

CHAPTER 6. SUITABILITY

This chapter provides a basis for determining whether designation of the study segment of the New River as a national wild and scenic river is appropriate from a public policy perspective. Specifically, the chapter analyzes and draws conclusions concerning the “suitability” of the New River study area for designation. Suitability is determined by analyzing whether designation under each of the action alternatives meets four major criteria. A conclusion is then drawn regarding overall suitability.

Background

Section 4 (a) of the WSRA requires that federal agencies conducting wild and scenic river studies “study and submit to the President reports on the suitability or non-suitability for addition to the national wild and scenic rivers system of rivers which are designated ... by the Congress as potential additions to such system.”

In Chapter 3, the New River’s “eligibility” for designation was evaluated. Eligibility is determined through an analysis of the river’s condition and the significance of its natural, cultural, and recreational values. This resource-based determination is made independent of social, political, or other considerations. Suitability, on the other hand, seeks to determine if designation is appropriate from a socio-political perspective. In effect, eligibility considers whether a river area is worthy of designation, while suitability considers whether designation would constitute sound public policy.

Methods

Neither the WSRA nor the published federal guidelines for implementing the WSRA specify the factors that should be used to evaluate suitability. The Interagency Wild and Scenic Rivers Coordinating Council’s *Wild and Scenic Rivers Reference Guide* provides perhaps the most thorough discussion of this subject. The criteria used in this report to assess the New River study area’s suitability for designation were developed using the Coordinating Council’s guidance, along with the study team’s knowledge of the WSRA. Four broad criteria were identified, as follows:

Criterion #1, Justification for Protection: *Should the river’s free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?*

Criterion #2, Conservation of River Values: *Will the river’s free-flowing character, water quality, and outstandingly remarkable values be protected through designation?*

Criterion #3, Commitment and Capability: *Is there a demonstrated commitment and capability by any non-federal entities that may be partially responsible to protect the river and its associated values following designation?*

Criterion #4, Support for Designation. *Is there demonstrated support for designation of the river by federal, state, local or tribal governments; national, state, or local non-profit organizations; or local residents?*

The suitability analysis that follows considers each of the above criteria independently and provides a finding for each. An overall conclusion on suitability is then drawn. Determining suitability is value laden and in most cases quantification is difficult if not impossible. It is therefore incumbent on the study team to use its best professional judgment and the best available information in evaluating suitability, and to adequately document findings in order that decision-makers and the public can follow the logic used to make a determination.

Analysis

Criterion #1: Justification for Protection:

Should the river's free-flowing character, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?

To answer this question, the following factors were considered:

- (1) resource significance;
- (2) contribution to the National Wild and Scenic Rivers System;
- (3) threats;
- (4) effect on future uses; and
- (5) consistency with regional initiatives.

Resource Significance

This factor involved consideration of whether the New River study area possesses natural, cultural, and/or recreational resources that are worthy of long-term protection.

Relative to other areas along the New River main stem, and in an era of increasing land development, the study area's size and undeveloped nature is significant in and of itself. In addition, the study area possesses a variety of other special features that distinguish it from other parts of the region.

In Chapter 3, the river was found eligible for wild and scenic river designation in part because of its "outstandingly remarkable" fish and other aquatic species, wildlife, recreation, geology/hydrology, scenery, and cultural resources. This determination of eligibility confirms the national and regional significance of the area. Only one resource factor must meet the outstandingly remarkable standard for a river to be eligible. In this case, there were several. This concentration of important resources distinguishes the New River study area and makes it especially significant.

The significance of the study area in West Virginia is closely linked to the fact that it has been carefully managed for over fifty years as a federally-owned and state-managed wildlife

management area. In fact, the Bluestone WMA is recognized by both West Virginia sportsmen groups and the West Virginia DNR as among the premier wildlife areas in West Virginia. In Virginia, the study area also has special significance as the downstream extent of southwestern Virginia's dominant river. Having a large parcel of high quality, undeveloped public land as the downstream anchor for the river in Virginia affords significant opportunities for regional recreational development. The interstate nature of the study area only adds to its significance.

Contribution to the National Wild and Scenic Rivers System

This factor involves consideration of whether the study area would make a meaningful contribution to the National Wild and Scenic Rivers System and the public interest it reflects. Three primary factors suggest that designation of this portion of the New River would indeed represent a significant contribution to the system.

First, of the one hundred sixty-three rivers in the system, about two-thirds are in the western United States and Alaska. In all of the greater mid-Atlantic area of Pennsylvania, Delaware, New Jersey, Maryland, Virginia, and West Virginia, there are only seven designated rivers, with only one in West Virginia (the Bluestone) and none in Virginia. In the broader context of the southeastern United States east of the Mississippi River, there are currently only twelve wild and scenic rivers in this ten-state area, including the Bluestone.

Second, this portion of the New River is a large-order river, and rivers of this size are rare in the National Wild and Scenic Rivers System. (Examples of large-order rivers in the system in the lower forty-eight states include the Salmon River in Idaho, the Klamath River in Oregon and California, the Missouri River in Montana, Nebraska and South Dakota, the St. Croix in Minnesota and Wisconsin, the Rio Grande in Texas, and the Delaware in New York, New Jersey and Pennsylvania.)

Third, only eight wild and scenic rivers are located on national wildlife refuges (seven in Alaska and a small segment of the Niobrara in Nebraska), and there appears to be only one wild and scenic river flowing through a state wildlife management area (the Obed River, which flows through the Catoosa WMA, which is owned and managed by the State of Tennessee). In sum, the section of the New River in the study area would be one of only a few designated national wild and scenic rivers in the mid-Atlantic and southeastern region; it would be among relatively few high order wild and scenic rivers nationwide; and it would be nearly unique as a combined wild and scenic river/wildlife management area.

Threats

This factor considers whether there are threats to the New River that could harm river-related natural, cultural, or recreational values or make the river ineligible for designation. While it would be inappropriate for an active threat to be a requirement for suitability, this is often an impetus for designation. It is, therefore, standard practice to include consideration of threats as a component of the suitability analysis.

This section of the New River was originally proposed for designation in response to a proposed high voltage transmission line that would have crossed the middle of the study area, affecting the corridor's scenic and undeveloped qualities and upland habitat on both sides of the river. This transmission line ultimately was located on a different route that avoided the study area.

Several other possible threats were raised by the public or identified through other sources during the study. In the past, there was a proposal for a pump storage energy facility that would have been located in the study area. However, this project does not appear to be under active consideration at this time. There has been some discussion about relocation or expansion of the Route 460 Bridge in Glen Lyn, Virginia, to accommodate additional traffic. This is not currently under active consideration, but it could be a remote possibility in the future. It is unlikely that a relocated bridge would be within the boundaries of the designation. Environmental impacts associated with relocation would be a concern regardless of whether the downstream area were designated and state and federal water quality and it would be anticipated that development would be consistent with these and other applicable environmental laws. There is an active proposal to retrofit the Bluestone Dam for hydropower. As long as this is a "run-of-the-river" project (i.e., requiring no further impoundment), it would have no effect on the study area.

Downstream of the study area, the principal threats are changes in dam operations and the potential for siltation where suspended solids in the flowing river enter the placid lake. The issue of dam operations has been discussed at length elsewhere. Flooding of the area for flood control purposes is recognized as a given with this project. The issue of siltation is a significant issue, but more so for the lake than the river.

In sum, while there is the possibility that energy, transportation, communication, or other development projects could be proposed within the study area in the future, there are no known proposals at this time. Perhaps the most likely threat to the river is from development pressures in the watershed upstream of the study area or on tributaries to it that could result in increased water withdrawals, further fluctuations in flow levels, or additional sedimentation or other degradation of water quality. It is difficult to pinpoint or quantify these abstract and dispersed threats. Upstream of the study area, the Commonwealth of Virginia's implementation of water quality statutes and standards will moderate these effects regardless of designation. This also will be the case with immediate tributaries to the study area both in Virginia and West Virginia.

Effect on Future Uses

This factor considers whether uses of the river and adjacent lands within the study area would be enhanced, foreclosed, or curtailed if the river were to be designated. Some current recreational or wildlife management activities and uses may be curtailed by designation depending on the federal agency in charge of federal administration.

As described immediately above in the threats discussion, there is potential for a range of energy, transportation, communication, or other development projects to occur within the study area. Wild and scenic river designation would preclude any projects licensed by the FERC and other federally-assisted water resources projects that would have a direct and adverse effect on the

river's flow or special values, but not other projects. However, this does not mean that non-water resource projects necessarily would be allowed. The fact that the study area is publicly owned and managed for conservation purposes already limits the amount and type of development activity that could occur on these lands regardless whether the river is ultimately designated as a wild and scenic river. Currently there are no proposals for development within the study area that would be foreclosed or curtailed if any of the action alternatives were selected and implemented.

As suggested above in the discussion of potential threats, the most likely threats are from upstream development. Designation may play a part in the way that these threats are dealt with, but it is highly unlikely that designation would foreclose or greatly curtail these developments directly or indirectly.

Consistency with Regional Initiatives

This factor views designation from a regional context and considers whether designation would be compatible with other ongoing or planned regional initiatives.

Each of the four counties that abut the study area emphasizes quality of life as a reason to live in the area and each actively promotes environment-related tourism. In addition, Hinton, West Virginia, is actively using its proximity to the New River and river-related amenities as a means to draw both new businesses and visitors.

As described in Chapter 2, there are several ongoing initiatives in the broader region that seek to draw connections between the environment and tourism, including the New River Blueway, the New River Parkway, and the Virginia Birding and Wildlife Trail. Designation of the New River study area as a wild and scenic river would complement all of these efforts. There are no known local or regional initiatives with which designation might conflict.

Finding for Criterion #1, Consistency with Regional Initiatives: In sum, there appears to be a public interest in designating the study area of the New River as a wild and scenic river under any of the action alternatives for the following reasons:

- (1) the river and surrounding public lands possess resources of national and regional significance, and these resources would be further protected and potentially enhanced through designation;
- (2) the New River would make a distinctive contribution to the National Wild and Scenic Rivers System;
- (3) there do not appear to be any competing public interest uses that would be foreclosed; some uses may be curtailed; and
- (4) designation would be consistent with ongoing and planned regional initiatives.

Criterion #2: Conservation of River Values

Will the river's free-flowing character, water quality, and outstandingly remarkable values be protected through designation?

This criterion considers whether the free-flowing character, water quality, and identified outstanding resource values of the New River study segment would be adequately protected if the study area were to be designated as a wild and scenic river.

Under all action alternatives, the river's free-flowing condition would be protected by the combination of state regulation of water withdrawals and the WSRA's prohibition of FERC-licensed projects and other water resources development projects within or directly affecting the designated area that would have an adverse effect. Water quality would be protected through the implementation of federal and state water quality statutes and standards by the states of Virginia and West Virginia. (This would be true regardless of whether the river is designated.) The study area's outstanding resource values (fish and other aquatic species, wildlife, recreation, geology/hydrology, scenery, and cultural resources) would be protected by the combination of:

- (1) the instream protections of the WSRA;
- (2) existing state and federal laws;
- (3) public ownership of the lands in the area for conservation purposes; and
- (4) management that would be in accordance with the goals and management standards developed during the study with the specific intent of protecting these outstanding values.

Finding for Criterion #2, Conservation of River Values: Together, the factors described above indicate that the study area would be well protected under any of the action alternatives.

Criterion #3: Commitment and Capability

Is there a demonstrated commitment and capability to protect the river following designation under the scenarios envisioned in the action alternatives?

Factors considered in answering this question include the following:

- (1) management agency commitment and capability;
- (2) cost.

Management Agency Commitment and Capability

This factor considers the likelihood that the agencies involved in implementing each of the action alternatives would be committed to implementation and would have the capability to follow through with the commitment.

There are two aspects of commitment that warrant attention. First, for each alternative, would the applicable agencies be willing to assume management responsibility? Second, assuming that

they would be willing to participate, would they commit to management according to the standards defined in this report?

Regarding the first question, at this time none of the prospective management agencies (i.e., ACE, NPS, Virginia SONR, and West Virginia DNR) committed to participate in implementing a wild and scenic river designation. Rather, all agreed to participate in the development of management alternatives during the study process, and to defer decisions on their potential involvement in designation until they had the opportunity to review this complete Study Report. Based on comments received during the development of draft versions of this Study Report, it was apparent that not all of the prospective management agencies would support federal wild and scenic designation. Further, it has been assumed that none of the potential managing agencies would be in a position to commit to long-term involvement without assurances of adequate funding.

Regarding agency commitment to manage according to the standards specified in this report, the standards for each alternative were developed with the active participation of the agency or agencies that would have lead management responsibility. At this time it can not be assumed that all of the implementing agencies would commit to conducting its management activities in accordance with the management standards that were developed as part of this study.

Regarding capability, each of the four agencies has extensive experience in the management of public conservation lands and outdoor recreation. (See Table 5-3.) Both SONR and DNR have park and wildlife management agencies that manage recreation and wildlife areas in each state. The NPS manages park areas nationwide, many of which have significant wildlife components. The ACE also manages numerous conservation and recreation areas and is committed to partnerships with states to manage lands and public uses when appropriate. Thus, it is reasonable to conclude that all four of these agencies would have the capability to fulfill their responsibilities under the different action alternatives.

It is important to note that, as with any public land management situation, the capability to follow through with management commitments is highly dependent on funding.

Cost

This factor considers whether the cost of management would be reasonable. The analysis of costs assumes that the cost of implementing any of the three action alternatives would be similar, the difference being the entity or entities that would assume responsibility for providing the funding necessary for management.

In West Virginia there would not be a significant change in cost over the no-action alternative. This reflects the fact that considerable funds are already being expended to manage the Bluestone WMA, primarily by WVDNR. There could be additional expenditures to improve public use facilities, but this is likely to occur with or without designation. In Virginia there would be a major increase in cost. It is important to remember that this finding is relative to the current situation, in which only limited funds are expended on management in the Virginia portion of the study area. Comparing long-term costs under any action alternative for

management of the West Virginia portion relative to the costs for management of the Virginia portion, the West Virginia portion is likely to cost more due to the fact that the area is far larger. There would, however, be significant start-up costs in Virginia, primarily to provide needed infrastructure related to access and camping.

In general, it is reasonable to conclude that the cost of managing this area would not differ substantially from the cost of managing any public lands project of this magnitude. Compared to an entirely new area, the cost would be lower as the lands are already in public ownership, making purchase of lands unnecessary.

Finding for Criterion #3, Commitment and Capability: The agencies that would be involved in administration and management under each alternative have the skills and experience to effectively implement the designation and manage the area for specified conservation purposes. However, there is not a demonstrated commitment by all of the agencies to manage the area as provided for in this study report. The cost of implementation of any of the action alternatives would be similar to other areas of this size and resource character.

Criterion #4: Support for Designation

This factor considers whether the interested public – including local residents, users of the area, public interest groups, those affected by future management, public agencies, and public officials – support designation and the management regimes that would be implemented under the three action alternatives.

Finding for Criterion #4, Support for Designation: The extensive public involvement during the course of the study and the work of the Interagency Work Group revealed a serious lack of support by state and local interests for any of the action alternatives prepared as part of this study. In addition, many stakeholders stated that federal wild and scenic river designation would not bring any additional benefits to this section of river. Many state and local interests also expressed the view that this section of river was already adequately protected and that no further government intervention was necessary. It was therefore determined that there was insufficient support at the state and local level for federal wild and scenic designation at this time.

Conclusions

This chapter considered whether the New River within the study area is suitable for designation based on four public policy considerations:

- (1) the justification for protection;
- (2) the extent to which wild and scenic values would be assured of protection;
- (3) the commitment and capability of those who would be involved in implementation; and
- (4) support for wild and scenic river designation.

All action alternatives were considered in this evaluation.

Although this section of the New River is eligible for inclusion in the National Wild and Scenic Rivers System, it has been found not suitable. This conclusion was reached given the lack of state and public interest and support for federal wild and scenic river designation at this time. Support for designation often weighs heavily in suitability determinations and it did in this case. Other suitability factors which heavily influenced a non-suitable determination in this case were the lack of immediate threats to the river and its resources and a lack of commitment by all of the management agencies to implement all of the resource management proposals as envisioned by this study report.

Table 6.1 summarizes the suitability findings. It lists the four public policy questions considered in the evaluation and breaks each down into the relevant specific factors. Suitability findings are included for all of the specific factors.

Table 6.1. Summary of suitability findings.

	Specific Factors	Suitability Finding
Criterion #1: Justification for Protection	Resource significance	Yes
	Contribution to the National Wild and Scenic Rivers System	Yes
	Threats	No
	Effect on future uses	Yes
	Consistency with regional initiatives	Yes
Criterion #2: Conservation of River Values	Laws, regulations, management standards	Yes
Criterion #3: Commitment and Capability	Management agency commitment and capability	No
	Cost	Yes
Criterion # 4: Support for Wild and Scenic River Designation		
	State and local governments	Yes/No
	Organizations	Yes
	Residents	Yes/No
	User groups	No

