

Calendar No. 396113TH CONGRESS
2^D SESSION**S. 1252****[Report No. 113-170]**

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 SENATE OF THE UNITED STATES

JUNE 27, 2013

Mr. SANDERS (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MAY 22, 2014

Reported by Ms. LANDRIEU, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

24 “(C) The 11-mile segment of the Trout
25 River from the confluence of the Jay and Wade
26 Brooks in Montgomery to where the Trout

1 River joins the Missisquoi River in East Berk-
2 shire.”.

3 **SEC. 3. MANAGEMENT.**

4 (a) MANAGEMENT.—

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

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

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

21 (2) COMPREHENSIVE MANAGEMENT PLAN.—

22 The management plan, as finalized in March 2013,
23 and as amended, shall be considered to satisfy the
24 requirements for a comprehensive management plan

1 pursuant to section 3(d) of the Wild and Scenic Riv-
2 ers Act (16 U.S.C. 1274(d)).

3 (b) COMMITTEE.—The Secretary shall coordinate
4 management responsibility of the Secretary of the Interior
5 under this Act with the Committee, as specified in the
6 management plan.

7 (c) COOPERATIVE AGREEMENTS.—

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

17 (A) the State of Vermont;

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

21 (C) appropriate local, regional, statewide,
22 or multi-state planning, environmental, or rec-
23 reational organizations.

24 (2) CONSISTENCY.—Each cooperative agree-
25 ment entered into under this section shall be con-

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

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

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

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

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

23 (2) HYDROPOWER PROCEEDINGS.—Resource
24 protection, mitigation, or enhancement measures re-

1 quired by Federal Energy Regulatory Commission
2 hydropower proceedings—

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

5 (B) may be located within the river seg-
6 ments designated by paragraph (208) of section
7 3(a) of the Wild and Scenic Rivers Act (16
8 U.S.C. 1274(a)), subject to a written deter-
9 mination by the Secretary that the measures
10 are consistent with the purposes of the designa-
11 tion.

12 (e) LAND MANAGEMENT.—

13 (1) ZONING ORDINANCES.—For the purpose of
14 the segments designated in paragraph (208) of sec-
15 tion 3(a) of the Wild and Scenic Rivers Act (16
16 U.S.C. 1274(a)), the zoning ordinances adopted by
17 the towns of Berkshire, Enosburg Falls, Enosburgh,
18 Montgomery, North Troy, Richford, Troy, and West-
19 field in the State of Vermont, including provisions
20 for conservation of floodplains, wetlands, and water-
21 courses associated with the segments, shall be con-
22 sidered to satisfy the standards and requirements of
23 section 6(e) of the Wild and Scenic Rivers Act (16
24 U.S.C. 1277(e)).

1 (2) ACQUISITIONS OF LAND.—The authority of
2 the Secretary to acquire land for the purposes of the
3 segments designated in paragraph (208) of section
4 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
5 1274(a)) shall be—

6 (A) limited to acquisition by donation or
7 acquisition with the consent of the owner of the
8 land; and

9 (B) subject to the additional criteria set
10 forth in the management plan.

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

17 (g) DESIGNATION OF ADDITIONAL SEGMENT.—

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

24 (2) FINDINGS.—Congress finds that the addi-
25 tional segment is eligible and suitable for designa-

1 tion as a recreational river if the Secretary of the
2 Interior determines that there is adequate local sup-
3 port for the designation in accordance with para-
4 graph (4).

5 (3) DESIGNATION AND ADMINISTRATION.—If
6 the Secretary of the Interior determines that there
7 is adequate local support for the designation of the
8 additional segment in accordance with paragraph
9 (4)—

10 (A) the Secretary shall publish in the Fed-
11 eral Register notice of the designation of the
12 additional segment;

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

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

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

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