



H.R. 3667 – Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2008

EXECUTIVE SUMMARY

This legislation was introduced by Representative Peter Welch (D-VT) on September 25, 2007. The bill was ordered to be reported, as amended, by the Committee on Natural Resources by voice vote on June 25, 2008. H.R. 3667 is expected to be considered on the floor on September 10, 2008.

The Wild and Scenic Rivers Act of 1968 allows rivers to be designated for protection. The bill states that it is the policy of the United States to preserve certain rivers that have distinctive characteristics and are free-flowing. Rivers that seek the wild and scenic designation must first undergo a study to determine that they are qualified for the Wild and Scenic River program.

The bill designates two 25-mile segments of the Missisquoi River and 20-miles of the Trout River in Vermont for study for the potential addition to the National Wild and Scenic River System. CBO estimates that implementing H.R. 3667 would cost about \$300,000 over the next three years.

According to the dissenting views of the Committee Report, "H.R. 3667 puts into motion yet another Wild and Scenic River. This time environmentalists have set their sights on two rivers in Vermont. While no risk to the river was identified in the subcommittee legislative hearing, the Majority has seen fit to use federal law to impose zoning regulations."

FLOOR SITUATION

H.R. 3667 is being considered on the floor under a structured rule. The Rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources.
- Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of rule XXI.
- Provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources, now printed in the bill pursuant to Part II of House Report 110-668, shall be considered as the original bill for the purpose of amendment and shall be considered as read.
- Waives all points of order against that amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- No amendments shall be in order except those amendments printed in the Rules Committee report accompanying the resolution.
- Provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee on the Whole.



- Waives all points of order against the amendments printed in the report except for clauses 9 and 10 of rule XXI.
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.
- Tables House Resolution 1399.

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H.R. 3667 is expected to be considered on the floor of the House of Representatives on September 10, 2008.

BACKGROUND

The Wild and Scenic Rivers Act of 1968 allows rivers to be designated for protection. The bill states that it is the policy of the United States to preserve certain rivers that have distinctive characteristics and are free-flowing. Rivers that seek the wild and scenic designation must first undergo a study to determine that they are qualified for the Wild and Scenic River program.

The Wild and Scenic Rivers Act provides three separate designations for rivers: wild, scenic, or recreational. According to the National Wild and Scenic River System, a river, or section of river, is designated wild if it is free of impoundments, has primitive shorelines, is only accessible by trails, and has unpolluted waters. Scenic rivers have largely undeveloped shorelines, may be accessible by roads in places, and are more developed than wild rivers. Rivers can be designated as recreational if they are readily accessible by road, have some development along the shoreline, and may have had some impoundment or diversion (like a dam) in the past. If a river receives a Wild and Scenic River designation, no new dams may be constructed and federally assisted water resource development projects would not be allowed.

The Missisquoi River is a tributary of Lake Champlain and flows through both the State of Vermont and Quebec, Canada. The river flows into Missisquoi Bay, part of Lake Champlain, through the Missisquoi National Wildlife Refuge.

SUMMARY

H.R. 3667 designates two 25-mile segments of the Missisquoi River and 20-miles of the Trout River in Vermont for study for the potential addition to the National Wild and Scenic River System.

ADDITIONAL VIEWS

According to the dissenting views of the Committee Report, "H.R. 3667 puts into motion yet another Wild and Scenic River. This time environmentalists have set their sights on two rivers in Vermont. While no risk to the river was identified in the subcommittee legislative hearing, the Majority has seen fit to use federal law to impose zoning regulations. These studies, such as the one proposed in H.R. 3667, are marketed as a way to determine whether or not a river has the necessary characteristics to be designated as a Wild and Scenic River. Unfortunately, we have found that the Park



Service can interpret any river as having these characteristics merely because the water is "free flowing." Consequently, what these studies amount to are federally subsidized congregations where environmentalist and zoning officials sit down and plot property restrictions cloaked as "riparian setbacks."

AMENDMENTS MADE IN ORDER

- 1) Representative Nick Rahall (D-WV): Would amend the bill by requiring that the proposed study analyze any potential impacts on the possession or use of a weapon, trap, or net, including a concealed weapon.
- 2) Representative Rob Bishop (R-UT): (REVISED) Would amend the bill by adding to the proposed study an assessment of any impact a wild and scenic designation in the study area is likely to have on energy production, transmission, or conveyance.
- 3) Representative Jeff Flake (R-AZ): Would amend the bill to provide that nothing in it may be construed as authorizing appropriations for a new designation within the National Wild and Scenic Rivers System.

COST

According to the Congressional Budget Office Cost Estimate, "Based on information provided by the NPS and assuming the availability of appropriated funds, CBO estimates that implementing H.R. 3667 would cost about \$300,000 over the next three years. Enacting H.R. 3667 would not affect revenues or direct spending." ([CBO Cost Estimate](#))

STAFF CONTACT

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