

Union Calendar No. 375

113TH CONGRESS
2^D SESSION

H. R. 2569

[Report No. 113-502]

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

JUNE 30, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 27, 2013]

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”.*

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

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

11 *“(208) MISSISQUOI RIVER AND TROUT RIVER,*
12 *VERMONT.—The following segments in the State of*
13 *Vermont, to be administered by the Secretary of the*
14 *Interior as a recreational river:*

15 *“(A) The 20.5-mile segment of the*
16 *Missisquoi River from the Lowell/Westfield town*
17 *line to the Canadian border in North Troy, ex-*
18 *cluding the property and project boundary of the*
19 *Troy and North Troy hydroelectric facilities.*

20 *“(B) The 14.6-mile segment of the*
21 *Missisquoi River from the Canadian border in*
22 *Richford to the upstream project boundary of the*
23 *Enosburg Falls hydroelectric facility in*
24 *Sampsonville.*

1 “(C) *The 11-mile segment of the Trout*
2 *River from the confluence of the Jay and Wade*
3 *Brooks in Montgomery to where the Trout River*
4 *joins the Missisquoi River in East Berkshire.*”.

5 **SEC. 3. MANAGEMENT.**

6 (a) *MANAGEMENT.*—

7 (1) *IN GENERAL.*—*The river segments designated*
8 *by paragraph (208) of section 3(a) of the Wild and*
9 *Scenic Rivers Act (16 U.S.C. 1274(a)) shall be man-*
10 *aged in accordance with—*

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

17 (B) *such amendments to the management*
18 *plan as the Secretary determines are consistent*
19 *with this Act and as are approved by the Upper*
20 *Missisquoi and Trout Rivers Wild and Scenic*
21 *Committee (referred to in this section as the*
22 *“Committee”).*

23 (2) *COMPREHENSIVE MANAGEMENT PLAN.*—*The*
24 *management plan, as finalized in March 2013, and*
25 *as amended, shall be considered to satisfy the require-*

1 *ments for a comprehensive management plan pursu-*
2 *ant to section 3(d) of the Wild and Scenic Rivers Act*
3 *(16 U.S.C. 1274(d)).*

4 *(b) COMMITTEE.—The Secretary shall coordinate man-*
5 *agement responsibility of the Secretary of the Interior under*
6 *this Act with the Committee, as specified in the manage-*
7 *ment plan.*

8 *(c) COOPERATIVE AGREEMENTS.—*

9 *(1) IN GENERAL.—In order to provide for the*
10 *long-term protection, preservation, and enhancement*
11 *of the river segments designated by paragraph (208)*
12 *of section 3(a) of the Wild and Scenic Rivers Act (16*
13 *U.S.C. 1274(a)), the Secretary of the Interior may*
14 *enter into cooperative agreements pursuant to sections*
15 *10(e) and 11(b)(1) (16 U.S.C. 1281(e), 1282(b)(1)) of*
16 *the Wild and Scenic Rivers Act with—*

17 *(A) the State of Vermont;*

18 *(B) the municipalities of Berkshire,*
19 *Enosburg Falls, Enosburgh, Montgomery, North*
20 *Troy, Richford, Troy, and Westfield; and*

21 *(C) appropriate local, regional, statewide,*
22 *or multi-state planning or recreational organiza-*
23 *tions consistent with the management plan.*

24 *(2) CONSISTENCY.—Each cooperative agreement*
25 *entered into under this section shall be consistent with*

1 *the management plan and may include provisions for*
2 *financial or other assistance from the United States.*

3 *(d) EFFECT ON EXISTING HYDROELECTRIC FACILI-*
4 *TIES.—*

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

9 *(A) preclude, prohibit, or restrict the Fed-*
10 *eral Energy Regulatory Commission from licens-*
11 *ing, relicensing, or otherwise authorizing the op-*
12 *eration or continued operation of the Troy Hy-*
13 *droelectric, North Troy, or Enosburg Falls hy-*
14 *droelectric project under the terms of licenses or*
15 *exemptions in effect on the date of enactment of*
16 *this Act; or*

17 *(B) limit modernization, upgrade, or other*
18 *changes to the projects described in paragraph*
19 *(1).*

20 *(2) HYDROPOWER PROCEEDINGS.—Resource pro-*
21 *tection, 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*

1 (B) may be located within the river seg-
2 ments designated by paragraph (208) of section
3 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)).

5 (e) LAND MANAGEMENT.—

6 (1) ZONING ORDINANCES.—For the purpose of
7 the segments designated in paragraph (208) of section
8 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
9 1274(a)), the zoning ordinances adopted by the towns
10 of Berkshire, Enosburg Falls, Enosburgh, Mont-
11 gomery, North Troy, Richford, Troy, and Westfield in
12 the State of Vermont, including provisions for con-
13 servation of floodplains, wetlands, and watercourses
14 associated with the segments, shall be considered to
15 satisfy the standards and requirements of section 6(c)
16 of the Wild and Scenic Rivers Act (16 U.S.C.
17 1277(c)).

18 (2) ACQUISITIONS OF LAND.—The authority of
19 the Secretary to acquire land for the purposes of the
20 segments designated in paragraph (208) of section
21 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
22 1274(a)) shall be—

23 (A) limited to acquisition by donation or
24 exchange; and

1 (B) subject to the additional criteria set
2 forth in the management plan.

3 (3) NO CONDEMNATION.—The Secretary of the
4 Interior may not acquire by condemnation any land
5 or interest in land within the boundaries of the river
6 segments designated by paragraph (208) of section
7 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
8 1274(a)).

9 (4) WRITTEN CONSENT OF OWNER REQUIRED.—
10 No private property or non-Federal public property
11 shall be included within the boundaries of the river
12 segments designated by paragraph (208) of section
13 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
14 1274(a)) without the written consent of the owner of
15 that property.

16 (f) RELATION TO NATIONAL PARK SYSTEM.—Notwith-
17 standing section 10(c) of the Wild and Scenic Rivers Act
18 (16 U.S.C. 1281(c)), the Missisquoi and Trout Rivers shall
19 not be administered as part of the National Park System
20 or be subject to regulations that govern the National Park
21 System.

22 (g) NO BUFFER ZONE CREATED.—Nothing in this Act
23 or the Upper Missisquoi and Trout Rivers Management
24 Plan shall be construed to create buffer zones outside the
25 designated river segment boundaries designated by para-

1 *graph (208) of section 3(a) of the Wild and Scenic Rivers*
2 *Act (16 U.S.C. 1274(a)). That activities or uses can be seen,*
3 *heard, or detected from areas within the designated river*
4 *segments shall not preclude, limit, control, regulate or deter-*
5 *mine the conduct of management of activities or uses out-*
6 *side those designated river segments.*

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