

113TH CONGRESS
1ST SESSION

H. R. 2569

To amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2013

Mr. WELCH introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act to designate segments of the Missisquoi River and the Trout River in the State of Vermont, as components of the National Wild and Scenic Rivers System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Upper Missisquoi and
5 Trout Wild and Scenic Rivers Act”.

1 **SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEG-**
2 **MENTS.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)) is amended by adding at the end the fol-
5 lowing:

6 “(208) MISSISQUOI RIVER AND TROUT RIVER,
7 VERMONT.—The following segments in the State of
8 Vermont, to be administered by the Secretary of the
9 Interior as a recreational river:

10 “(A) The 20.5-mile segment of the
11 Missisquoi River from the Lowell/Westfield
12 town line to the Canadian border in North
13 Troy, excluding the property and project bound-
14 ary of the Troy and North Troy hydroelectric
15 facilities.

16 “(B) The 14.6-mile segment of the
17 Missisquoi River from the Canadian border in
18 Richford to the upstream project boundary of
19 the Enosburg Falls hydroelectric facility in
20 Sampsonville.

21 “(C) The 11-mile segment of the Trout
22 River from the confluence of the Jay and Wade
23 Brooks in Montgomery to where the Trout
24 River joins the Missisquoi River in East Berk-
25 shire.”.

1 **SEC. 3. MANAGEMENT.**

2 (a) MANAGEMENT.—

3 (1) IN GENERAL.—The river segments des-
4 ignated by paragraph (208) of section 3(a) of the
5 Wild and Scenic Rivers Act (16 U.S.C. 1274(a))
6 shall be managed in accordance with—

7 (A) the Upper Missisquoi and Trout Rivers
8 Management Plan developed during the study
9 described in section 5(b)(19) of the Wild and
10 Scenic Rivers Act (16 U.S.C. 1276(b)(19)) (re-
11 ferred to in this section as the “management
12 plan”); and

13 (B) such amendments to the management
14 plan as the Secretary determines are consistent
15 with this Act and as are approved by the Upper
16 Missisquoi and Trout Rivers Wild and Scenic
17 Committee (referred to in this section as the
18 “Committee”).

19 (2) COMPREHENSIVE MANAGEMENT PLAN.—
20 The management plan, as finalized in March 2013,
21 and as amended, shall be considered to satisfy the
22 requirements for a comprehensive management plan
23 pursuant to section 3(d) of the Wild and Scenic Riv-
24 ers Act (16 U.S.C. 1274(d)).

25 (b) COMMITTEE.—The Secretary shall coordinate
26 management responsibility of the Secretary of the Interior

1 under this Act with the Committee, as specified in the
2 management plan.

3 (c) COOPERATIVE AGREEMENTS.—

4 (1) IN GENERAL.—In order to provide for the
5 long-term protection, preservation, and enhancement
6 of the river segments designated by paragraph (208)
7 of section 3(a) of the Wild and Scenic Rivers Act
8 (16 U.S.C. 1274(a)), the Secretary of the Interior
9 may enter into cooperative agreements pursuant to
10 sections 10(e) and 11(b)(1) (16 U.S.C. 1281(e),
11 1282(b)(1)) of the Wild and Scenic Rivers Act
12 with—

13 (A) the State of Vermont;

14 (B) the municipalities of Berkshire,
15 Enosburg Falls, Enosburgh, Montgomery,
16 North Troy, Richford, Troy, and Westfield; and

17 (C) appropriate local, regional, statewide,
18 or multi-state planning, environmental, or rec-
19 reational organizations.

20 (2) CONSISTENCY.—Each cooperative agree-
21 ment entered into under this section shall be con-
22 sistent with the management plan and may include
23 provisions for financial or other assistance from the
24 United States.

1 (d) EFFECT ON EXISTING HYDROELECTRIC FACILI-
2 TIES.—

3 (1) IN GENERAL.—The designation of the river
4 segments by paragraph (208) of section 3(a) of the
5 Wild and Scenic Rivers Act (16 U.S.C. 1274(a)),
6 does not—

7 (A) preclude the Federal Energy Regu-
8 latory Commission from licensing, relicensing,
9 or otherwise authorizing the operation or con-
10 tinued operation of the Troy Hydroelectric,
11 North Troy, or Enosburg Falls hydroelectric
12 project under the terms of licenses or exemp-
13 tions in effect on the date of enactment of this
14 Act; or

15 (B) limit modernization, upgrade, or other
16 changes to the projects described in paragraph
17 (1) subject to written determination by the Sec-
18 retary of the Interior that the changes are con-
19 sistent with the purposes of the designation.

20 (2) HYDROPOWER PROCEEDINGS.—Resource
21 protection, mitigation, or enhancement measures re-
22 quired by Federal Energy Regulatory Commission
23 hydropower proceedings—

24 (A) shall not be considered to be project
25 works for purposes of this Act; and

(B) may be located within the river segments designated by paragraph (208) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), subject to a written determination by the Secretary that the measures are consistent with the purposes of the designation.

(e) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—For the purpose of the segments designated in paragraph (208) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)), the zoning ordinances adopted by the towns of Berkshire, Enosburg Falls, Enosburgh, Montgomery, North Troy, Richford, Troy, and Westfield in the State of Vermont, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, shall be considered to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) ACQUISITIONS OF LAND.—The authority of the Secretary to acquire land for the purposes of the segments designated in paragraph (208) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) shall be—

1 (A) limited to acquisition by donation or
2 acquisition with the consent of the owner of the
3 land; and

4 (B) subject to the additional criteria set
5 forth in the management plan.

6 (f) RELATION TO NATIONAL PARK SYSTEM.—Not-
7 withstanding section 10(c) of the Wild and Scenic Rivers
8 Act (16 U.S.C. 1281(c)), the Missisquoi and Trout Rivers
9 shall not be administered as part of the National Park
10 System or be subject to regulations that govern the Na-
11 tional Park System.

12 (g) DESIGNATION OF ADDITIONAL SEGMENT.—

13 (1) DEFINITION OF ADDITIONAL SEGMENT.—In
14 this subsection, the term “additional segment”
15 means the 3.8-mile segment of the Missisquoi River
16 extending from the confluence of the Burgess
17 Branch and East Branch of the Missisquoi River in
18 Lowell to the Lowell/Westfield town line.

19 (2) FINDINGS.—Congress finds that the addi-
20 tional segment is eligible and suitable for designa-
21 tion as a recreational river if the Secretary of the
22 Interior determines that there is adequate local sup-
23 port for the designation in accordance with para-
24 graph (4).

1 (3) DESIGNATION AND ADMINISTRATION.—If
2 the Secretary of the Interior determines that there
3 is adequate local support for the designation of the
4 additional segment in accordance with paragraph
5 (4)—

6 (A) the Secretary shall publish in the Fed-
7 eral Register notice of the designation of the
8 additional segment;

9 (B) the additional segment shall be des-
10 ignated as a recreational river in accordance
11 with the Wild and Scenic Rivers Act (16 U.S.C.
12 1271 et seq.); and

13 (C) the Secretary shall administer the ad-
14 ditional segment as a recreational river.

15 (4) DETERMINATION OF LOCAL SUPPORT.—The
16 Secretary of the Interior shall determine that there
17 is adequate local support for the designation of the
18 additional segment as a recreational river if the legal
19 voters of the town of Lowell, Vermont, express by a
20 majority vote a desire for the designation.

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