



Pemigewasset Wild and Scenic River Study

Final Report

June, 1997

Prepared by:

New England System Support Office

National Park Service

U.S. Department of the Interior

15 State Street

Boston, MA 02109

Draft and Final Report Author: Gary Weiner

In June of 1996, the National Park Service distributed approximately 200 copies of the Pemigewasset Wild and Scenic River Study Draft Report. The Draft Report contains a summary of the study process and findings, as well as a determination of whether or not to recommend any segment of the Pemigewasset River in New Hampshire for inclusion in the National Wild and Scenic Rivers System. Chapter IV of the Draft Report considers five alternatives and selects Alternative I: Status Quo (no designation) as the recommended alternative.

The NPS received fifteen letters of comment on this Draft Report: three from other federal agencies; one from local government; and eleven from non-governmental organizations and individuals. A summary of those letters is attached at the end of this discussion, as are several representative letters in full.

Discussion

No agency commenting on the Draft Report suggested any changes. All eleven letters of comment from individuals and non-governmental organizations expressed some degree of frustration and/or dissatisfaction with the decision to not recommend designation. Most of these expressed a desire to see the NPS commit to revisit the issue and/or consider recommending Alternative V: Secretarial Designation of Both Study Segments Pursuant to Section 2(a)(ii) of the Act. These two topics -- Reconsideration of the designation issue and Alternative V -- are discussed below.

Reconsideration The conditions under which the NPS would reconsider its recommendation have already been discussed in the Draft Report.

For the Pemigewasset River to be suitable for designation, there must be long-term protection provided for the river's outstanding resources, demonstrated local support for designation of the Valley segment, and state support for designation of the Franconia Notch segment. River resources are well protected in the Franconia Notch segment and in five of the seven towns of the Valley segment. However, six of seven Town Meeting votes and the Commissioner of DRED (agency managing Franconia Notch State Park) indicated a lack of support for designation.

However, should local opinion change in the future, as evidenced by new town votes, or should the state reverse its position, the Service would reconsider its recommendation.

The conditions under which the NPS would recommend designation were established early in the study process by the NPS with strong support from congressional sponsors. They were designed to provide a clear standard for decision-making regarding the designation issue, and to place the

decision to recommend or not recommend designation primarily within the control of abutting communities (Valley segment) and the state (Franconia Notch segment).

The NPS stands ready at any time to re-evaluate the designation of the Franconia Notch segment. A letter requesting such reconsideration would most appropriately come from the Commissioner of the Department of Resources and Economic Development or the Governor.

In order to trigger a reconsideration of designation for the Valley segment, there would need to be evidence of local support for such a reconsideration. Any motion expressing such support and passed by written ballot or town meeting vote would qualify in this regard. A sufficient number of towns would need to express such support to warrant reconsideration as a viable designation segment. For example, if the towns of Bridgewater, Plymouth, Ashland and Holderness were to add their support to that already expressed by New Hampton, a viable designation segment might exist. If, on the other hand, only the town of Ashland were to reconsider their position, a viable segment would not exist.

Alternative V: Secretarial Designation In order to qualify for designation as a Wild and Scenic River pursuant to Section 2(a)(ii) of the Act, a river segment must meet a set of criteria established in the Act. A first threshold for 2(a)(ii) designation is that the segment meet the free-flowing and outstanding resource criteria for eligibility. Based on the findings of the Draft Report, such eligibility has been established. A second threshold pertains to adequate protection of the segment to protect outstanding resources. Based on the findings of the Draft Report, this protection exists for both study segments, with the exception of the portion of the Valley segment through Thornton and Bridgewater.

Most significantly, Section 2(a)(ii) of the Act requires that the nomination of a river segment originate with the Governor of the state or a duly appointed representative of the Governor. If the NPS were to receive such a nomination for some or all of the Pemigewasset study area, it would receive due consideration.

Decision

Since no substantive changes of fact were recommended or suggested in the findings of the Draft Report, and since no changes have occurred which would trigger a reconsideration of the NPS's recommendation at this time, the Pemigewasset Wild and Scenic River Study Draft Report is hereby adopted as the Final Report.

Pemigewasset Wild and Scenic River Study
Summary of Comment Letters Received on Draft Study Report

Commenting Organizations and Individuals

Comments

Wise Use Movement, Seattle, WA	Support Designation of both Study Segments. Concerned with erroneous information spread by opposition to designation.
Robert A. Fischer, New Hampton, NH (Study Committee Member)	Urges reconsideration of designation. Seeks additional information about the possibility of Secretarial Designation under Section 2a(i) of the Wild and Scenic Rivers Act.
James Felch, New Hampton, NH	Praises beauty and worthiness of Pemigewasset for protection as a Wild and Scenic River. Regrets decision to not recommend designation, expresses desire to see possible designation revisited in the future.
Pemigewasset River Council	Express support for the Study, Management Plan, and Report. Cite historical context of local community and citizen support for protection of river prior to organized anti-designation efforts which intimidated and confused citizenry and local officials. Urge reconsideration of Report conclusion.
Thomas A. Linell, Hanover, NH	Expresses support for Wild and Scenic designation. Expresses frustration with the Service handling of the Study process and for allowing its findings to be dictated by local political pressures.
Friends of the Earth, Seattle, WA	Express support for designation of the Pemigewasset as a Wild and Scenic River.
New Hampshire Rivers Council	Express support for the Study process and products. Express a desire to see designation revisited in the future.
Audubon Society of New Hampshire	Express conviction that designation would be the right thing to do. Express hope that the Study process and products will improve protection for river even without designation.

Larry T. Spencer, Holderness, NH (Study Committee Member)	Suggests that the designation of the Pemigewasset as a Wild and Scenic River is worth fighting for. Expresses disappointment with the no designation outcome. Seeks reconsideration of Alternative V: Secretarial Designation under Section 2a(ii) of the Act. Cites Study Committee vote in favor of designation as support for this position.
G. A. Ports, Wentworth, NH	Expresses disappointment with decision to not recommend designation. Hopes issue will be re-visited soon.
Scott W. Bailey, Pemigewasset Chapter, Audubon Society of NH, Plymouth, NH	Commends Study Report and Study Process. Expresses hope that the effort will lead to increased appreciation and protection for river.

Commenting Local, State and Federal Governmental Bodies

Comments

Town of Holderness Conservation Commission	Expresses disappointment with decision to not recommend designation. Seeks re-consideration of Alternative V: Secretarial Designation under Section 2a(ii) of the Act. Alternatively, seeks Service commitment to re-visit issue at some time in the future.
U.S. Army Corps of Engineers	Finds that the "no designation" recommendation has no impacts upon existing or planned Corps activities.
Federal Energy Regulatory Commission	Finds that the FERC has no existing or pending hydroelectric projects within the study area and therefore has no objection to any of the alternatives.
US Environmental Protection Agency	Commends Study and Management Plan. Agrees with Report findings regarding significance of the river resources. Agrees with the need to not recommend designation at this time based on lack of community support.

Sample Comment Letters

THE NEW HAMPSHIRE RIVERS COUNCIL

157 Naticook Road
Merrimack, NH 03054
September 30, 1996

Jamie Fosburgh
National Park Service
15 State Street
Boston, MA 02109

RE: Draft Report Pemigewasset Wild & Scenic River Study

Dear Jamie:

The New Hampshire Rivers Council is the statewide watershed association for the state of New Hampshire. It was formerly called the New Hampshire Rivers Campaign and is referred to as such several times in the study. During the time of the study, we changed the name to the New Hampshire Rivers Council. We are the same organization.

I have read the draft study and am pleased to have the opportunity to comment on it on behalf of the New Hampshire Rivers Council.

Although we are disappointed that the study will not lead to a designation of the Pemigewasset as a Wild & Scenic River, we believe that the study itself is a valuable resource for the state of New Hampshire.

The process itself has been valuable in identifying the resources along the river and in identifying the citizens who can and will protect the river in the future.

The management plan is extremely valuable for the future efforts of the Local Advisory Committee.

The publicity generated by the study will help to protect the river in the future. Although the New Hampshire Landowners Alliance defeated a good proposal through fear and innuendo, we believe that the truth will eventually prevail.

It is unfortunate that circumstances allowed the New Hampshire Landowners Alliance to capitalize on the fears of citizens in the area. We believe that the vast majority of these citizens do support river protection but opted not to make a change in the face of controversy and uncertainty. We hope that when more positive public relations take place and controversy dies down, the proposal for Wild & Scenic designation can be revived. The New Hampshire Rivers Council hopes to be part of the solution.

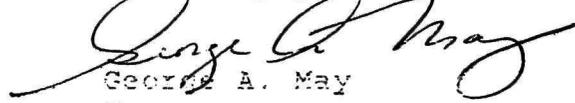
Positive results have come from the study. One of the reasons that a Wild & Scenic study was originally requested was that there was a proposal to dam Livermore Falls. This concern has been removed for the present. The State of New Hampshire has purchased the property and there are no plans to build a dam at the present time. We expect that the Livermore Falls area will become an improved recreational and conservation area in time.

Also the State of New Hampshire has afforded protection for the Pemigewasset through the NH Rivers Management & Protection Program.

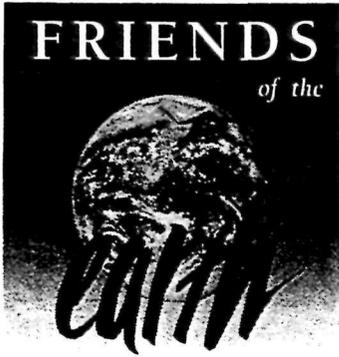
There are some easy improvements that could be made to help protect the river. We would like to see an increase in properly designed public access areas for canoeing and fishing on the Pemigewasset. This would help to increase the awareness of how valuable this river is.

To sum up, we wish that Wild & Scenic designation had been recommended, but believe that there are protections already in place that will save the river until Wild & Scenic designation can be proposed again in the future. This study is a valuable resource.

Sincerely yours,


George A. May
Treasurer

cc: Pemigewasset River Council



September 23, 1996

Mr. Jamie Fosburgh
New England System Support Office
National Park Service
U.S. Department of the Interior
15 State St.
Boston, MA 02109

Dear Mr. Fosburgh:

We have reviewed a copy of the Pemigewasset Wild and Scenic River Study and support the findings of the National Park Service that the Franconia Notch Segment and the Valley Segment of the Pemigewasset River are eligible for designation into the Wild and Scenic River system.

The national Wild and Scenic River system is the only means by which free-flowing rivers can be kept in their natural state from dam construction.

Well over a thousand miles of rivers in the State of Oregon have been placed in the national Wild and Scenic River system. New Hampshire's rivers are almost entirely unprotected from dam empoundments.

The addition of the Pemigewasset River to the Wild and Scenic River system would be in the national interest as well as protecting the interests of local citizens who support free-flowing rivers.

We strongly encourage you to go forward with such a designation.

Sincerely,

Shawn Cantrell
Director, Northwest Rivers Project

PEMIGEWASSET RIVER COUNCIL

POB 552 New Hampton NH 03256

(603) 744-5671

September 27 1996

Jamie Fosburgh, Report Editor
NESSO, National Park Service
15 State Street
Boston MA 02109

Dear Mr Fosburgh:

Reference: Draft Report on Pemigewasset River Wild and Scenic designation.

Many thanks to you and to the study's project director, Gary Weiner, for your efforts on behalf of the Pemigewasset River community. We know that preparation of this draft report has to have been an agonizing and difficult task and while we cannot agree with your conclusion (" NPS does not recommend designation at this time"), we know the restraints under which you had agreed to make your decision. I appreciate your considerable comments on the opposition movement, which we deem the sole reason for such a disastrous Town Meeting vote on which you based your decision.

We strongly support the basic report, the Management Plan adopted by the Pemigewasset Wild and Scenic River study committee, ably chaired by Dr. David Switzer of the Plymouth Conservation Commission and Town Planning Board, an historian of world repute in underwater archaeology, and chair, Social Science Department, Plymouth State College (University of New Hampshire system).

When the Pemigewasset River Council launched efforts for a river corridor management plan in 1986, the process was shared with townspeople through the council members (all elected or appointed officials of our towns working as volunteers). Local and statewide press carried a myriad of articles on the preparation of a Pemi River overlay zoning plan, while council members presented slide programs to many local community groups.

Enthusiastic response and an overwhelming Town Meeting vote to adopt critical protective measures in our towns was swift and typical of NH's appreciation for low-cost local government. Again I emphasize the general public was well informed and responded positively. In fact, ours was the first river corridor land-use management program in New Hampshire, resulting in Governor John Sununu arranging funding (\$20,000 to his Office of State Planning) for a like program for the Upper Merrimack River.

Wild and Scenic was to be the "icing on the cake." And again full coverage in the press and towns was part of our program. The council's oral presentations in Washington to the US House of Representatives and Senate were enthusiastically covered and support from our Congressional delegation, equally so. In fact, their own presentations before their respective bodies showed tremendous support (witness video taping of the proceedings).

So it was a great surprise that an application for a Federal license to build and operate a hydroelectric dam at Livermore Falls in Campton became an issue, initiating an "anti-Fed" move-

ment by six local people including an employee of the wannabe dam operator and his wife. Their cry that the "Feds will or might take your property" surely was a frightening and malicious charge that even caught our unsuspecting press.

1. The leader of this dissident group admitted to not having voted or read the newspapers.
2. The truth, in fact: if the dam license had been granted, the operator himself would have "taken" the property of another under the current Federal Energy Regulatory Commission's law.
3. Outside support from the anti-environmental, the so-called, Wise Use Movement, brought financial and legal support to this group of six; while 99+% of the vocal opposition to the designation came from the five commercial water users of the river or two major tributaries, who had previously been assured by the Secretary of the Interior that their snow making operations were absolutely cleared from the designation findings.

Briefly, their late 80-90s well-funded (money, legal, manpower) tactics were intimidation, incivility and vitriol, a precursor of what was experienced since the November 1994 national campaigns, that would turn off a normally voting public from participation.

It was distressing to see our Congressional delegation's lack of response to the group's unfounded cries, but more painful was the low voter turnout (and intimidation towards those attending) at the 1993 Town Meetings on which you and our delegation based conclusions. A fraud was perpetrated on the Pemi Valley in which unsuspecting townspeople were entrapped and town officials unable to cope. More appropriate would have been a secret ballot vote at the town elections where turnout was high.

We urge you to reconsider the wording of the report's conclusion in the light of the above comments, so that the effort for designation will not be allowed to die.

Sincerely,


Patricia P. Schlesinger
President



Audubon Society of New Hampshire

3 Silk Farm Road, Concord, NH 03301-8200

phone: 603/224-9909 • fax: 603/226-0902

September 27, 1996

Mr. Jamie Fosburgh
National Park Service
15 State Street
Boston, MA 02109

Dear Mr. Fosburgh,

The Audubon Society of New Hampshire has reviewed the Pemigewasset Wild and Scenic River Study (Draft Report, March 1996), and we would like to offer the following brief comments.

We remain convinced that designation of appropriate sections of the river into the federal Wild and Scenic Rivers Program is a proper and advantageous thing to do. It is unfortunate that this designation was not approved by all the towns, but we are pleased to see this Draft Report, filled as it is with important information which will be of significant use to those same towns and townspeople. The inventory of wildlife, vegetation, and fish will be of special value to local conservation organizations, as will the water quality, instream, and shoreline resources recommendations. The information on recreation, scenery, and cultural/historical resources will be most useful to the towns as they evaluate and promote their assets related to the river.

One of the keys regionally is clearly the formation of the Pemigewasset River Advisory Committee. The management plan places a great amount of responsibility on this group. We hope that some local initiative might begin to draw this together, since it is unlikely, with declining budgets, that much follow-up will be accomplished through state agencies. Having this Study information available will heighten awareness in individual towns about what needs to be done to protect and enhance the river corridor, and we applaud the publication. Perhaps some local activity will be undertaken to begin to implement at least some of the recommendations of the management plan.

Thank you for the opportunity to comment. The Audubon Society remains ready to assist towns and individuals in any way we can.

Sincerely yours,

Kirk Stone
Kirk Stone

Environmental Affairs Director

Town of Holderness

30 September 1996



Conservation Commission

HOLDERNESS NEW HAMPSHIRE 03245

Mr. Jamie Fosburgh
National Park Service
15 State Street
Boston, MA 02109

Dear Jamie:

I am writing you on behalf of the Holderness Conservation Commission. We are in a quandary as to how to respond to the draft report of the Pemigewasset Wild and Scenic Study. The document is an admirable document, but the suggested recommendation, that is, the recommendation to maintain the status quo seems some what weak, particularly since we could not find any indication as to whether the Park Service is really supportive of bringing the matter back to the towns for another vote at a later time. As a participants in the whole process, we feel we were "done-in" by the very strong activities of the wise use movement. The activities of the local people representing that viewpoint were supported by funds coming from out-of-state sources. In contrast the work of local people in support of the designation were pretty much funded by local funds, e.g., the Pemigewasset River Council, the NH Rivers Council, the conservation commissions, etc. The supporters were far out-spent by the wise-use faction and I should also note, far out shouted. The discourse from the other side was emotional and often unfactual.

We believe that the model described in the draft statement, a model of town, state and federal cooperation, is an excellent model for a different kind of wild and scenic river program. Eastern rivers are radically different from many of the western rivers that are in the wild and scenic program. They pass through mostly private property. Yet, in terms of habitat, it is as important to protect these environments as much as those in the west. Thus we would hope that the NPS head and the Secretary of the Interior would recommend Alternative Five, that of Secretarial designation. If the National Park Service is unwilling to do that then at least the recommendation should be made be re-visit the issue in a definitive time, perhaps five years.

Sincerely yours,

Larry T. Spencer, Chair



FURTHERING THE CONSERVATION OF OUR TOWN'S
FORESTS -- WATER -- SOIL -- AIR -- WILDLIFE

