

Chapter 1. Background



This chapter provides an introduction to the Wild and Scenic Rivers Act and the Upper Missisquoi and Trout Rivers Wild and Scenic Study. It includes a review of the project's history, the Study strategy and process, the principal participants, and the major Study products and accomplishments.

The Wild and Scenic Rivers Program

The National Wild and Scenic Rivers System was established by Congress in 1968 to protect certain outstanding rivers from the harmful effects of new federal projects such as dams and hydroelectric facilities. Since then 203 rivers or river segments totaling over 11,000 miles have been protected nationwide. To be considered "Wild and Scenic" a river must be free-flowing and have at least one river-related outstanding natural, cultural, or recreational resource value. The Congressional declaration of policy in the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) states:

It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-

flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

There are only eight designated Wild and Scenic River segments located in New England: the Eightmile and upper Farmington in Connecticut; the Allagash in Maine; the Sudbury-Assabet-Concord, Taunton, and Westfield in Massachusetts; and the Lamprey and Wildcat in New Hampshire. In addition to the upper Missisquoi and Trout

Chapter 1. Background

Rivers in Vermont, there is an ongoing study of the lower Farmington River and Salmon Brook in Connecticut.

Each river designated into the national system receives permanent protection from federally licensed or assisted dams, diversions, channelization or other water projects that would have a direct and adverse effect on its free-flowing condition, water quality, or Outstandingly Remarkable Values, or, for projects outside the designated segments, that would invade the segments or unreasonably diminish the segment's fish, wildlife, scenic, or recreational resources. The Wild and Scenic Rivers Act explicitly prohibits any new hydropower dam and related facilities licensed by the Federal Energy Regulatory Commission (FERC) on or directly affecting a designated river segment. The determination of a proposed federally assisted water resource project's or FERC-licensed hydropower project's potential impacts on the river's "outstandingly remarkable" values, water quality, and free-flowing condition is made by the federal river administering agency, in this case the National Park Service.

Studies under the Wild and Scenic Rivers Act (WSRA) can bring additional local benefits such as the preparation of an advisory Management Plan, research studies, and cooperation among numerous river stakeholders. River designation may bring prestige and recognition to the region and can boost the local economy through tourism, possible funding through the National Park Service, matching grants, in-kind support, and volunteer assistance.

Before a river can be added to the National Wild and Scenic Rivers System, it must be found both eligible and suitable. To be eligible, the river must be 1) free-flowing and 2) possess at least one river-related Outstandingly Remarkable Value such as exceptional scenery, fisheries, and wildlife, water quality, or cultural resources. The suitability determination is based on factors such as public support for designation versus conflicting river uses (e.g., hydropower development), evidence of adequate existing resource protection, and lasting protection

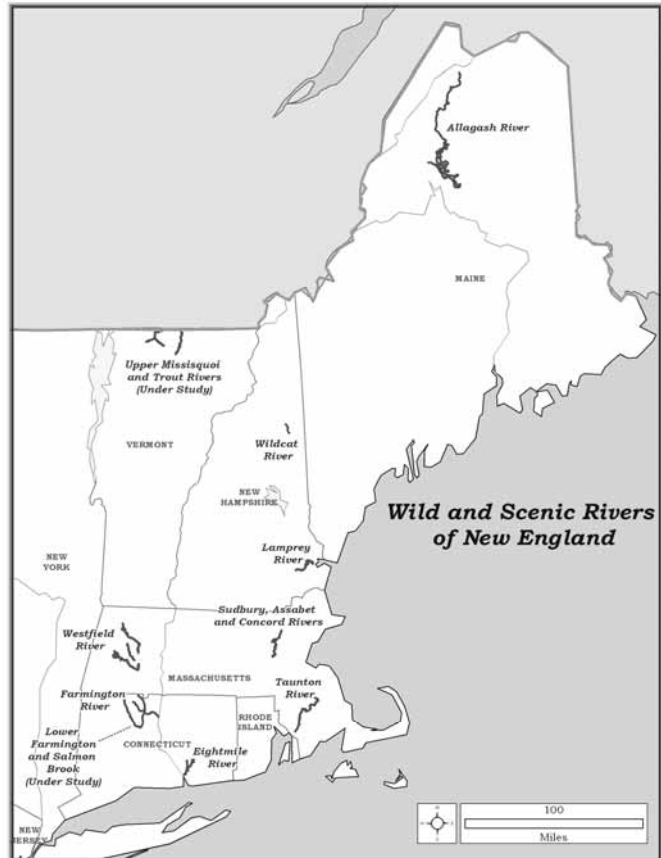


Figure 1. There are eight designated rivers in New England (lead administrators in parentheses): Allagash, ME (State of Maine); Lamprey, NH (National Park Service); Wildcat Brook, NH (U.S. Forest Service); Concord, Sudbury, and Assabet Rivers, MA (National Park Service); Taunton, MA (National Park Service); Westfield, MA (Commonwealth of Massachusetts); Eightmile, CT (National Park Service); Farmington, CT (National Park Service). Other than the upper Missisquoi and Trout Rivers, the Lower Farmington River and Salmon Brook are under study in Connecticut. The five rivers administered by the National Park Service are Partnership Rivers.

measures such as are documented in the Management Plan.

Local residents, leaders, and organizations must show strong support of their intent to participate in the long-term protection of the river. The eligibility and suitability analyses are presented in the chapters that follow.

Partnership Wild and Scenic Rivers, once designated, rely on pre-existing local and state regulations and management which continue even if designation occurs.

Upper Missisquoi and Trout Rivers Wild and Scenic Study History and Methods

Preauthorization

In 2004, Missisquoi River Basin Association (MRBA) Chair John Little and Treasurer Wendy Scott attended a River Rally conference and learned about the Wild and Scenic Rivers program. Their interest was piqued when they learned that Vermont has no Wild and Scenic Rivers. They felt the Missisquoi River, should be considered for designation. There began a 5-year effort, primarily on the part of MRBA Board members John Little, Anne McKay and Chris O’Shea, of working with Selectboards, community members, and the Vermont Congressional delegation to garner support for a study to determine the eligibility of the Missisquoi and Trout Rivers for inclusion in the National Wild and Scenic Rivers System. MRBA members explored the Partnership Rivers model, and concluded it would be a good fit for the region. Ten municipalities (Berkshire, Town of Enosburgh, Village of Enosburg Falls, Jay, Lowell, Montgomery, Village of North Troy, Richford, Westfield, and the Town of Troy) presented letters of support for authorization and participation in the Study.

Legislation Introduced to and passed by Congress

The Vermont Congressional delegation consisting of Representative Peter Welch and Senators Patrick Leahy and Bernard Sanders introduced legislation H.R. 146 to Congress to amend the Wild and Scenic Rivers Act to include the upper Missisquoi and Trout Rivers as Study rivers.

This legislation became part of the Omnibus Public Land Management Act of 2009, and was signed on March 30, 2009 by President Obama as Public Law 111-11. Title V, Subtitle B, Section 5101 of the act amends the Wild and Scenic Rivers Act to authorize a Study of three segments of the Missisquoi and Trout Rivers in Vermont and reads as follows.

PUBLIC LAW 111-11—MAR. 30, 2009
Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) *DESIGNATION FOR STUDY.*—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

“(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.”

(b) *STUDY AND REPORT.*—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

“(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

“(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a) (140); and

“(B) submit a report describing the results of that study to the appropriate committees of Congress.”.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as are necessary to carry out this section.

Study Committee Formed

This Study was conducted under the principles of Partnership Wild and Scenic Rivers by the National Park Service in partnership with the locally-appointed Upper Missisquoi and Trout Rivers Wild and Scenic Study Committee and other local and state stakeholders.

The Upper Missisquoi and Trout Rivers Wild and Scenic Study is a partnership of organizations and official appointees from the Study towns who have volunteered their time since 2009 to represent their communities. The Upper Missisquoi and Trout Rivers

Chapter 1. Background

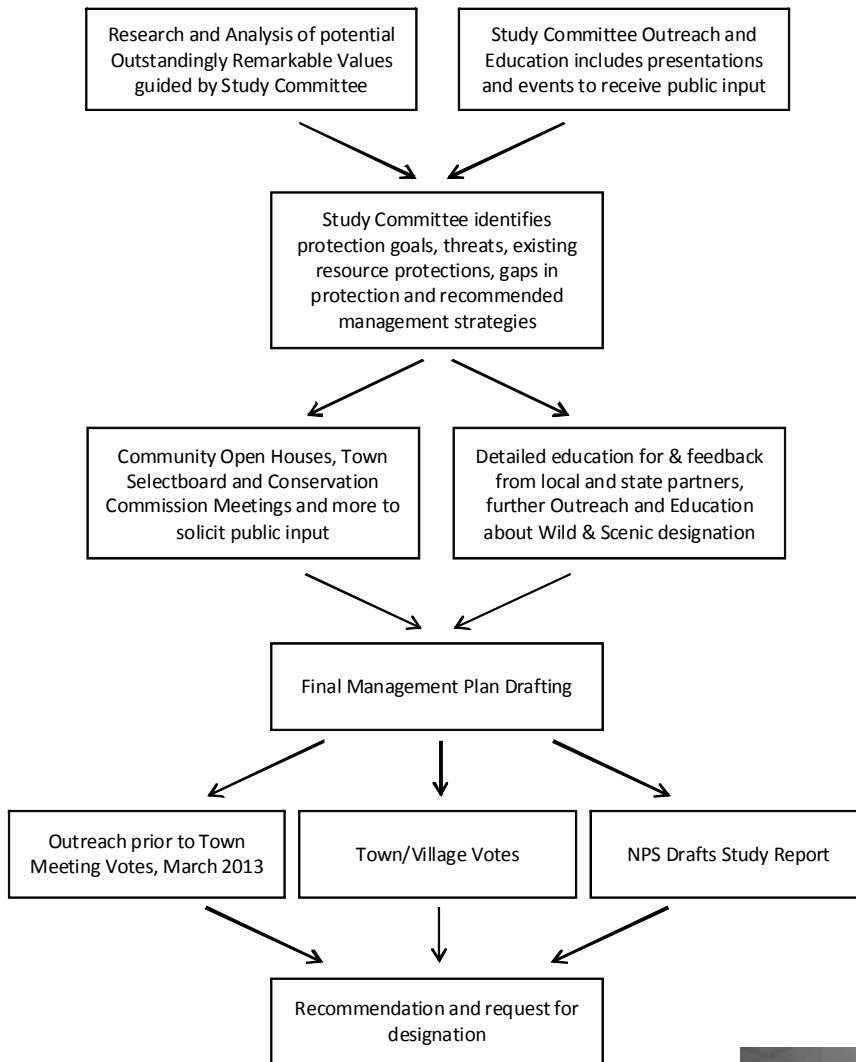


Figure 2. Wild and Scenic Study Process Flow Chart.



Figure 3. Vermont geology expert Barry Doolan discusses the geology of the upper Missisquoi and Trout Rivers with the Study Committee at a monthly meeting. *Photo by Shana Stewart Deeds.*

Wild and Scenic Study Committee recognizes the importance of continuing local control of river management on rivers such as the Missisquoi and Trout that flow predominantly through private lands. During the Study it brought community members together in identifying, protecting, managing and potentially enhancing local river resources. The membership of the Study Committee is listed in the introduction of this Report.

Study Committee Meetings

In addition to writing the Management Plan, the long-term goal of the Study Committee is to encourage, through education and outreach, planning at the local, regional and state levels which utilizes the information and voluntary recommendations outlined in the Management Plan regardless of the outcome of designation.

The Study Committee rotated its regular meetings, on the third Thursday of each month, among the ten towns and villages in the Study area. All meetings were run by consensus and were advertised, and open to the public. Votes, when required, were approved by a majority of the officially-appointed representatives present.

Management Plan Development

The Management Plan was developed over a period of four years, beginning with the formation of the Study Committee and the hiring of the Study Coordinator in late 2009, with the technical and financial assistance of the National Park Service. First the Committee, along with input from local, state, and federal experts, identified recreation, natural and cultural values important to the local communities that would become the focus of Management Plan development and Wild and Scenic River eligibility determinations.

The NPS agrees with the Study Committee's findings regarding potential ORVs which, along with free-flowing character and water quality, formed the backbone of the Study's investigations. The Study Committee worked to capture the local knowledge

about the resources of the upper Missisquoi and Trout Rivers. The Study Committee sought knowledge from consultants, academic institutions, local experts, and State agencies to identify potential ORVs. The results of the research helped to produce a clear picture of the status of the potential ORVs, as well as identifying existing protections for the potential ORVs and the management outcomes resulting from these protections. Major research was undertaken during the Wild and Scenic Study to identify ORVs, develop management schemes, and help determine eligibility and suitability of the upper Missisquoi and Trout Rivers for designation.

Potential ORVs were identified in each of the following categories (though some resources belong in more than one category): **Scenic and Recreational, Natural Resource and Historic and Cultural.** Each ORV was described by addressing the following:

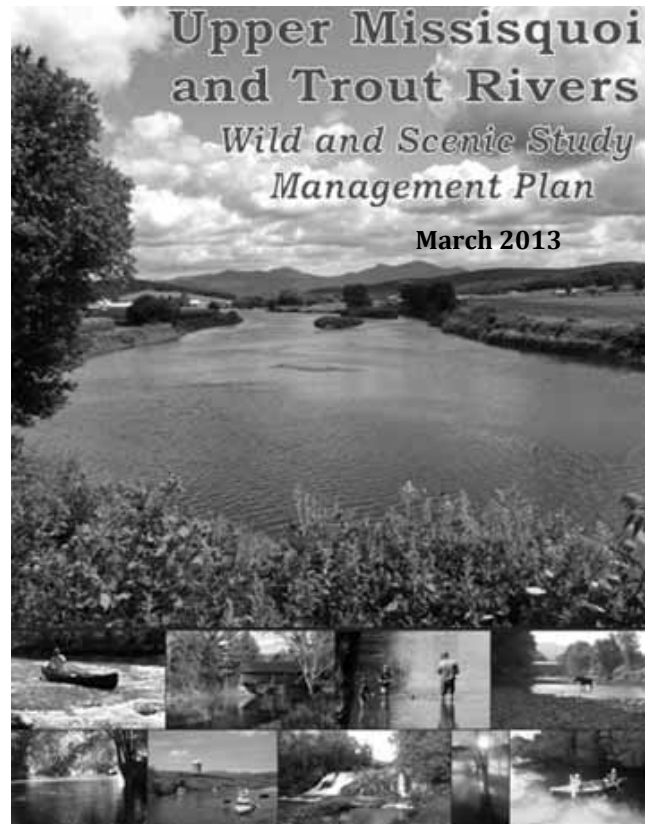


Figure 4. Please see the Upper Missisquoi and Trout Rivers Wild and Scenic Study Management Plan for more detailed information.

Chapter 1. Background

- ≈ individual resources and their unique, outstanding or remarkable attributes
- ≈ protection goals for these resources
- ≈ existing protections for these resources (local, state and federal protections)
- ≈ potential threats to these resources
- ≈ gaps in protections based on these threats
- ≈ opportunities for action or management recommendations identified for each resource

The identification of potential ORVs, management and protection research, and public engagement that ultimately culminated in the Management Plan were all conducted with the active participation and technical assistance of National Park Service Wild and Scenic River staff to ensure that needs and requirements of the Wild and Scenic River Study, and potential future Wild and Scenic River designation, were being met.

The Management Plan provides a roadmap for the residents, and local, regional and state stakeholders to enhance existing measures. The ways stakeholders can build on, augment, fill gaps or otherwise improve the existing management tools to better protect the Wild and Scenic River values of the Missisquoi and Trout Rivers were identified by the local community through the Study process and discussed in the Management Plan.

Study Committee Outreach and Education

The Upper Missisquoi and Trout Rivers Wild and Scenic Study Committee has posted a yearly summary of accomplishments on the webpage (www.vtwsr.org) listing the types of education and outreach activities completed by the Committee. The following is an abbreviated list of projects completed by the Study Committee:

- ≈ Monthly Study Committee meetings advertised and open to the public
- ≈ Rotating displays with Wild and Scenic information available in town clerk offices, town libraries and schools, farmer's markets, local festivals and fairs
- ≈ Information distributed at town meetings and through landowner mailings
- ≈ Summer newsletters created and distributed at events, local venues, and through river-front landowner mailings
- ≈ Newspaper articles and ads presented information on the Wild and Scenic Study
- ≈ A traveling Power Point presentation developed and presented at meetings of various local and State organizations
- ≈ Paddles held on all easily navigable sections of the upper Missisquoi
- ≈ Informational potlucks held
- ≈ A film series occurred in each county
- ≈ Online outreach occurred on Facebook, the Study website and blog, and through SurveyMonkey
- ≈ Committee meetings taped and played on public access television
- ≈ Resource review at meetings invited knowledgeable speakers such as:
 - Staci Pomeroy, from the VT ANR's Department of Environmental Conservation - Watershed Management Division, River Program, set up the river demonstration known as a flume, and Dori Barton from Arrowwood Environmental discussed the geomorphology of the Study rivers
 - Walter Opuszynski from the Northern Forest Canoe Trail discussed the trail and specifically the section along the Missisquoi River

John Little, Keith Sampietro and Ken Secor presented photos and details of paddling adventures

Mike Manahan and Parma Jewett shared their fishing experience

Janice Geraw from the Enosburgh Historical Society, Sam Thurston from the Lowell Historical Society, and Scott Perry from the Montgomery Historical Society discussed local history at Committee meetings

Barry Doolan and Stephen Wright from UVM discussed local bedrock and glacial geology

Rich Langdon from VT ANR's Department of Environmental Conservation - Watershed Management Division and Bernie Peintka from VT's Fish and Wildlife Department discussed Vermont's fish populations

Ben Gabos, Laurie DiPietro and Sylvia Jensen from the Vermont Agency of Agriculture discussed local water quality protections and projects on farms

Bobby Farlice-Rubio from the Fairbanks Museum discussed Abenaki history along the rivers

NPS representatives discussed designation and its effects on hydropower at a Committee meeting in Lowell with many local community members present

≈ Leading up to Town Meetings numerous newspaper articles appeared in local papers, WCAX TV aired an interview about the designation, VPR's Vermont Edition interviewed the Study Coordinator, & informational postcards were sent to all residents in the Study area

≈ A short video produced by the Study Committee was viewed at most Town Meetings and included a flyover of the area proposed for designation and interviews of Study Committee members and the NPS

A major outreach and education effort was conducted throughout the ten municipalities in the Study area including active events such as river festivals, tree planting, river cleanups, school education on macroinvertebrates and paddling as well as information disseminated through print media, radio and television. The Outreach subcommittee worked to make the outreach broad enough to engage and inform the maximum number of local residents, and gather input about the river resources they value. Meetings, presentations, workshops, booths at events, newsletters, posters, newspaper articles, outreach through local organizations, mailings, and the Study website were all venues for outreach. Some examples of outreach are included in the appendices at the end of this Report.

Study Committee Recommends Designation

On October 18, 2012, the Study Committee unanimously voted in favor of recommending the designation of the Missisquoi and Trout Rivers into the National Wild and Scenic Rivers System. The Study Committee supported the decision that designation as Partnership Wild and Scenic Rivers, based on implementation of the Management Plan, through a locally-based Wild and Scenic Committee (like the Study Committee), can be an important contributor to the rivers and adjacent communities. This Partnership approach has proven successful in the neighboring New England states and there is no evidence of an unwanted or heavy federal presence. With the support of the National Park Service, these findings became part of the presentation of Study outcomes that preceded and formed the basis of Town Meeting votes in participating Study communities, and determined the proposed upper Missisquoi and Trout River segments listed as eligible and suitable for designation.

Town Meeting Vote

The Study Committee's recommendation for designation and supporting the Management Plan was presented in an article at Town Meetings in March

Chapter 1. Background

2013 following a public comment period. This article read as follows:

To see if the voters of the Town of _____ will petition the Congress of the United States of America that the upper Missisquoi and Trout Rivers be designated as Wild and Scenic Rivers with the understanding that such designation would be based on the locally-developed rivers Management Plan and would not involve federal acquisition or management of lands.

Favorable votes demonstrated local support for designation by Congress with the intention that designation would not bring additional federal acquisition or management of lands. Berkshire, Enosburgh/Enosburg Falls, Montgomery, Richford, Troy/North Troy, and Westfield all voted in favor of petitioning Congress to include the Missisquoi and Trout Rivers as components of the National Wild and Scenic River System. The voters of Lowell did not support designation at this time. The Selectboard of the Town of Jay, which participated as a part of the Study, decided not to bring the vote to their Town Meeting despite the fact that Jay Branch (a tributary to the Missisquoi River) is eligible for designation because the Study Committee decided not to include tributaries in their recommendation for designation at this time.