

## **Appendix A: Overview of Key Elements 1995 Management Plan**

### **III. Overview of Key Management Plan Elements (page 4)**

This section summarizes the principal components and recommendations of the Lamprey River Management Plan.

Wild and Scenic River Designation: The LRAC unanimously recommends designation of the Lamprey River as a component of the National Wild and Scenic Rivers System.

Designation would accomplish the following:

- 1) Protect the critical interests of the Town of Durham at the Wiswall Dam by preventing the conveyance of the dam and its water rights from the Town to a private hydroelectric develop.
- 2) Protect the interests of riverfront landowners and the aspects of the river's ecology that could be jeopardized by hydroelectric development.
- 3) Require all federal agencies to respect both existing state policies and local priorities, as outlined in this Management Plan.
- 4) Establish a permanent partnership with the National Park Service to assist local communities and the Committee in implementing this Plan and in meeting the future needs of the river.
- 5) Increase the likelihood of federal funding for desired projects, as well as increase the ability to compete for non-governmental grants for those projects.

“TREAD LIGHTLY” Throughout this Plan the LRAC has promoted an approach to river protection that emphasizes the importance of individual actions. Each of us who visits, lives by, or uses the Lamprey can minimize human impacts on the river and its corridor while continuing to enjoy them by acting thoughtfully and responsibly.

### **V. Effects on Water Resources Management from Designation under the National Wild and Scenic Rivers Act (pages 17-18)**

This section outlines the responsibilities of the National Park Service (as the representative of the federal government under the Wild and Scenic Rivers Act) should the Lamprey River be designated into the National Wild and Scenic Rivers System.

**Water Quality Standards and Permits** Present water quality standards for the Lamprey would be unaffected by designation of the Lamprey into the Wild and Scenic Rivers System, and there would be no additional permits required as a result of Wild and Scenic designation.

The NH Department of Environmental Services would continue to have primary responsibility, as delegated by the US Environmental Protection Agency, for achieving and maintaining water quality standards.

The State and federal EPA would continue to administer grants and permits under the Clean Water Act. The National Park Service would review such activities to ensure that such permits and grants reflect the intent of this Management Plan. The

National Park Service would continue to seek ways for the Town of Epping to upgrade its treatment facility, including support of requests for financial assistance.

**Enhancing Water Quality** The National Park Service would seek the cooperation of federal agencies, especially the EPA, to alleviate water quality problems. Emphasis would be placed on bolstering implementation of nonpoint source pollution programs in the watershed, resolving known water quality problems, and sponsoring research related to water quality issues.

**Instream Flow:**

**Responsibilities** The State of New Hampshire would continue to have primary responsibility for establishing and maintaining protective instream flow conditions as articulated in the NH Rivers Management and Protection Act. The National Park Service has no authority to supersede or otherwise overrule the state's jurisdiction in this regard.

The National Park Service would review and comment on all water resource development projects on or affecting the designated segment that require federal funds or federal permits to ensure their compatibility with the maintenance of flows adequate to support the outstanding resources of the Lamprey. Such review would include permits issued by the Army Corps of Engineers for dredge and fill permitted under Section 404 of the Clean Water Act.

**Wiswall Dam** The responsibility for operation of the Wiswall Dam to maintain flow conditions would remain with the Town of Durham. Since it is an existing facility, the National Park Service would have no review authority over the operation of the town's water system or intake structure. Further, the National Park Service would recognize the municipal withdrawals from the Lamprey, together with the continued maintenance and operation of the dam and appurtenant facilities in their present capacities, size, and location, as compatible with designation into the National Wild and Scenic Rivers System. It is the responsibility of the state and town to make sure that the operation of the dam maintains adequate flows downstream of the dam. As recommended in this Plan, the NPS, in cooperation with state and private partners, would seek funding for a fish ladder at the dam as a river enhancement initiative associated with designation. Any such initiative would require the Town of Durham's cooperation, and the town would be under no financial obligation. The National Park Service and its partners would assume responsibility for funding a fish ladder initiated as a result of designation.

**Federal Water Resource Development Projects:**

Any water resource development project funded, permitted, undertaken, or otherwise assisted by a federal agency would be subject to review by the National Park Service to ensure no direct and adverse effect on the designated segment of the Lamprey River or its outstanding natural and cultural values. The establishment of such a long-term water resources policy for all federal agencies is central to the purposes of the Wild and Scenic Rivers Act.

The NPS review of such projects would be conducted in consultation with affected communities, the state, and the Lamprey River Advisory Committee.

**Hydroelectric Development:**

**On the Designated Segment** Hydroelectric development projects on the designated river segment, including the pending project at the Wiswall Dam in Durham, would be prohibited under the terms of the National Wild and Scenic Rivers Act. This prohibition would serve to protect the Town of Durham's water rights at the Wiswall Dam.

**Above or Below the Designated Segment** New hydroelectric projects above or below the segment would need to comply with the general provisions for federally assisted water resource development projects, namely, that they create no direct and adverse effect on the designated segment or its outstanding natural and cultural features.

**IX. Effects on Ecological, Historic, and Recreational Resources****Management from Designation under the Wild and Scenic Rivers Act** (page 35-36)

This section outlines the support available from the National Park Service (as the representative of the federal government under the Wild and Scenic Rivers Act) if designation of the Lamprey River into the National Wild and Scenic Rivers System occurs.

**General:**

The National Park Service would seek to utilize the national designation to ensure that federal agency actions related to the river were consistent with the goals and objectives of this Plan.

The technical planning resources and financial assistance of the National Park Service would be available for conservation and enhancement projects related to the natural, cultural, and recreational resources highlighted in this Plan, subject to Congressional appropriations and other budgetary constraints. The National Park Service would consider requests for such assistance in coordination with the Lamprey River Advisory Committee.

**Ecological Integrity:**

The objective of the LRAC is to protect and enhance the ecological integrity of the Lamprey River by promoting research, education, and voluntary land protection to complement enforcement of existing regulations. The National Park Service supports this approach, and would cooperate with all relevant parties in its promotion.

The NPS would support the LRAC's voluntary land protection program as an integral aspect of conserving the Lamprey's special ecological values.

The NPS, in conjunction with the LRAC, the NH Natural Heritage Inventory, and The Nature Conservancy, would explore avenues for continuing ecological research and monitoring conducted through the Wild and Scenic River study.

#### Historical and Archaeological Resources:

The National Park Service would support the efforts of the LRAC to research, protect, and interpret the historical and archaeological aspects of the Lamprey River. The NPS has substantial expertise and experience in such areas, and would consider requests for technical and other assistance.

#### Public Enjoyment:

The National Park Service supports the LRAC's goals for recreational use and development as articulated in this Plan. The NPS would not promote recreational use of the Lamprey which exceeds the scope of this Plan, and would work to ensure that uses are compatible with and sensitive to the river's outstanding natural and cultural resources and to the river's inherent limitations for recreational use.

All recreational uses of the river area, including hunting, fishing, trapping, snowmobiling, boating, and other such uses would be unaffected by national designation, and would continue to be managed according to existing state and local authorities.

### **B. Designation under the National Wild and Scenic Rivers Act (page 38-39)**

#### Purposes:

The broad purposes of national designation on the Lamprey are to:

- 1) establish federal policies for the watercourse which ensure that federal actions are consistent with the river protection goals of this Plan and
- 2) provide for financial and technical assistance of the National Park Service in implementing this Lamprey River Management Plan.

#### Administrative Structure:

The existing structure established through state designation of the Lamprey River under the RMPP satisfies the requirements of the national program for administering the designated river segment. The National Park Service would coordinate its responsibility to ensure federal agency consistency with the Lamprey River Advisory Committee. The LRAC would be the focal point for communication and coordination among local communities, the state, and the National Park Service, effectively continuing the cooperative approach established over the past several years.

#### Designation Process:

The congressional designation process requires enactment of a designation bill specific to each new river segment. This bill is an amendment to the broader Wild and Scenic Rivers Act and contains provisions tailored to the river segment in question. For the Lamprey, the bill would identify this Plan as the management plan for the river and would establish the LRAC as the official advisory body to the NPS. In the event that local communities express a desire to move forward with a national designation based on the principles laid out in this Management Plan, the National Park Service will work with the LRAC, community officials, and the NH congressional delegation to draft an amendment to the Wild and Scenic Rivers Act designating the Lamprey. No designation will proceed without the express approval of town officials for the provisions of the designation bill and Management Plan.

#### National Park Service Role:

The National Park Service would have two distinct roles under the federal designation:

- 1) to review "federally assisted water resources projects on or directly affecting" the designated river segment to ensure their compatibility with this Management Plan and
- 2) to provide technical planning and financial assistance for implementation of the Plan and its recommendations.

National Park Service authority for the review of federally assisted water resource projects derives from Section 7 of the Wild and Scenic Rivers Act, which states:

No department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary [of the Interior] charged with its administration.

Section 7 is the only Section which confers "regulatory" oversight to the National Park Service, which serves as the representative of the Secretary of the Interior under this Act.

#### Limitations of National Designation:

##### **Land Use Management**

The Wild and Scenic Rivers Act confers no authority to the National Park Service to manage, regulate, zone, or otherwise restrict the use of nonfederal lands. Management and use of lands adjacent to the river would continue to be the responsibility of landowners subject to existing state and local regulations.

##### **Land Acquisition**

The National Park Service would not own or manage any lands along the river and would not support condemnation of land along the river. Federal funds could be made available to land trusts and local communities through designation for the purchase of lands or conservation easements that advance the purposes for which the river was designated (particularly ecological, archaeological, fisheries protection). The NPS would consider providing funds subject to the following conditions:

- > The acquisition is from willing sellers only.
- > Local municipal authorities approve the acquisition.
- > An appropriate local, state, or nonprofit entity and not the National Park Service holds title and management responsibility for any purchased lands or easements.

##### **Permits**

No new state or federal permits would be required as a result of national designation. Local permitting processes would be unaffected.