct management other than on federally-owned land their agency administers. (*Source: Interagency Wild and Scenic Rivers Coordinating Council, composed of representatives of the federal agencies that manage Wild and Scenic Rivers*)
- Federal managers of a Wild and Scenic River have no enforcement authority on private lands, even if boundaries are established for the Wild and Scenic River. (*Source: Interagency Wild and Scenic Rivers Coordinating Council*)
- The Wild and Scenic Rivers Act provides no grounds for a lawsuit against a private landowner. There is no action that can be brought under the Wild and Scenic Rivers Act against a private landowner. (*Source: Interagency Wild and Scenic Rivers Coordinating Council*)
- Designating a river as a National Wild and Scenic River does not give recreational users of the river, or anyone, the right to trespass on private land. All existing laws regarding trespass remain in force.

- Groups supporting the Neches as a National Wild and Scenic River expect little or no federal land acquisition if the Neches is designated. If any land should be acquired, it would be from **willing sellers only**. Congressmen with districts along the Neches and the Natural Resources

Committee of Congress concur that no eminent domain condemnation will be used. If a bill is introduced to authorize a study of the Neches, the bill will include language forbidding any forced sale of land.

- The management plan that will be developed for the Neches if it is added to the Wild and Scenic Rivers System will be a **cooperative agreement agreed to voluntarily** before the river is designated. Again, the mandate for this will be included in the bill authorizing the study.
- There has been misinformation circulated that designating the Neches as a Wild and Scenic River would shut down development and other economic activity. The only thing that would be expressly forbidden would be damming of the river. Activities that already require a federal permit would be reviewed for potential impacts on the outstandingly remarkable values identified for the river. Most activities typical of the Neches, such as logging, agriculture, and hunting, do not require a federal permit, so would not be affected by designating the river. For activities that do require a federal permit, most have in the past been allowed, sometimes with modifications to lessen impacts on the river. According to members of the Interagency Wild and Scenic Rivers Coordinating Council, examples of actions that are usually allowed include construction of bridges, pipelines, power lines, intake structures, and boat docks.

For additional information about protections for private landowners, see attached white papers titled "Boundaries," "Eminent Domain," "Development Along a Wild and Scenic River," and "Management Plan."