

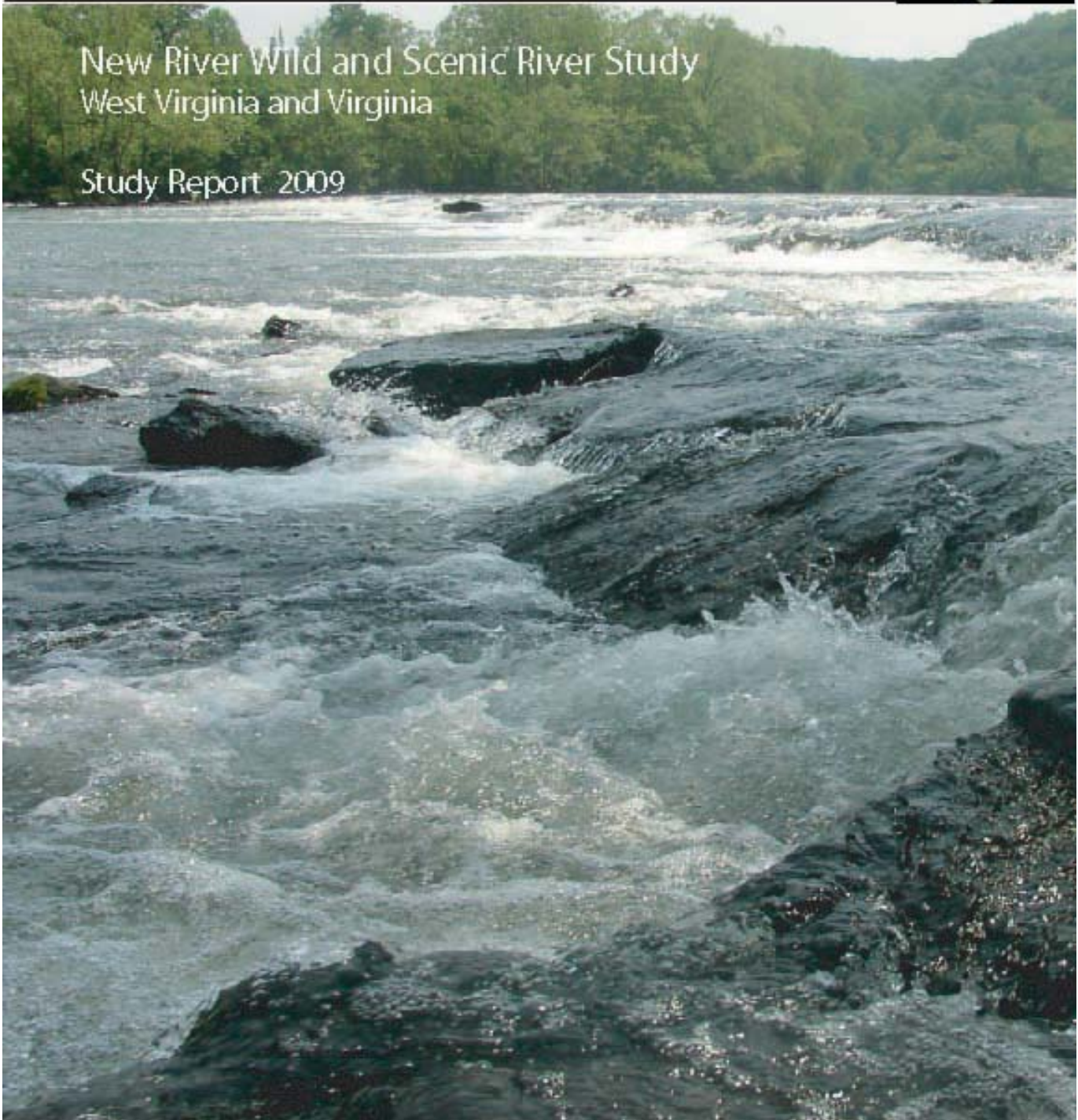
National Park Service
U.S. Department of Interior

National Wild and Scenic Rivers Program
Northeast Region



New River Wild and Scenic River Study
West Virginia and Virginia

Study Report 2009



New River Wild & Scenic River Study West Virginia and Virginia

Study Report 2009

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Acronyms and Abbreviations

ACE	U.S. Army Corps of Engineers
APCO	Appalachian Power Company (subsidiary of the American Electric Power Company)
BMP	Best management practices (management practices generally recognized to be effective and practicable in minimizing the impacts of land management activities such as agriculture and forestry)
CFS	Cubic feet per second (measurement of river flow)
DCR	Virginia Department of Conservation and Recreation
DGIF	Virginia Department of Game and Inland Fisheries
DNR	West Virginia Division of Natural Resources (includes the Wildlife Resources Section and the Parks and Recreation Section)
DNR-Parks	The Parks and Recreation Section within the West Virginia Division of Natural Resources
DNR-WRS	The Wildlife Resources Section within the West Virginia Division of Natural Resources
DOI	United States Department of the Interior
EA	Environmental Assessment (report required by the National Environmental Policy Act)
FERC	Federal Energy Regulatory Commission
NEPA	National Environmental Policy Act
NERI	New River Gorge National River (internal National Park Service acronym used for administrative purposes)
NERO	Northeast Regional Office of the National Park Service, headquartered in Philadelphia, PA
NPS	U.S. National Park Service
NRA	National Recreation Area (examples: Gauley River NRA, Mt. Rogers NRA)
NSR	National Scenic River (example: Bluestone NSR)

ORV	Outstandingly remarkable value (criterion for eligibility for National Wild and Scenic River designation)
RM	River mile (refers to the distance in miles upstream of the Bluestone Dam, measured along a center-line in the river)
SHPO	State Historic Preservation Office
SONR	Virginia Secretariat of Natural Resources (includes the Department of Conservation and Recreation and the Department of Game and Inland Fisheries)
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
VA	Commonwealth of Virginia
WASO	National headquarters of the National Park Service in Washington, DC (internal NPS acronym used for administrative purposes)
WMA	Wildlife Management Area (example: Bluestone WMA in West Virginia)
WRS	Wildlife Resources Section (of West Virginia DNR)
WSR	National Wild and Scenic River
WSRA	National Wild and Scenic Rivers Act
WV	State of West Virginia
WVDNR	West Virginia Division of Natural Resources

EXECUTIVE SUMMARY

The Study of the New River in West Virginia and Virginia was authorized by the U.S. Congress to evaluate whether a 19.3-mile section of the river and adjacent federal lands from the U.S. Route 460 Bridge in Glen Lyn, Virginia, downstream to the maximum summer pool elevation of Bluestone Lake, south of Hinton, West Virginia, should be designated as a national wild and scenic river. Public Law 102-525, which was enacted on October 26, 1992, authorized the study by amending Section 5(a) of the Wild and Scenic Rivers Act (WSRA)(16 U.S.C. 1276(a)).

The entire study area is located within a block of federally owned land that was purchased to construct the Bluestone Lake Project, a federal flood control project operated by the U.S. Army Corps of Engineers (ACE). The Bluestone Dam is located on the New River one mile upstream of the point where the Greenbrier River joins the New River in Hinton, West Virginia. Except for lands immediately around and downstream of the dam, all lands within the Bluestone Lake Project Area in the State of West Virginia are licensed to the West Virginia Division of Natural Resources (DNR). Most of these lands form the state's Bluestone Wildlife Management Area (WMA), although an area near the mouth of the Bluestone River is managed separately by DNR as Bluestone State Park. There is no similar agreement with the Commonwealth of Virginia for management of Bluestone Lake Project Area lands in that state.

Public interest in a wild and scenic river study of this segment of the New River was motivated in part by a proposal for a new high voltage electricity transmission line that would have crossed the river in the Virginia portion of the study area. The U.S. Forest Service was given responsibility for conducting an environmental assessment of the proposed transmission line project. The National Park Service, U.S. Department of the Interior, was given responsibility for conducting this wild and scenic river study and preparing a report for the President to submit to Congress.

The Wild and Scenic Rivers Act prohibits the federal government from taking any action that could preclude the river's eligibility for designation during the study period or while the Congress considers whether to actually designate the river. Because of this provision, the environmental impact statement prepared for the proposed transmission line could not identify a preferred alternative that involved crossing the New River within the wild and scenic study area. That process ultimately resulted in a preferred alternative being selected that routed the transmission line outside of the New River study area.

Study Findings:

Eligibility

The Wild and Scenic Rivers Act and associated federal guidelines define the criteria to be used in determining whether a river is eligible for inclusion in the National Wild and Scenic Rivers System. These include free-flowing condition and outstandingly remarkable resource values.

Free-flowing condition. The river segment must be free-flowing. Free-flowing is defined in federal guidelines as "flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion...."

Outstandingly Remarkable Values. The river segment must possess one or more outstandingly remarkable values, often referred to as "ORVs." An ORV is defined as a natural, cultural, or recreation resource feature that is unique or especially significant when considered in a regional or national context. The determination of whether a river area possesses an ORV is a professional judgment on the part of the study team.

The New River study segment meets specified criteria for the Wild and Scenic Rivers Act requirement of a free-flowing condition. In addition, the study area exceeds WSRA requirements for outstandingly remarkable values by possessing six categories of resources that meet the ORV threshold; including geology/hydrology, scenery, fish and other aquatic species, wildlife, cultural resources and recreation.

FINDING: In light of its free-flowing condition and array of outstanding resource values, the study area is eligible for inclusion in the National Wild and Scenic Rivers System.

Classification

The river is free-flowing throughout the segment with no significant alterations to the river channel that change the pattern of flow. The shore lands are largely in a natural condition.

Scenic Rivers. The criteria for scenic river areas include:

1. The river segment must be free of impoundments.
2. The shorelines should be largely undeveloped.
3. The river may be accessible in places by road.

FINDING: The New River study area is most appropriately classified as a "scenic" river.

Suitability

This section of the New River was evaluated under four criteria to determine its suitability for federal designation as a national wild and scenic river; 1) justification of protection, 2) conservation of river values, 3) management agency commitment and capability and 4) support for designation. While this section of the New River met two of the criteria for suitability, there were questions concerning the support for designation

and commitment on the part of proposed management entities to implement resource management as envisioned by the study.

Criterion 1: Justification for Protection

There appears to be a national public interest in designating the study area of the New River as a federal 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

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 Wild and Scenic Rivers Act;
- (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.

Criterion 3: 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.

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. Cost also influences agency positions toward wild and scenic designation. The cost of implementation of any of the action alternatives would be similar to other areas of this size and resource character; however, without assurances that the necessary funding would be available, agencies became reluctant to commit to the designation.

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. NPS therefore concluded that there was insufficient support at the state and local level for federal wild and scenic designation at this time.

FINDING: 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.

Given the finding of not suitable, the NPS does not find wild and scenic designation appropriate for this section of the New River at this time.

FINDING: The National Park Service finds that Alternative #1, the “No -Action” Alternative, is the only appropriate alternative at this time, given the lack of suitability.

The fact that the river has been found not suitable for wild and scenic river designation does not necessarily mean that it will not be designated. It simply means that the river and the management regimes envisioned under the three action alternatives did not meet essential public policy tests. The Secretary of Interior will make a recommendation regarding designating the river, and that recommendation will be forwarded to the President and Congress. The President and Congress will make the final decision as to whether to designate the river.

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