

Appendix 2. FAQs About Wild and Scenic Designation

During its investigations, the Study Committee considered a number of questions about possible effects of Wild and Scenic designation. Some were questions that Committee members themselves had; others were the result of public input. For questions with clear answers, Study Committee found that there would not be negative effects (see summary below). The Study Committee determined that other, more ambiguous questions were unlikely to have negative effects, and could be easily mitigated through the voluntary implementation of recommendations and suggestions contained in this Management Plan. The Study Committee determined that overall the positive benefits of Wild and Scenic designation appeared to outweigh any possible impacts.

Below are some of the questions that the Study Committee felt can be addressed by implementation of the voluntary recommendations in this Plan:

Will designation result in increased tourism or recreational use of the rivers?

Not significantly. Tourism and recreational use on other rivers in the Wild and Scenic System have not seen dramatic increases in either tourism or recreational use attributed to Wild and Scenic designation. The degree to which such traffic increases largely depends on the extent to which the riverfront communities choose to promote Wild and Scenic designation.

Will any increased traffic negatively affect the rivers, adjacent property, or landowners?

Unlikely and manageable. It is possible that increased recreational use of the rivers, regardless of designation, could contribute to erosion at river access points. See the recreational ORV chapter for recommendations specific to access points.

How Does the Study affect my Land?

It does not. If you perceive any impacts at all, please contact the Committee right away.

What will happen to my property rights if the river is designated?

Nothing. Respect for private property rights and current land uses are fundamental components of long-term support for river protection.

How will my town benefit if this designation occurs? Such a designation would likely bring federal technical and financial resources to help enhance and protect the river. Some studies have shown that there is an economic benefit to communities that value their rivers and promote them as a recreational tourist destination (one such study is available on FRWA's website, www.frwa.org).

Could the Study or designation result in federal restrictions on my property?

No. The study is only that, a study. There is no authority for federal land use control associated with a Wild and Scenic designation. Town governments would continue their primary role in establishing and enforcing land use.

Will hunting and fishing be impacted if designation occurs?

No. Current regulations will continue to govern hunting and fishing, and will not be affected by designation.

Would a National Wild and Scenic River designation “federalize” the Missisquoi and Trout Rivers resulting in federal control of a corridor along the rivers?

No. The federal government will not take control of these rivers. There is no federal mandate requiring specific land use controls related to the National Wild and Scenic Rivers System that will affect how a landowner can use their property.

What regulations come with Wild and Scenic designation?

Remember that the only regulations which come with designation are:

No new dams or hydroelectric licenses, though existing dams and hydro facilities were left out of the proposed designated area so that they would not be impacted.

The Upper Missisquoi and Trout Rivers Wild and Scenic Study Committee is not generally against dams or hydropower; however, a central goal of the Wild and Scenic Rivers Act (1962) is to “preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations...To accomplish this, the act prohibits federal support for actions such as the construction of dams or other instream activities that would harm the river's free-flowing condition, water quality, or outstanding resource values.”

According to Brian Fitzgerald, Vermont Agency of Natural Resources, and Duncan Hay, National Park Service’s Hydropower Relicensing Program, most economically feasible and power producing hydropower sites in Vermont were identified and developed in the alternative energy boom in response to the oil crisis in the late 1970s and early 1980s. It is very unlikely that a new, large hydro project would be proposed and viable in our study area. The biggest potential would be at Big Falls which is a State Park, and one of the Study Committee’s identified Outstandingly Remarkable Values (ORVs) as it is the tallest undammed falls in the state of Vermont.

Wild and Scenic designation would not prohibit small, non-FERC-jurisdictional projects on tributaries, though they would still fall under the purview of the State of Vermont and need to satisfy all existing, relevant state and local laws and regulations.

Federal projects are reviewed under Section 7 of the Wild and Scenic Act.

To be reviewed under Section 7 projects must be ALL of the following:

- ⇒ fully or partially federally funded or permitted (including FERC licensing)
- ⇒ construction and development
- ⇒ river related

These projects are reviewed to be sure the federal projects don’t “invade or unreasonably diminish” or have “direct and adverse impact” on the designated area.

In the end, the Study Committee determined that in virtually every case the questions were speculative or easily addressed by Management Plan recommendations and that the benefits outweighed any potential costs of involvement in designation.

More information may be found on our website www.vtwsr.org

