

## **CHAPTER 4. ISSUES**

*This chapter identifies issues identified during the study process related to management of the New River study area and its possible designation as a National Wild and Scenic River. Included are (1) background information, (2) a description of the process used to identify issues, (3) a summary of the range of issues, and (4) a description of the key study issues. A complete list of issues is included in Appendix 4.1.*

### **Background**

The identification of issues is a fundamental part of all wild and scenic river studies. In the context of this project, it is a critical component of the effort to develop potential long-term management strategies for the New River study area, because issues provide a frame of reference for developing management options and, later, evaluating their effectiveness.

The term "issues" refers to problems, concerns, questions, and, in some cases, unrealized opportunities regarding current and potential future management of the study area. Issues may be very specific and focus on a specific location or a specific natural, cultural, or recreational feature. They also may be broad - for example, considering how management of this area fits within the larger context of the two states or the region. Issues may concern existing problems or speculation about problems that might arise in the future.

This study included a "scoping process" to identify important issues. Issues are identified by soliciting information and opinions from members of the public who have a stake or interest in the outcome, and through the study team's own review of resource and management information. Initially, both substantial and non-substantial issues are identified. This larger list can then be analyzed to determine which issues should be considered the "key study issues." These key issues then are considered in the development and comparison of management alternatives (Chapter 5). In this report, the key study issues also play a significant role in determining the "suitability" of the New River study area for designation into the National Wild and Scenic River System (Chapter 6).

### **Scoping**

Two sets of public meetings were held in December, 2003, and July, 2004, where concerned individuals could express their opinions about issues. Residents, organizations and government agencies were notified about the meetings and the scoping process through the mail and by notices in local newspapers. These meetings were held in Glen Lyn and Rich Creek, Virginia, and in Hinton, West Virginia, communities located immediately upstream and downstream of the study area. Meetings were also held with town and county officials and stakeholder groups. Town and county officials included mayors, county commissioners, town and county administrators and planners, and tourism/economic development committees. Stakeholder groups included sportsmen, conservation organizations, and managers of Appalachian Power Company's Glen Lyn Plant. The study team also met with individuals who

expressed interest in commenting about the New River study area. The agencies involved in the interagency work group also identified issues, both through meetings of the work group and through individual meetings with the participating agencies. While most of the issues identified in this chapter were identified at these various meetings, some issues were provided by individuals who submitted written comments and others were identified by the study team through its own research and analysis.

The team used the following process to compile issues:

- (1) Individual comments were captured, typically on flip charts at public meetings and note-taking at smaller, less formal meetings. All comments were included, regardless of duplication or contradiction.
- (2) Issues were compiled into one list.
- (3) The study team added additional issues to the list that had been identified through its review of the literature and other research.
- (4) Issues were sorted into logical groupings, similar issues were combined, and contradictory positions on issues identified.
- (5) A revised list was created.

This list then was analyzed to determine dominant themes - that is, issues identified by many individuals and issues for which a particularly strong sentiment was expressed, regardless of whether these issues were widely expressed. Based on this, key study issues were identified.

## **Range of Issues**

While there was a wide range of issues identified, in general all issues fall into one of two general categories: those relating to current conditions and current management, and those relating to potential future management of the study area, including but not limited to possible wild and scenic river designation. The first category includes concerns related to specific natural and cultural resources and to public use of the study area. The second category includes speculation concerning what may take place in the future if management changes. Many of those expressing concerns about future management options are current users of the area who are concerned that their use might be affected or curtailed. Others are concerned about the protection of the area's special values over the long-term under any future management arrangement. A comprehensive list of issues identified during the study is presented in Appendix 4.1.

## **Key Study Issues**

This section of the report identifies and describes key study issues. These issues appear to be those of greatest concern to resource managers residents of the four county area and others who use or rely upon the study area for recreational, economic, or environmental quality purposes. Included are issues that are of concern to a great many people and issues that, while less widely expressed, are of high concern to one or more stakeholder groups. Issues are organized around six general themes, with each theme encompassing a range of specific but related issues.

### **Management in West Virginia**

#### **Key Study Issue #1: Management of the West Virginia portion of the study area if the NPS is assigned administrative responsibility for the federal lands.**

The predominant issue raised by the West Virginia DNR and certain other stakeholders (including some users of the area, local officials, and local economic interests) during the study process relates to the possibility of the New River study area being designated as a national wild and scenic river and administrative responsibility for the federal lands being transferred from the ACE to the NPS. The DNR and the other stakeholders (including some users of the area, local officials, and local economic interests) are concerned that NPS habitat management standards differ from those of the DNR. (Reference *NPS Management Policies, Chapter 4 Natural Resource Management; 4.1 General Management Concepts*)...It is widely believed that these policies might require DNR to change its long standing approach to management of fish and wildlife, habitat and traditional public uses in the West Virginia portion of the study area and that this would result in a difficult relationship between NPS and DNR. These stakeholders want assurances that the same opportunities for traditional uses such as hunting and fishing would continue to be available, as under current DNR wildlife management.

Other stakeholders, including local environmental organizations, residents and local officials do not share these concerns. They feel that NPS involvement could result in enhancements to the management, use and visibility of the area, and believe that NPS and DNR could work effectively as co-managers of the West Virginia portion. They emphasize that NPS has extensive experience managing a wide range of natural and cultural resources, including some that are significant in the study area such as historical and archeological resources. They also note NPS experience in managing a variety of public uses and recreational activities, including hunting and fishing in the New River Gorge National River. In addition, they point to NPS experience in administering and managing many national wild and scenic rivers around the country, as a further rationale for NPS involvement in the New River study area.

Issues related to NPS administration of national wild and scenic rivers within the Bluestone WMA date to the early 1990s, when differences of opinion surfaced over what management activities would and would not be allowed on the Bluestone NSR following its designation by Congress and the assignment of NPS as administrator. Progress has been made in recent years in the relationship between the two agencies, as evidenced significantly by their signing of a new license for management of the area in 2002. Nonetheless, significant differences remain between

the two agencies due to disparities in their underlying management policies and approaches, as well as differing views on the extent to which DNR should be required to seek NPS approval before conducting management and maintenance activities.

A number of specific questions were raised during the study process related to a potential NPS/DNR partnership in managing the West Virginia portion of the study area. These questions fall into three primary categories: (1) overall responsibilities, authorities, and relationships; (2) fish and wildlife management; and (3) public use management.

#### 1. Overall Responsibilities, Authorities, and Relationships:

- *NPS laws, regulations and policies:* Would the general laws, regulations and policies that govern the National Park System apply? Are they appropriate and/or necessary for this location and situation?
- *Management plans:* What planning documents would be necessary or required to provide guidance for management decisions? Which agency would have primary responsibility for preparing them?
- *Review, approval, and compliance:* What review, approval and statutory compliance procedures would be necessary or required for management activities and maintenance?
- *Working relationship:* Could the NPS and DNR achieve and sustain a productive, harmonious, mutually beneficial working relationship?
- *Overlapping designations:* Would the area designated as a wild and scenic river also continue to be part of the Bluestone WMA and the Bluestone Lake Project Area, both in name and in function?

#### 2. Fish and Wildlife Management:

- *Authority for fish and wildlife management:* Which agency would have authority for regulating and managing fish and wildlife?
- *Habitat management:* How would wildlife habitat in the designated area be managed? (Examples of potential differences between NPS and DNR approaches to habitat management include: (1) management of ecological processes, (2) management of non-native plants, (3) forest stand management, (4) fire management, (5) creation of new clearings, and (6) wetlands construction/restoration and management of water control structures.)
- *Fish stocking:* Would stocking, introduction, and/or re-introduction of native or non-native fish species be allowed?
- *Wildlife stocking:* Would stocking, introduction, and/or re-introduction of native or non-native wildlife species be allowed?
- *Funding for habitat management:* Would DNR be able to obtain funding for active management of wildlife habitat from existing federal sources? Would there be any liability for projects that were funded in the past that might be managed differently under NPS administration?

### 3. Public Use Management:

- *Traditional public uses and other recreational activities:* Would priority be given to traditional public uses of the area relative to other activities?
- *Public access:* Would there be changes to existing management policies and practices regarding public access to the area?

## **Management in Virginia**

### **Key Study Issue #2: Long-term management and enhancement of the Virginia portion of the study area.**

The portion of the Bluestone Lake Project Area within the Commonwealth of Virginia is approximately 1,645 acres in size, an area far smaller than the West Virginia portion. This area is managed by the ACE in cooperation with the Giles County Sheriff's Office and game wardens from the Virginia DGIF. Due to limited resources, ACE rangers patrol the area only infrequently. Similarly, patrols by county sheriffs and Virginia DGIF game wardens also are infrequent. There is a lack of developed facilities, and the unpaved road that parallels the western side of the river in Virginia is steep in places and often impassible. The Glen Lyn Town Park provides the only established public river access.

As a consequence of the limited management presence, there are resource protection and public safety concerns. Unmanaged recreational use of riparian lands, including numerous informal campsites and trails, is causing extensive loss of vegetation, streambank erosion and littering. These campsites lack any sanitary facilities. In addition, resource degradation has resulted from unregulated use of motor vehicles in some areas. There is a general sense that the area attracts unlawful activity and that, as a result, public safety is a significant issue. One local resident expressed the common sentiment at a public meeting when he stated "anything would be better than what currently exists in Virginia; just do something to improve the situation."

With the anticipated closing in the near future of Appalachian Power Company's existing fly ash landfill adjacent to the river in Glen Lyn, there may be an opportunity for restoration and re-use of the landfill site for recreation and/or other public purposes that could complement the conservation and recreational use of the river corridor.

While the poor condition of the west-side road is viewed by many to be a significant concern, others are concerned that road improvements could significantly increase use and lead to conflicts between different user groups. There is interest in continuing shoreline camping in Virginia, but there is general recognition that significant site improvements and increased management are needed. There is concern that the Glen Lyn campground is at capacity during most of the use season and that there is need for additional developed sites of this type. Members of the public also have expressed interest in site improvements to the Glen Lyn campground, and see the need to significantly enhance boating and fishing opportunities.

The basic conclusions shared by many are, first, that the Virginia portion of the study area is a significant natural area with high, though as yet unrealized, recreational potential; and second, that there is a clear need for increased management and law enforcement in the area.

## **River Protection**

### **Key Study Issue #3: Public interest in long-term protection of river resources.**

The wild and scenic river study was authorized by Congress in response to public concern surrounding a proposal by Appalachian Power Company to construct a 765kv transmission line that would have crossed the center of the study area. While another route was ultimately chosen for the transmission line that avoided the study area, significant public concern remains about potential future threats to the river.

Many in the public perceive that the river is vulnerable to a variety of regional-scale energy, communications, or development projects. Potential energy projects include electric transmission lines or gas pipelines that might bisect the study area and cross the river. Some individuals remain concerned about a pump storage energy facility that was proposed in the past within the study area, and others are concerned that a new dam might be built in the study area. There is concern that these types of development would detract significantly from the natural character of the area and harm wildlife and recreation values.

The WSRA temporarily prohibits federally-assisted water resource projects that would have an adverse effect on river values during the time that a river is being studied and for an additional three years once the study report is submitted to Congress. If Congress does not permanently designate the river, those protections expire. As a result, stakeholders concerned with the long-term conservation of the New River study area fear that it will once again become vulnerable to federally-assisted projects after the study period if the river is not designated as a national wild and scenic river.

## **Contribution to the Region**

### **Key Study Issue #4: Unrealized potential for the New River to contribute to the region's economy and quality of life.**

The New River study area is part of a larger geographic, economic, and social region. Due to both its strategic location and its significance as a natural and recreational resource, many who commented believe this section of the New River can play a pivotal role in shaping the future of the broader region.

These commenters suggest there are numerous unrealized opportunities for increased coordination between the study area and nearby public lands, including the Bluestone State Park, the Pipestem Resort State Park, the Bluestone NSR, the Bluestone WMA, and the New River Gorge National River. In addition, the study area is not currently included in efforts

within the broader region to "brand" its high quality recreational resources in order to give the area higher visibility and attract visitors who would use existing and evolving regional tourist attractions (including the public lands mentioned above and the Jefferson National Forest, the New River Parkway, and the New River Blueway). There is, however, concern that increased visitors will undoubtedly have conflicts (typically perceived or imagined) that may result in the reduction of hunting opportunity while demanding additional recreational development, which may impact existing resource values.

Virginia DCR and the NPS (through the New River Gorge National River unit and the Northeast Regional Office) are working with local and state agencies to develop the New River Blueway, an effort to establish a canoe trail beginning in North Carolina and running through Virginia and West Virginia (including the study area) downstream to Thurmond, West Virginia. Local outfitters are becoming aware of unrealized recreational boating opportunities in the study area for single and multi-day family and youth group boating trips.

Glen Lyn Town Park, located on land leased from the ACE, offers the upstream-most public river access to the study area, along with a campground, restrooms, and picnic pavilion. Discussions are under way with DCR about assisting with possible upgrades to facilities at the park, including new restrooms and showers. Within the study area, the lack of boat access-only primitive campsites limits the opportunities for overnight paddle trips.

Thus, the overall question for this key issue category is whether designation of the New River as a wild and scenic river, in combination with management improvements, could make a meaningful contribution to economic development and quality of life efforts at the local and/or regional levels or will it significantly impact the very resources that it is trying to protect?

### **Other Concerns about Wild and Scenic River Designation**

#### **Key Study Issue #5: Concerns about the effects of wild and scenic river designation on other existing uses and about how designation would be implemented.**

Residents and users value the primitive character and high quality hunting and fishing experiences now found in the study area. Some question what would be gained by wild and scenic river designation given the existing high level of protection provided through the combination of federal ownership of the study area and management of the West Virginia portion by the state's DNR. These stakeholders are concerned that designation could result in no improvements in the West Virginia portion and could be accompanied by new limits on existing public uses.

Managers of existing facilities, both upstream and downstream, want assurances that their operations would continue into the future unimpeded by wild and scenic river status. The ACE wants assurance that its operation of the Bluestone Dam for the authorized purposes of flood control, hydropower, fish and wildlife, and recreation would not be affected if the river is designated, and that current plans by the Tri-City Power Authority to retrofit the dam for hydropower production may proceed as planned. Similarly, the Appalachian Power Company,

operator of electrical generating facilities at Claytor Dam and Glen Lyn, Virginia (upstream of the study area), wants assurances that its operations would not be affected by designation.

Many questions were raised in public discussions about the mission and capacity of the various agencies that could be involved in administering and managing the area under wild and scenic river designation. Some questioned whether administration of a wild and scenic river fits within the mission of the ACE. Others questioned the appropriateness of NPS involvement in an area that is primarily focused on fish and wildlife management and related traditional public uses. Many wondered whether adequate funding would be obtainable to implement meaningful management under different options for future management, especially if the states were designated as the primary managers.



