

Potential Wild & Scenic Rivers in the San Gabriel Mountains

Questions & Answers About Wild & Scenic Rivers

Prepared by Friends of the River



Middle Fork Lytle Creek

What are Wild & Scenic Rivers?

The National Wild & Scenic Rivers Act is the nation's primary river conservation tool. Congress passed the Act in 1968 to specifically balance our existing policy of building dams to develop rivers for the water, power, and flood control resources, with a new policy of protecting some free flowing rivers with outstanding natural and cultural values for the benefit and enjoyment of present and future generations.

Which streams are candidates for Wild & Scenic protection in the San Gabriel Mountains?

As part of the 2005 forest plan updates for the four southern California National Forests, the Forest Service identified eight streams flowing through public lands in the San Gabriel Mountains as eligible for federal protection, including segments of the San Gabriel River (East, West, and North Forks), Piru Creek, San Francisquito Creek, Little Rock Creek, San Antonio Creek, and the Middle Fork of Lytle Creek.

What does National Wild & Scenic River designation mean?

Wild & Scenic protection explicitly prohibits the federal government from licensing or permitting new hydroelectric dams or major diversions on protected stream segments. The federal government may license new water resource projects upstream or downstream of protected segments as long as the projects do not unreasonably diminish the stream. Public lands within an average quarter mile wide corridor on both sides of the streams are managed to protect their outstanding scenic, recreational, historical/cultural, fish, wildlife, ecological, geological, and hydrological values.

Will Wild & Scenic protection affect private property?

No, because the National Wild & Scenic Rivers Act confers no federal authority over private land use or local zoning of private lands. There is no practical impact on private property, except that federal protection typically

increases private property values and contributes to the local economy by attracting tourists and recreational visitors.

Can private land be condemned on the Wild & Scenic Rivers in the San Gabriel Mountains?

No, because all of the eligible segments are already more than 90% under public ownership. The National Wild & Scenic Rivers Act prohibits fee title condemnation of any private lands along protected rivers if 50% or more of the river segment in question is already under public ownership. As a practical matter, condemnation is used by agencies only as a last resort. No private land has been condemned on any wild and scenic river in California.

How does Wild & Scenic protection affect public lands?

Public lands within an average of 1/4 mile on each side of the river are managed to protect the river's free flowing character and outstanding values. Federal agencies that administer public lands are responsible for the management of designated rivers and are required to develop a plan within three years of designation to guide future management of the protected stream.

What does Wild, Scenic, or Recreational classification mean?

In addition to protecting a river's free flowing character and outstanding values, federal agencies are also required to manage the public lands along protected segments according to their Wild, Scenic, or Recreational classification. Classification is based on the existing level of development along the river. The following guidelines are used to establish and manage for classification:

- **Wild** - These segments are wild, unroaded and undeveloped. Logging, road building, new mining claims, developed campgrounds, and motorized access are generally prohibited on Wild segments. All other activities associated with public lands such as grazing, mining of valid existing claims, hunting and other forms of non-motorized recreation are permitted subject to the protection of outstanding values.
- **Scenic** - These segments are generally undeveloped, but may have occasional road crossings and riverside structures that are visually screened from the river. Motorized use on trails may or may not be permitted based on existing use. All other activities normally associated with public lands are permitted, as long as visual quality and outstanding values are protected.
- **Recreational** - These segments are generally developed, with parallel roads, bridges and structures. All activities normally associated with public lands may occur provided that the stream's outstanding values are protected.

Based on the existing level of development and motorized access, the eight eligible streams identified by the Forest Service are appropriately classified as Wild or Recreational.

Does Wild & Scenic protection affect existing water rights?

No, the state's authority to regulate water rights remains unaffected by designation. There is a federal water right conferred by designation, but it begins at the date of designation and is junior to all other existing rights. To assert this right, the managing federal agency must apply to the appropriate state water rights agency and any decision would follow existing state water rights procedures and established rule of law. To acquire water rights, federal agencies would have to pay fair market value. As a practical matter, federal protection will not affect downstream water projects and are unlikely to affect any upstream water projects.

How does a stream become a Wild & Scenic candidate?

The candidate streams in the San Gabriel Mountains were all determined eligible for Wild & Scenic protection by the Forest Service in the 2005 forest plan updates. Congress may protect rivers outright through legislation or may direct federal agencies that manage public lands to conduct studies and make recommendations concerning designation. The Forest Service, BLM, and other federal agencies that manage public lands are also required to identify, study, and recommend candidate Wild & Scenic Rivers in the land and resource planning process. To be eligible, a candidate river must be free flowing and possess one or more outstanding values. Once a river is determined eligible, the agency provides interim protection of the river's free flowing character and outstanding values until Congress acts in response to the agency study.

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