

The Wild and Scenic Rivers Act of 1968

16 U.S.C. § 1271, et seq.

The Wild and Scenic Rivers Act of 1968 was enacted to protect certain culturally or ecologically important rivers in the United States from overdevelopment, from pollution, and from large oceangoing vessel traffic.

As of November 2008, there are 167 rivers, creeks, and parts of rivers (forks) that are protected under the WSRA. This represents less than one quarter of 1% of all rivers in the U.S. 37 states (as well

Top 5 Wild and Scenic Rivers by State	
State	Number of Rivers Protected
Oregon	42
Alaska	26
Michigan	15
California	14
Arkansas	9

as Puerto Rico) have at least one protected river or creek.¹ However, the great majority of rivers protected by the act are in one of five states: Oregon, Alaska, Michigan, California, and Arkansas. These five states represent 62% of all of the rivers protected under the WSRA, or 106 rivers. See Table x.

The great majority of WSRA rivers are concentrated in Oregon, which has 42, or about 25% of all the wild and scenic rivers in the country. However, the WSRA’s interaction with the LNG industry has been most apparent in Massachusetts, a state with only five² rivers under the act.

The Weaver’s Cove LNG plant, which had been proposed for Fall River, Massachusetts by developers Hess and Poten & Partners, was denied all federal regulatory permits due to its potential ill effects on the Taunton River and surrounding

¹ The only states that do not have a river protected under the WSRA are: Hawaii, Iowa, Indiana, Kansas, Maryland, Nevada, North Dakota, Oklahoma, Rhode Island, Vermont, and Virginia.

² There are four rivers formally passed under the act, and one, the Lower Taunton River, that is pending Senate approval.

waterways. Although most rivers protected by the act were included in the original legislation or added soon thereafter, the “wild and scenic” designation for the Taunton River came only after the Weaver’s Cove LNG project was proposed. The U.S. House voted 242-175, split largely down party lines, to add the river to the WSRA.

The bill, sponsored by Congressman Barney Frank, Senator Ted Kennedy, and Senator John Kerry, has been approved by the Senate Committee on Energy and Natural Resources, but has not yet been taken up by the full Senate. A republican congressman from Utah, Rob Bishop had become increasingly vocal concerning the addition of the Lower Taunton River to protected status. He went as far as to say that “The only part of this river that is scenic is the graffiti found on the bridges and embankments, and the only thing that is wild is the gangs...” He expressed his dismay following the House bill’s passage in the summer of 2008; he said,

To claim that it [deserves protection] perverts the four decades old Wild and Scenic Rivers Act, sets a terrible precedent, and would make such definitions absolutely meaningless. The lower segment of the Taunton River is a highly developed, industrialized river and has been for a long, long time. It in no way possesses the 'remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or similar values' that qualify a river for wild and scenic designation. But besides completely misconstruing the intent of the Wild and Scenic Rivers Act, the bill also would accomplish something worse - blocking the development of domestic energy infrastructure at absolutely the worst time. Many have pointed out that the push to designate the whole river, including the lower portion, is simply to block the location of a potential liquefied natural gas port. Obviously the sponsor of the bill, who openly opposes the LNG terminal, denies that this is the intent of the legislation, but no one can argue that it would certainly be one of the outcomes.



The Lower Taunton River. Courtesy of Weaver Cove LNG

The Senate bill has yet to be voted on and is not law, but the U.S. Coast Guard separately denied the terminal’s application due to concerns with safety and navigability around the Taunton River.

Wild and Scenic Rivers by State	
State	Rivers
Alabama	Black Warrior (Sipsey Fork)
Alaska	Alagnak, Alatna, Andreafsky, Aniachak, Beaver Creek, Birch Creek, Charley, Chilikadrotna, Delta, Fortymile, Gulkana, Ivishak, John, Kobuk, Koyukuk (North Fork), Mulchatna, Noatak, Nowitna, Salmon, Selawik, Sheenjek, Tinayguk, Tlikakila, Unalakleet, Wind
Arizona	Verde
Arkansas	Big Piney Creek, Buffalo, Cossatot, Hurricane Creek, Little Missouri, Mulberry, North Sycamore Creek, Richland Creek
California	American (Lower and North Fork), Big Sur, Black Butte, Eel, Feather, Kern, Kings, Klamath, Merced, Sespe Creek, Sisquoc, Smith, Trinity, Tuolumne
Colorado	Cache la Poudre
Connecticut	Eightmile, Farmington (West Branch)
Delaware	White Clay Creek
Florida	Loxahatchee, Wekiva
Georgia	Chatooga
Idaho	Clearwater, Rapid, Salmon, Saint Joe, Snake

Illinois	Vermilion
Kentucky	Red
Louisiana	Saline Bayou
Maine	Allagash
Massachusetts	Assabet, Concord, Sudbury, Taunton ³ , Westfield
Michigan	Au Sable, Bear Creek, Black, Carp, Indian, Manistee, Ontonagon, Paint, Pere Marquette, Pine, Presque Isle, Sturgeon (Hiawatha National Forest and Ottawa National Forest), Tahquamenon (East Branch), Whitefish, Yellow Dog
Minnesota	St. Croix (Upper and Lower)
Mississippi	Black Creek
Missouri	Eleven Point
Montana	Flathead, Missouri
Nebraska	Missouri, Niobrara
New Hampshire	Lamprey, Wildcat Brook
New Jersey	Delaware (Lower and Middle), Great Egg Harbor, Maurice, Musconetcong
New Mexico	Jemez, Pecos, Rio Chama, Rio Grande
New York	Delaware (Upper)
North Carolina	Chattooga, Horsepasture, Lumber, Wilson Creek
Ohio	Big and Little Darby Creeks, Little Beaver Creek, Little Miami
Oregon	Big Marsh Creek, Chetco, Clackamas, Crescent Creek, Crooked, Deschutes, Donner und Blitzen, Eagle Creek, Elk, Elkhorn Creek, Grande Ronde, Illinois, Imnaha, John Day, Joseph Creek, Klamath, Little Deschutes, Lostine, Malheur, McKenzie, Metolius, Minam, North Powder, North Umpqua, Owyhee, Powder, Quartzville Creek, Roaring, Rogue, Salmon, Sandy, Smith, Snake, Sprague (North Fork), Squaw Creek, Sycan, Wallowa, Wenaha, West Little Owyhee, White, Wildhorse and Kiger Creeks, Willamette (North Fork of the Middle Fork)
Pennsylvania	Allegheny, Clarion, White Clay Creek
Puerto Rico	Rio de Mameyes, Rio de la Mina, Rio Icacos
South Carolina	Chattooga
South Dakota	Missouri
Tennessee	Obed
Texas	Rio Grande
Washington	Klickitat, Skagit, White Salmon
West Virginia	Bluestone

³ The Taunton River's inclusion in the WSRA has been passed by the U.S. House but not by the U.S. Senate. The item is currently on the calendar for senatorial vote in the coming session.

Wisconsin	St. Croix (Upper and Lower), Wolf
Wyoming	Yellowstone (Clarks Fork)

* For purposes of outlining the WSRA rivers by state, some rivers are repeated to represent their presence in both state x and state y. In the final tally of 167 total rivers represented, however, each river is only counted once.