

WILDCAT RIVER

COMPREHENSIVE RIVER MANAGEMENT PLAN



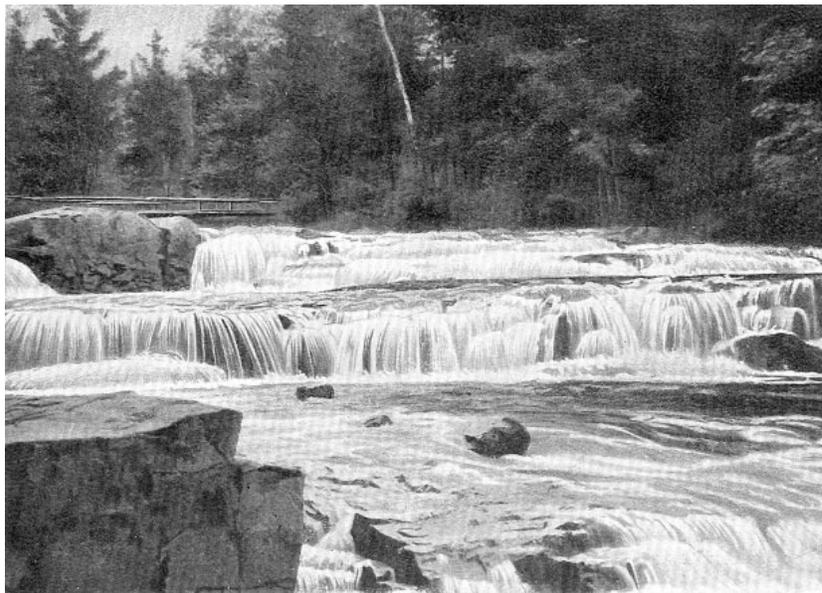
2005



WHITE MOUNTAIN NATIONAL FOREST
JACKSON, NEW HAMPSHIRE

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ACKNOWLEDGEMENTS

(Additional individuals will be added to this Acknowledgement)

Since the designation of the Wildcat River, many people, especially local residents, have been involved in helping to ensure continuing protection of the Wildcat River and development of this Comprehensive River Management Plan. To them we express our continuing appreciation for their time, energy, and deep devotion to the Wildcat River and Town of Jackson.

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Postcard: Jackson Falls, Jackson, NH, published in Germany for G.W. Morris, Portland, Maine, date unknown, Diane McClave collection



Two girls on the Wildcat, date and photographer unknown, from the Wildcat Brook Wild and Scenic River Study Draft Report (February 1988), White Mountain National Forest collection.



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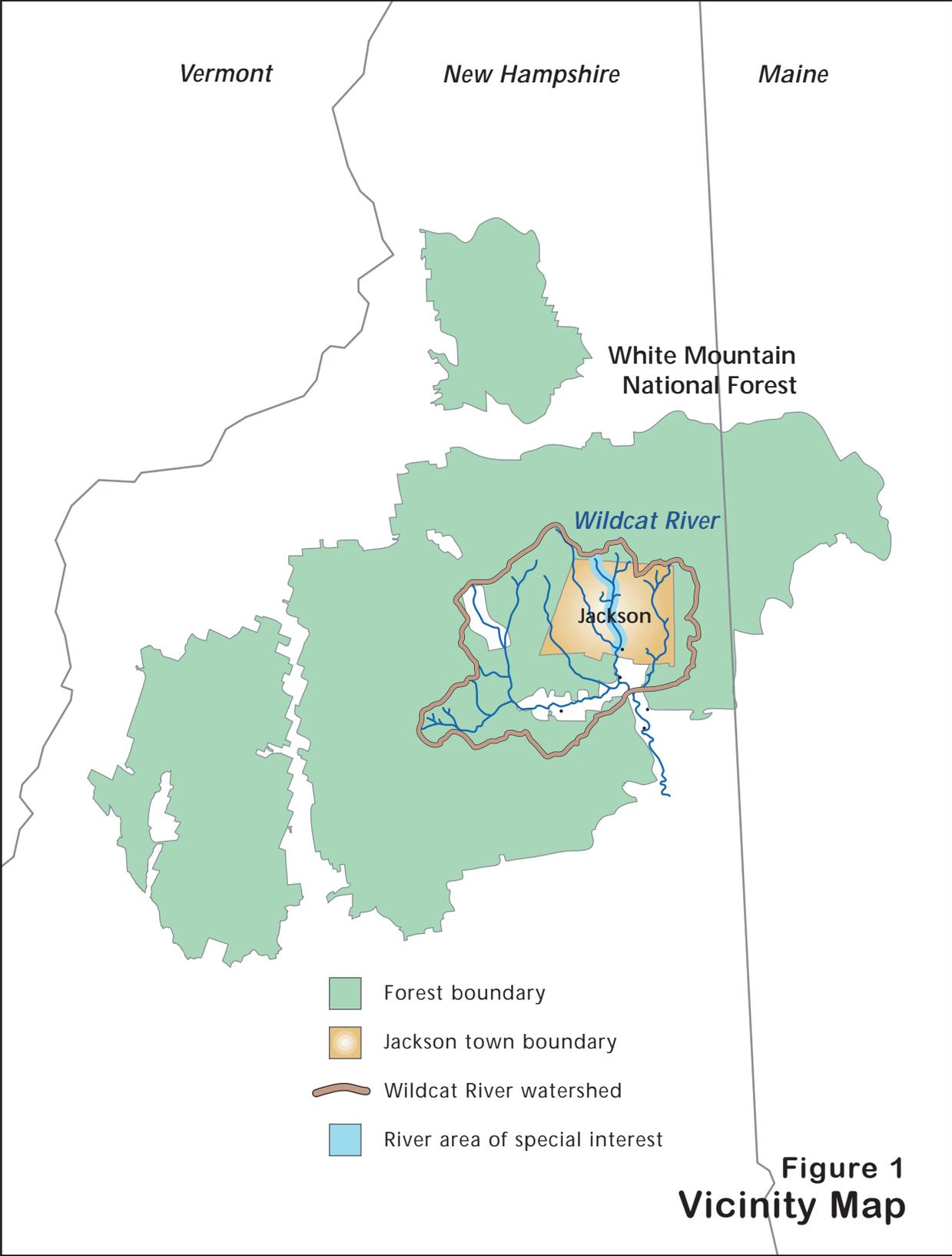
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TABLE 1
Acronym and Short Name Key

Acronym	Full Name	Description
<i>CRMP</i>	<i>Comprehensive River Management Plan</i>	<i>Current document</i>
<i>FERC</i>	<i>Federal Energy Regulatory Commission</i>	<i>Federal agency that licenses hydropower development</i>
<i>MOU</i>	<i>Memorandum of Understanding</i>	<i>Cooperative agreement format used between project partners</i>
<i>NFSL</i>	<i>National Forest System Lands</i>	<i>Lands managed by the USDA Forest Service</i>
<i>NHDES</i>	<i>New Hampshire Department of Environmental Services</i>	<i>State agency responsible for wetlands permits</i>
<i>NPS</i>	<i>National Park Service</i>	<i>Federal land management agency that assisted the Town of Jackson in preparing the RCP</i>
<i>NWSRS</i>	<i>National Wild and Scenic Rivers System</i>	<i>Congressionally designated rivers of which the Wildcat is one</i>
<i>ORV</i>	<i>Outstandingly Remarkable Value</i>	<i>Values that make the Wildcat worthy of protection/listing</i>
<i>RCP</i>	<i>River Conservation Plan</i>	<i>Document that provided guidance for portions of Wildcat on non-federal lands</i>
<i>WBAC</i>	<i>Wildcat Brook Advisory Council</i>	<i>Appointed by Town of Jackson to oversee RCP development</i>
<i>WMNF</i>	<i>White Mountain National Forest</i>	<i>Federal land management agency that manages portion of NFSL in the Wildcat Wild and Scenic Corridor</i>
<i>WSRA</i>	<i>Wild and Scenic Rivers Act</i>	<i>Legislation passed by Congress in 1968 establishing the NWSRS</i>
Short Name	Full Name	Description
<i>Commission</i>	<i>Wildcat River Advisory Commission</i>	<i>Congressionally designated group that existed from 1988 to 1998</i>
<i>Forest Plan</i>	<i>White Mountain Natl. Forest Land and Resource Management Plan</i>	<i>Document that guides management of the WMNF</i>
<i>State</i>	<i>State of New Hampshire</i>	<i>State of New Hampshire government</i>





Wild Cat River, Jackson, N. H.

How you was?
Now write
Lenny.

Postcard: Wildcat River, Jackson, New Hampshire, published in Saxony by G.W. Morris, Portland, Maine, postmarked Sept 7, 1907, Diane McClave collection.



CHAPTER ONE—INTRODUCTION

The purpose of this document, the Wildcat River Comprehensive River Management Plan (CRMP), is to protect and enhance the values of the Wildcat Wild and Scenic River. Specifically, this CRMP will define goals and desired conditions for protecting river values, recognize responsibilities of stakeholders, and identify agencies' regulatory roles. The river corridor includes private, Town and federally owned lands.

Background

In October 1988, Congress passed legislation designating segments of the Wildcat River and its tributaries as part of the National Wild and Scenic Rivers System (NWSRS).¹ The Wild and Scenic Rivers Act of 1968 (16 USC 1271-1287), as amended, protects rivers' free flowing condition, water quality, and outstandingly remarkable values for the "benefit and enjoyment of present and future generations."²

Designation of the Wildcat River resulted from nine years of dedicated work by local residents, concerned citizens, governmental representatives, and conservation organizations. Protection of the Wildcat River became an immediate concern when construction of a hydroelectric dam at Jackson Falls was proposed in the early 1980s. Efforts soon began to preserve the scenic and natural values of the Wildcat River.

The Town of Jackson initiated a voluntary conservation easement program to protect hundreds of riverfront acres, and enacted strict new zoning ordinances. At a Town Meeting, residents voted in support of the Wild and Scenic River designation.³

In 1984, Congress passed legislation for the study of the Wildcat River and its tributaries

¹ See Appendix A, *Public Law 100-554*.

² See Appendix B, *Wild and Scenic Rivers Act*.

³ See Appendix C, *A Historical Overview of Events Leading to Designation*.

for possible inclusion in the NWSRS. Consequently, cooperation between the National Park Service (NPS) and the Town of Jackson began in 1985 to prepare a River Conservation Plan (RCP). The Town of Jackson established the Wildcat Brook Advisory Committee (WBAC) to oversee the plan's preparation. The RCP, completed in 1987, provided guidance for portions of the Wildcat River outside National Forest System Lands (NFSL). The RCP also serves as the framework for this CRMP.

Designation of the Wildcat as a Wild and Scenic River is unique because it 1) is based on a RCP developed during the river study process, 2) resulted in adoption of significant new local zoning and land-use ordinances to protect river values by the Town of Jackson and 3) allows acquisition of lands outside the boundary of the White Mountain National Forest (WMNF) only through donation or with consent of the owner. The Secretary of Agriculture may also acquire scenic easements as provided in Section 6 of the Act.

The results have proven the effort worthwhile. The Wildcat River still flows freely over Jackson Falls. Federal lands in the Wildcat watershed remain under management of the White Mountain National Forest, which also provides support and expertise to the Town of Jackson toward protection of the river.

Most Jackson citizens report that the Wild and Scenic designation has been a very positive experience. Private landholdings remain subject to the provisions of local government, as overseen by the Board of Selectmen, the Planning Board, and the Conservation Commission. For the community, it has proven a useful tool for protecting a nationally significant river resource and maintaining the character of the local landscape for the enjoyment of future generations.

Designation of the Wildcat as a Wild and Scenic River serves as a classic example of the “bottom-up” approach. The success of the project was dependent upon local support and action—nine years of hard work by concerned citizens and local government representatives working together toward the betterment of their community, often sacrificing work and personal time to do so.⁴

Location

The Wildcat River is a tributary of the Saco River in northern New Hampshire.⁵ It originates above Carter Lakes and flows south through the WMNF, over Jackson Falls, and through the small Town of Jackson before entering the Ellis River just north of the Jackson Covered Bridge. Most of the acres within the river corridor are part of the

⁴ See Appendix D, *The History of Public Involvement in Wildcat River Designation*, and Appendix D, *Historical Overview of Events Leading to Designation*.

⁵ See Appendix E, *Legal Description of Wildcat Wild and Scenic River Corridor*.

WMNF. The remaining acreage is split between private ownership and land owned by the Town of Jackson.

Upon designation, 14.51 miles of the Wildcat and its tributaries were added to the NWSRS. On private land, the boundary of the corridor is the 100-year floodplain, which varies from 75 feet to several hundred feet. On federal land, the corridor boundary is described as 500 feet from the center of the river.

Wildcat River Advisory Commission

Among the provisions of the law establishing the Wildcat as a Wild and Scenic River was the establishment of the Wildcat River Advisory Commission (Commission). The Commission coordinated and promoted the cooperative effort between the Town of Jackson, the State of New Hampshire, and the WMNF, as well as to prepare a CRMP. The Secretary of Agriculture appointed commission members in February 1990, representing landowners and other residents from the Town of Jackson, the Board of Selectmen, the State of New Hampshire, and the WMNF.

Another critical responsibility of the Commission was to communicate with local residents and visitors. Accordingly, all meetings were open to the public, and all interested persons encouraged to attend. The Commission met in Jackson on a regular basis, generally monthly, as advertised by notice in regional papers.⁶

The Wildcat River Advisory Commission ceased to exist in 1998, ten years after the enactment, and per direction, of Public Law 100-554. The Commission can be credited with expanding upon the RCP and developing the management direction included in this CRMP.

Cooperative Agreements

The legislation designating the Wildcat as Wild and Scenic stipulated that a cooperative agreement be established between the Town of Jackson, the State of New Hampshire, and the WMNF in order to guide the management of the private and town owned lands on the nonfederal portion of the river. In 1992, a cooperative agreement was signed by those three entities that described the role and working relationships of the signatories in assuring the Wildcat River is administered in accordance with the 1987 RCP during the preparation of the CRMP.⁷

⁶ See Appendix F, *Description of the Wildcat River Advisory Commission roles and responsibilities.*

⁷ See Appendix G, *Text of 1992 Cooperative Agreement.*

In 2003, another cooperative agreement was prepared in a Memorandum of Understanding (MOU) format, between the Town of Jackson, the State of New Hampshire, and the WMNF that met the intent of Public Law 100-554. The MOU described the roles and responsibilities of the participating parties in the management of the private and Town-owned lands on the nonfederal portion of the river.⁸

Relationship to Local, State, and Federal Plans

This CRMP includes, and is framed by, existing local, State, and federal plans and regulations. This document expands upon the RCP of 1987 to incorporate federal lands. The ordinances applicable to private and municipal lands within the designated river corridor are adopted as a component of this plan.

State of New Hampshire and federal regulations apply as shown in Appendix L, Existing Regulations Affecting Riparian Lands within the Town of Jackson.

National Forest System Lands (NFSL) within the river corridor will be managed in accordance with this CRMP. The WMNF Land Resource and Management Plan, referred to hereafter as the Forest Plan, will be consistent with the CRMP for lands within the designated wild and scenic corridor. The direction from the RCP and CRMP pertaining to NFSL will be incorporated into the Forest Plan and all future revisions.



⁸ See Appendix H, Text of 2003 Memorandum of Understanding.

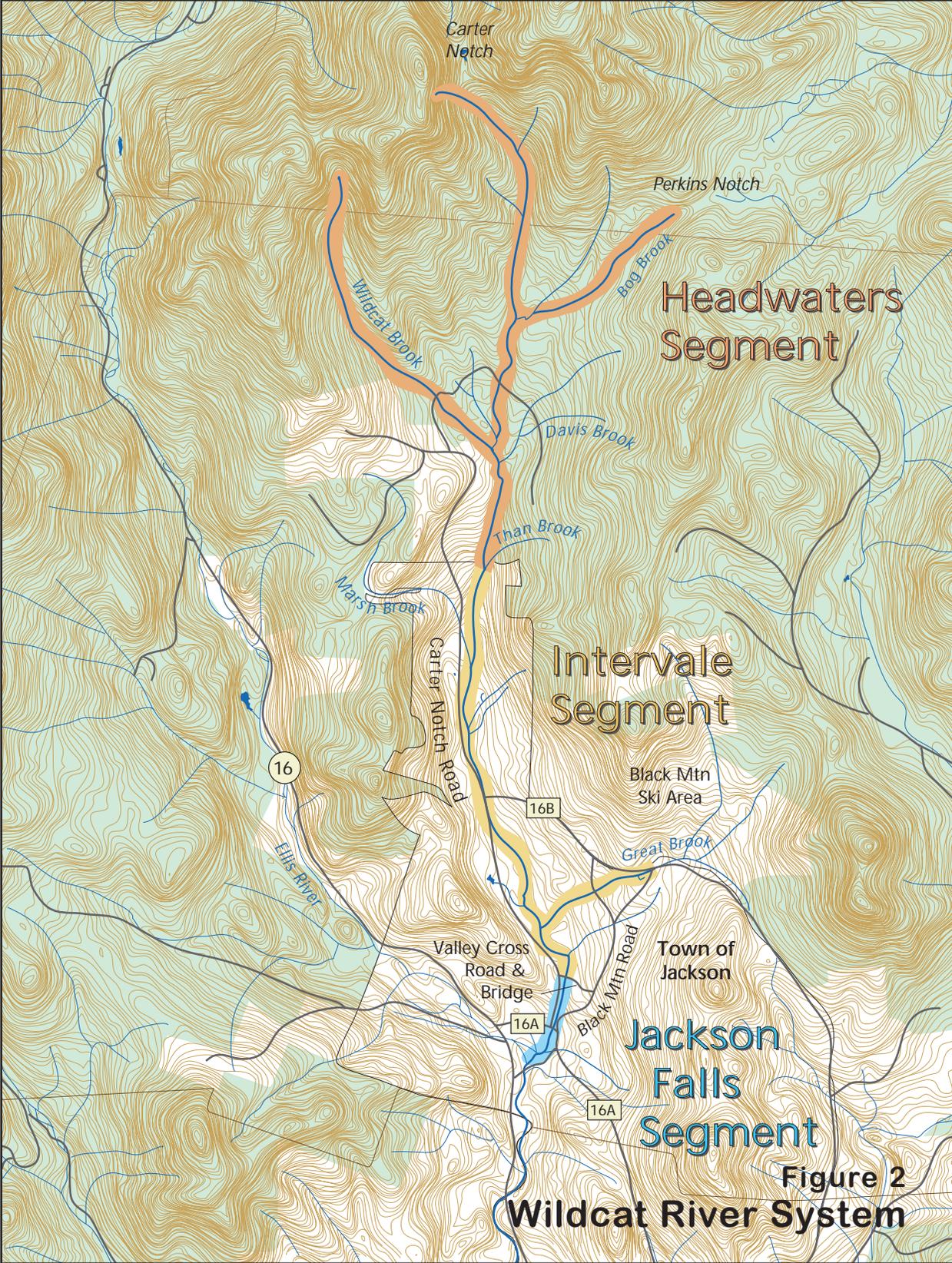


Figure 2

Wildcat River System



1492. Carter Notch and the Wildcat River, Jackson, N. H.

Postcard: 1492. Carter Notch and the Wildcat River, Jackson, NH, Howard, Robinson Co. The Wigwam, Jackson, NH, W.R.M. Haverhill, Mass., date unknown, Diane McClave collection.

Classification

The Wild and Scenic Rivers Act (WSRA) requires river segments be classified and administered as wild, scenic or recreational, depending on the condition of the river corridor at the time of designation. The classification of a river segment is based on the level of existing watershed and shoreline development, as well as the degree of accessibility by road or trail. Classifications are defined in the WSRA as follows:

Wild River Areas

Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watershed or shorelines essentially primitive and water unpolluted. These represent vestiges of primitive America.

Scenic River Areas

Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational River Areas

Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along the shorelines, and that may have undergone some impoundment or diversion in the past.

Wildcat River and its major tributaries have been delineated in three segments based upon patterns of land use, landforms and vegetation. The river units are identified as the Headwaters segment, the Intervale segment, and the Jackson Falls segment. The classification and boundary descriptions of these three river segments are defined in Chapter III-V (River Management Direction, Standards, and Guidelines) under the Location heading. Table 2 displays the segments, with their classification and length.

TABLE 2
River Segments, Classification and Length

River Segment	River Name	Classification	Length (Miles)
Headwater	Wildcat River	Scenic	4.45
	Wildcat Brook	Scenic	2.83
	Bog Brook	Scenic	1.58
Intervale	Wildcat River	Scenic	3.79
	Great Brook	Scenic	1.05
Jackson Falls	Wildcat River	Recreational	0.81

Landownership and Acquisition

Most of the acreage within the designated river segments is part of the WMNF with the remaining nonfederal acreage located within the Town of Jackson. Due to the current land ownership pattern, the actions taken by the Town of Jackson, private individuals, and organizations, in conjunction with the adopted RCP, the boundaries were delineated based on the premise that there was little need for additional federal acquisition beyond the boundary of the WMNF.

This approach is consistent with Public Law 100-554 that states acquisition shall be limited to donation or through consent of the landowner. Public Law 100-554 authorizes the acquisition of scenic easements outside the boundary of the WMNF, pursuant to Section 6 of the WSRA.

Table 3 displays approximate acres of landownership by section of river corridor.⁹

TABLE 3
Acres of Landownership

River Name	National Forest	Town of Jackson	Private
Wildcat River	478	0	10
Wildcat Brook	343	0	0
Bog Brook	191	0	0
Great Brook	0	7	15
(Lower) Wildcat ¹⁰	0	98	66
Totals	1012	105	91

Outstandingly Remarkable Values

Before a river can be designated Wild and Scenic, it must be free flowing and possess one or more outstandingly remarkable values (ORVs). The WSRA defines these values as those characteristics that make the river worthy of special protection. ORVs can include scenery, recreation, fish and wildlife, geology, history, cultural and other similar values.

⁹ Acreages are estimates. Final acreages will be determined through GIS and incorporated into Final CRMP.

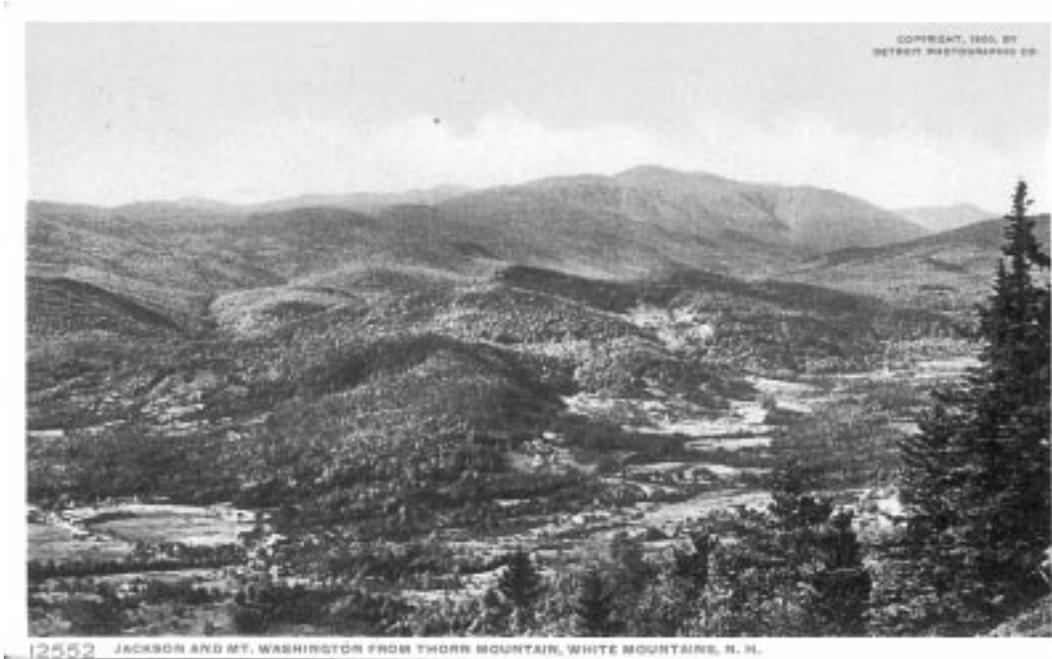
¹⁰ Includes the Intervale and Jackson Falls Segments of the Wildcat River.

The congressionally authorized study of the Wildcat River by the NPS identified three ORVs. Each ORV is discussed below in detail.

Scenery

The Wildcat River and its tributaries possess outstanding scenic values related to a high diversity of natural, physical, and human-made features. The topographic elevations within the river area vary considerably, ranging in elevation from 745 feet at Jackson Village to 3380 feet at Carter Notch. This contrast in topographic relief provides for expansive views of the Wildcat watershed from the ridgelines, many of which are also the location of the various hiking and ski trails.

The headwater area lies in the Carter-Moriah Range and offers sweeping views of Mount Washington (elev. 6,288 feet), Carter Dome (elev. 4,843 feet), Carter Notch and Pinkham Notch. The U.S. Geological Survey categorized the mountain range as being a low mountain area, considered scarce (based on the frequency of occurrence), within the northeastern United States.



Postcard: 12552 Jackson and Mt. Washington from Thorn Mountain, White Mountains, NH, copyright, 1900 by Detroit Photographic Co, date unknown, Diane McClave collection.

The portion of the Wildcat, from Hutman’s Trail to above Jackson Falls, provides a different type of scenery. The topographic enclosure of Spruce and Eagle Mountains, as well as the open fields, forests, meadows, and pastures also provide high visual quality.

Within the Jackson Falls area, the scenery and visual quality of the Wildcat River is characterized by the presence of Jackson Falls, its rocky shoreline, changing flow patterns, culturally significant buildings, and the Valley Cross Road Bridge. Each of these features and characteristics provides intimate and diverse attractions with strong public appeal to residents and visitors.

History

Jackson Village is an excellent example of an intact 19th century resort community. The village grew up around the picturesque scenery of the falls, and was known as a center for landscape painters of the White Mountains (Kilbourne, 1916). The complex of 19th century resort hotels and residences that make up the village include a number of potentially significant historic buildings.



Eagle Mountain House, circa 1920s. Photograph by Church, Jackson Historical Society collection.

Two of the village’s largest hotels, Eagle Mountain House and Wentworth Hall and Cottages, are listed in *New Hampshire Architecture: An Illustrated Guide* (Tolles, 1979). Wentworth Hall, built in 1883, supposedly as a reproduction of an “English manorial hall,” exhibits characteristics of the Queen Anne Style: varied wall colors and textures, polygonal turrets, elaborate chimneys, bay windows, and intersecting roofs. Smaller summer boarding houses also proliferated in the village, centered around the “triangle” of roads centered on Great Brook. Stanford White, the well-known 19th century architect, designed two of these, the Jackson Lodge and Thorn Hill lodge.



Postcard: Wentworth Hall and Cottages, in the White Mountains at Jackson, N.H., circa 1920s. Photographer unknown, Jackson Historical Society collection.

Just above Jackson Falls, on Route 16B, is the Valley Cross Road Bridge (also known as Fairview Bridge), a Pratt pony truss steeled-frame bridge, that was originally built in the village center around 1910 and moved to its present location in the 1930s. The bridge has been restored and the original arches preserved.



Postcard, Wild Cat River Bridge, Jackson, New Hampshire, built in 1905, photographer unknown, Jackson Historical Society collection.

A 19th century guidebook, Ticknor's White Mountain (1876) depicts Jackson's Tourist economy and scenic attractions:

“Over 500 tourists sojourn at this hamlet during parts of every summer, resulting in an annual profit to the inhabitants of \$25,000. Pleasant views of Tin, Thorn, Moat, and Iron Mountains are obtained from this point. The Jackson Falls are in the village, and are visible from the highway bridge over the Wild-Cat Brook. The stream is precipitated over a dark ledge in white and glistening bands, and falls into quiet pools below. These falls are very attractive in seasons of high water, and are easily approached on either side. Along the upper course of the brook are favorite sorts of the artists and trout-fishers who visit Jackson in the Summer.”

The falls were the focus of recreational activity in the 19th century as they are today. The remains of “such elaborate facilities as the tiers of roadwalks, stairs, and decks of Wentworth Hall's solarium at beautiful Jackson Falls” (Saco River Steering Committee, 1997) are still visible around the falls. According to 19th century guidebooks and more recent accounts of the resort era, an extensive network of foot trails paralleled the Wildcat and its tributaries. Hiking up the valley to scenic overlooks was a favorite visitor activity, as was trout fishing in the brook.



Left, from postcard: Wentworth Hall, outdoor luncheon served at the Solarium, date and photographer unknown, Jackson Historical Society collection. Right, from postcard: natural pool at Wentworth Hall with its crystal clear waters. Poolside lunches served daily, Jackson, N.H., date and photographer unknown. Warren Schomaker collection.

Recreation

Recreational use of the river is concentrated around the falls, where the primary activity is swimming. The falls receive high visitation during the summer months; a survey by the WBAC showed 1238 visitors during July and August of 1985. (It is likely that actual visi-

tation figures were higher since the survey was left for the visitors to fill out themselves.) It is interesting to note that 80 percent of the respondents identified themselves as “tourists” (from more than 25 miles away). Other major activities visitors reported were walking, picnicking, fishing, sunbathing, and photography.

Above the falls, recreational use is primarily land-based; cross country skiing in winter on private and WMNF lands, fishing and hiking in summer on the trails paralleling Wildcat Brook and Bog Brook. A well developed grid of hiking and ski trails radiate from Jackson Village and parallel Wildcat brook and its tributaries. Due to steep topography, many of the trails in the area follow the drainage divides of the Wildcat watershed and stream channels. The Jackson Ski Touring Foundation maintains approximately 150 kilometers of trails that cross private, municipal and federal lands. Most of these trails are within the Wildcat corridor and afford a first-hand experience of the visual qualities of the area.



Section 7 Wild and Scenic Rivers Act

Section 7 is one of the most important provisions of the WSRA.¹¹ This provision directs the federal agencies to protect the values of designated rivers from the harmful effects of water resource projects.

¹¹ See Appendix B, *Wild and Scenic Rivers Act*.

Water resource projects include projects licensed under the Federal Power Act by the Federal Energy Regulatory Commission (FERC) and other projects such as dams, water diversions, fisheries habitat and watershed restoration, bridges and other roadway construction/reconstruction, bank stabilization, channelization, levees, boat ramps, fishing piers that affect a designated river's free-flowing condition.

Section 7 has three standards of evaluation.¹² The first prevents licensing of project works by FERC “on or directly affecting” a designated wild and scenic river. The second standard requires that no federal agency propose or assist a water resources projects determined to have a “direct and adverse effect” on the values for which the river was designated. The WSRA also provides that a water resources project upstream, downstream or on a stream tributary to a designated river may not “invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values” of the designated river.

All water resources projects of the types listed above require both Federal and State permitting. The US Army Corps of Engineers Federal Clean Water Act permitting is done in coordination with the New Hampshire Department of Environmental Services (NHDES), most often utilizing the Corps' New Hampshire State Programmatic General Permit. The WMNF works closely with the NHDES to assure that all proposed projects are reviewed for Section 7 impacts early in the permit review process, so that any necessary modification can be made without unduly delaying the project.

As the federal river-administering agency, the WMNF must complete Section 7 determinations. A water resources project determined to have a direct and adverse effect must be redesigned and resubmitted for a subsequent Section 7 determination or abandoned. Similarly, a water resources project located upstream, downstream or on a tributary stream found to invade the designated river area or unreasonably diminish stated values could not be federally assisted if there is an adverse finding by the WMNF.

In emergency situations where federal assistance is involved in a project subject to Section 7, the WMNF will respond as quickly as possible. In other emergency situations, federal assistance may not be triggered during the event and, therefore, Section 7 would not apply. Emergency authorization to proceed prior to receipt of a State wetlands permit may be obtained by calling the NHDES. State Emergency Authorizations are issued in accordance with Part Wt 503 of the NH Administrative Code, and are conditioned to require Forest Service concurrence prior to work.

¹² See Appendix I, Section 7 Evaluation Procedure.



CHAPTER TWO—RIVER-WIDE MANAGEMENT DIRECTION

Introduction

This CRMP provides overall direction for management of the Wildcat Wild and Scenic River in the form of goals, desired conditions, and direction. This chapter describes management objectives that apply to the entire designated river area. Chapters 3–5 describe management strategies for the three specific geographic segments of the river.

Goals and Outstanding Values

The Wildcat River Advisory Commission developed goals for the river corridor utilizing applicable existing planning documents. These plans incorporated the basic principles of river conservation that also underlie this CRMP. These principles are described below.

- *Water Quality* Water quality is important and headwaters of the river are critical to the health of the entire aquatic ecosystem because they carry sediment, nutrients, and organic matter throughout the river corridor.
- *Hydrology* Bank and channel stability is a major concern and require careful management of entire floodplains to assure proper function during flood periods.
- *Vegetation* Vegetation is important to esthetics and recreation and especially critical to maintaining the quality of both terrestrial and aquatic habitats.

The four existing local plans used by the Commission were the Town of Jackson RCP, Town of Jackson Zoning Ordinances, Master Plan for the Town of Jackson and the Forest Plan for the WMNF. The goals of these plans that relate directly to the Wildcat River's management follow.



Postcard: log bridge over the Wild Cat, near Jackson, NH, A.L. Phillips Post Card Art Club, 87 Warren St., NY, Collection of N.C. Baker, date unknown, Diane McClave collection.

Town of Jackson River Conservation Plan, July 1987

The 1987 Town of Jackson RCP serves as the framework for this document. The goals developed for the RCP also guide this plan. They are:

- Elimination of the threat of hydropower development at Jackson Falls and other sites in the Wildcat River corridor through the preservation of the river's free-flowing condition under the provisions of the WSRA.
- Protection of the existing natural scenic and rural character of the river corridor through a balance of development and good environmental practices to maintain river segment classification and designation as a Wild and Scenic River.
- Provide for the conservation and enhancement of Wildcat Valley resources including, but not limited to, the high water quality of the Wildcat River corridor, and scenic, cultural, economic, historical, and recreational resources.

Town of Jackson Zoning Ordinances

Town of Jackson zoning ordinances identify a separate River Conservation District with the intent to promote and protect the health, safety and general welfare of the people of the Town. The ordinances state that within this District, new structures and other alterations of existing land uses are regulated in order to:

- Protect and maintain existing and potential public water supplies, including aquifers, aquifer recharge areas, and surface sources within the Town for the health and safety of the public.
- Prevent pollution of surface water and groundwater caused by erosion, sedimentation, nutrient and pesticide runoff, and siting of waste disposal facilities in very poorly drained or highly permeable soils.
- Prevent destruction or significant alteration (subject to Section 7) of the natural flow pattern of watercourses and to natural floodplains and riparian wetlands that provide flood protection for persons and property.
- Prevent unnecessary or excessive expenditures of municipal funds to provide and/or maintain additional services and utilities that might be required as a result of improper development of lands within the District.
- Preserve wildlife habitat and maintain ecological balances within the riparian areas of the Town.
- Protect the unique aesthetic features associated with streams and riparian areas in the Town of Jackson that are vital to the economic and environmental well being of the Town.
- Encourage low-intensity uses that can be harmoniously, appropriately, and safely located in flood plains and riparian areas.

Master Plan for the Town of Jackson

The natural resources component of the Master Plan establishes specific objectives for soils, water quality, floodplains, wetlands, land use and management, scenic vistas and preservation of natural resources. Those objectives were generated from both the inventory and the Wildcat River Survey. Goals for the river segments are incorporated in Chapters 3–5.

Land and Resource Management Plan–White Mountain National Forest

This CRMP as well as the Forest Plan, as revised, will guide management of the NFSL. Revised Forest Plan components that relate to the Wildcat River will be included in this CRMP as addendum when completed.

- Management practices may be modified within a specific management area to protect the values of Wildcat Brook. Additional standards and guidelines for protection of river values will be considered upon recommendation of the Wildcat River Advisory Committee.

Administration and Jurisdiction

Officials of the Town of Jackson, the State of New Hampshire, the WMNF, and private landowners all have a role in implementing the goals of this CRMP.

Town of Jackson

The Jackson Board of Selectmen holds the authority to enforce all local laws.

The Jackson Conservation Commission shall review and monitor activities and advise the Selectmen, the State, and the Forest Service on matters as necessary to assure compliance with the Act.

The Town of Jackson will review and recommend proposed projects that comply with the CRMP and protect and enhance the river segments, while providing high quality recreation experiences. The Town of Jackson will assist with all aspects of implementation of selected projects.

The State of New Hampshire

The State is responsible for the enforcement of state laws and regulations in the river corridor. These include, but are not limited to, regulations involving fishing and hunting, water quality, water use, stream alteration and bank stabilization.

Forest Service

The Forest Supervisor, WMNF, is responsible for management of the NFSL within the river corridor. The Forest Service, as administering federal agency, is responsible for evaluation and determination of water resources projects subject to Section 7.

Private Landowners

The Town of Jackson's statutes and zoning ordinances will regulate Private land use within the river corridor.

Compliance

Compliance with this plan is encouraged by a variety of voluntary and educational efforts. It is also mandated through certain regulations. Private residents, landowners, as well as, the Town and WMNF hold responsibilities for compliance.

Cooperative agreements and MOUs with local, state and federal authorities will be developed to monitor and enforce local and state regulations within the river corridor.¹³

¹³ See Appendix J, *Monitoring Plan*.

Appropriate compliance tools and methods are described below by agency.

Town of Jackson

The Town of Jackson zoning regulations presently in effect will provide protection for water quality and preserve the rural character within the river corridor. These may be enhanced by conservation easements on certain properties and the commitment of landowners toward maintaining river values.

The Town of Jackson has the responsibility to monitor the effectiveness of this zoning and to work closely with local, state and federal officials to strengthen controls, encourage enforcement and acquire interests as appropriate.

The Town of Jackson will educate visitors and resident river users by providing information on the natural and scenic values of the river, and by encouraging voluntary activities to assure compliance with the plan.

The Town of Jackson will distribute the CRMP and an annual report to all interested citizens, state agencies and at the annual Jackson Town Meeting. Brochures and other information will be conveniently available for visitors and resident users.

The Town shall continue to provide police and fire protection, maintenance of roads and other public areas, and fund town operations as it has traditionally done.

Forest Service

The Forest Supervisor, WMNF, in support of this plan, may provide personnel to assist the Town of Jackson with managing and monitoring river activities.

Land may be acquired through donation or a willing seller basis when needed to meet the intent of the CRMP. The Forest Service may also acquire scenic easements for purposes as provided in Section 6 of the Act.¹⁴

The Forest Service will be responsible for evaluation and determination of water resources projects on public and private lands under Section 7 of the WSRA. Assistance and advice in regard to water resources development projects will be guided by an evaluation in accordance with Forest Service Manual 2354.7.¹⁵

Private Landowners and Citizens

Landowners are encouraged to use conservation easements, deed restrictions and other voluntary restraints as vital tools for assuring long-term protection of river values.

¹⁴ See Appendix B, *Wild and Scenic Rivers Act*.

¹⁵ See Appendix I, *Section 7 Evaluation Procedure*.

Landowners are encouraged to advise the Selectmen and WMNF of prospective land sales so easement or title may be acquired if needed to maintain the character of the river area.

Volunteers will be sought to assist with projects including river cleanup and informing and educating river visitors in regard to maintaining river values and promoting safety.

Resource Uses and Protection Measures

The three ecological principles (water quality, hydrology, vegetation) that provide the framework for the RCP, Town of Jackson's zoning ordinances and Master Plan, and the Forest Plan also serve as the foundation for developing standards and guidelines for the resource uses and protection measures. Resource uses are separated into five categories, with appropriate protection measures below. Existing regulations referred to below can be found in Appendix L.

Visual Quality

The visual quality of wild and scenic corridor is essential to protecting and enhancing the ORVs, particularly scenery and history.

- Developers of new homes and structures are advised and encouraged to use building designs and natural appearing materials that are visually in harmony with the rural character of the landscape.
- Erosion control should emphasize use of vegetation, rocks, and wood to maintain the natural appearance of the river corridor.
- The Town of Jackson and Conservation Commission will advise and assist landowners with the design of structures to utilize natural appearing materials and attain visual harmony with the landscape.

Water Quality

According to the WSRA, water quality in wild, scenic, and recreational river segments will be maintained or improved to levels, which meet federal criteria or State standards.

- In-stream flow will be managed to the extent practical to maintain a minimum flow that supports fish habitat and the qualities of the river. Water withdrawal will be in accordance with State statute and riparian landowner rights.
- Town of Jackson regulations affecting the location and use of residential septic systems will be enforced. Residents will be informed and educated about the need to properly maintain septic and water systems.



- State and federal water quality standards for recreation, fish, and wildlife shall be met except where natural conditions dictate otherwise.
- All water resources projects, including erosion control projects, will be evaluated to determine compliance with Section 7 of the WSRA. If erosion control measures are necessary, riparian land owners will be encouraged to implement practices that are compatible with the natural surroundings and do not impact free flow, water quality and ORVs.
- Pollutants and potential sources of pollution should be prevented from entering the river. Application of fertilizers, pesticides and chemicals will be in accordance with standards and practices of the Natural Resource Conservation Service.
- A water quality monitoring plan for the Wildcat Wild and Scenic River corridor has been developed and implemented.¹⁶ Seven water quality monitoring sites are located throughout the corridor on National Forest and Town of Jackson lands and have been monitored since 1991. Baseline conditions have been established to determine compliance with water quality standards. Monitoring will be accomplished by volunteers, Town of Jackson, State of New Hampshire and the WMNF.

¹⁶ See Appendix K, *Water Quality Monitoring Sites (including map), dates sampled (1991-2002), and parameters measured.*

- Permits issued for work within the corridor will be reviewed by the Jackson Conservation Commission and approved by the selectmen for any potential impact on water quality.
- Structures such as bank stabilization will to the maximum extent possible meet visual quality objectives while providing erosion control and improving aquatic habitat subject to Section 7.
- The Town of Jackson will continue to emphasize and enforce its existing Land Use Regulations.
- The Town and State of New Hampshire will continue to emphasize minimum salt use on roads adjacent to the river.
- Riparian landowners will be encouraged to provide a natural undisturbed buffer of vegetation to stabilize stream banks, enhance fish and wildlife habitat and filter runoff water.
- Riparian landowners will avoid removing more than 50 per cent of the “woody” vegetation within 150 feet of the river’s edge during a 20-year period.¹⁷

Vegetation Management

Tall stands of mixed northern hardwoods, giving way to spruce and fir as elevations increase, characterize the Wildcat River corridor. On the forest floor, unusual plants are found, including the rare Showy Lady’s Slipper.

- Timber harvesting is permitted, provided it follows state guidelines and is consistent with the goals of this CRMP and guidelines in the Jackson River Conservation District.
- Forested areas may be maintained through a range of silvicultural and harvest practices provided that such practices protect river values and comply with State statutes. Landowners are encouraged to refer to *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire*.¹⁸
- Grazing and hay cropping are acceptable activities and open areas may be managed and maintained in their current condition.

¹⁷ See *A Guide to Developing and Re-developing Shoreland Property in New Hampshire* (North Country Resource Conservation and Development Association) 1995.

¹⁸ *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire* (NH Division of Forest & Lands, 1997).

- Intent-to-cut notification will be required by the Jackson Board of Selectmen and may be reviewed to assure compliance with State of New Hampshire “best management” practices and this plan.¹⁹

Fish and Wildlife Management

A wide range of game and non-game species live within the Wildcat River corridor. As early as the 19th century, the Wildcat was known as an excellent trout stream. While not seen for many years, the area contains habitat suitable for the state-threatened pine marten. Conserving habitat is important both for ecological quality and for the residents and visitors who enjoy hunting, fishing, and nature observation.

- The New Hampshire Fish & Game Department is encouraged to manage the Wildcat River fishery to provide high quality recreation experiences.
- Fish and wildlife habitat improvement may be accomplished cooperatively with the Town of Jackson, volunteers, State of New Hampshire and the WMNF.
- Habitat improvement will be planned to complement Wild and Scenic values and be consistent with the visual quality standards and guidelines, as described herein, in the Forest Plan, and in compliance with Section 7. Habitat improvement will prima-



Postcard: Eagle Mountain House Farm, Jackson. Putnam Photo, Antrim, N.H. Date and photographer unknown. Jackson Historical Society collection.

¹⁹ See *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire* (NH Div. of Forests & Lands, 1991).

rily be for fish. Habitat improvement projects located on the WMNF, private lands, and the Town of Jackson will be permitted through the wetlands permit process from the State of New Hampshire, subject to Section 7.

- Habitat inventories will be completed by the WMNF to determine the need and location of habitat enhancement activities.
- Public and private landowners must follow laws and are encouraged to safeguard sensitive plant and animal species on their land dictate.



Areas of Special Significance

Land around the Wildcat River contains a variety of historic sites and places of cultural interest. These include the Jackson Town Hall, Valley Cross Road Bridge, the Wentworth and Eagle Mountain Hotels, and the falls, which is the centerpiece of the river as it flows through town. Sprinkled through the surrounding woodlands are old cellar holes and miles of stonewalls; further inventory work may reveal evidence of logging camps, railroad beds and equipment, and perhaps early Native American sites.

- Local groups will be encouraged to actively assist with inventory, recording and evaluation of cultural sites within the river corridor. Landowner permission must be sought as necessary.
- All sites with potential special historic, scenic, archeological, or cultural significance should be protected from disturbance until they have been evaluated. Some sites may merit a plan and perhaps a local ordinance for lasting protection.
- The Forest Service and Town of Jackson will review, update and maintain the field surveys of natural and historical features.
- Interesting cultural sites may be interpreted through maps, guidebooks, and signs.

Recreation and Improvements to Infrastructure

Recreation is one of the three ORVs identified during designation of the Wildcat River as Wild and Scenic. The following standards and guidelines should be implemented to protect and enhance this ORV.

Structures

- New structures and improvements will be reviewed by the Town of Jackson to assure consistency with Jackson zoning and this plan. Owners will be encouraged to make existing structures unobtrusive to other property owners and river users. A package of illustrations and suggestions for design, location, and construction for landowners will be compiled by the WMNF.
- Riparian landowners are encouraged to comply with visual quality direction and enhance the river's free-flowing condition, ORVs, and water quality during construction and maintenance of structures.

Trails and Camping

- Trails should be designed, constructed and maintained to prevent erosion and deterioration from visitor use.
- New access to the river's edge should be limited to foot and ski trails.
- Camping within the river corridor will be restricted in accordance with local zoning ordinances, the Forest Plan and as stated in this CRMP.
- Recreation site plans and trail plans shall be developed that will protect the river resources and provide quality experiences.
- Safe pedestrian and ski touring travel ways will be a priority.

Roads and Bridges

- Existing bridges and roads provide reasonable access to properties at the level permitted by the Forest Plan, Town of Jackson regulations and this CRMP.
- Existing roads and bridges will be maintained in accordance with existing Town of Jackson, State and federal standards.
- Temporary bridges are recommended when live stream crossings are necessary. Temporary bridges will be designed and constructed to withstand unexpected high water, but also to allow easy removal without damaging the streambed or bank.

- New permanent bridges will not be permitted, except as needed to provide safe year-around use, and at the discretion of the Jackson Board of Selectmen.

Motorized Use

- Off-road vehicles and/or all-terrain vehicles are not permitted within the river corridor except:
 1. on developed public roads;
 2. when used for public resource management and maintenance activities or for emergency use such as search and rescue, fire, and law enforcement and;
 3. for personal use on private lands.
- Motorized use will be restricted to public roads and highways or as allowed by the Town of Jackson.
- Motorized maintenance equipment on golf courses, trails and parks is a recognized use.
- Motorized golf carts are an accepted use on private golf courses.

Visitor and Use Management

The natural beauty and easy access to the Wildcat River, especially at the falls in the middle of town, draws many visitors. Residents have expressed concerns about overcrowding, parking, and loss of privacy and solitude. This section provides broad guidelines for addressing residents' concerns and encouraging visitors and residents alike to enjoy the Wildcat environment, while protecting the ORVs of scenery and history.

Levels of Public Use

- Visitor use may be dispersed and distributed so as to provide for high-quality recreational experiences, public safety and protection of river values.
- The level of use should maintain and protect unique values and the rural character while providing high quality recreational experiences for residents and visitors.
- Visitor use may be managed by size, location and design of public facilities (i.e. parking areas).
- Use should be monitored by the Town and Forest Service to establish levels consistent with protecting the river segments.

Signs

- Informational, directional and parking signs may be provided at road crossings and trailheads.
- Signs will be used as necessary to provide for public safety, limit public access and protect private property rights. Signs may be used to manage public use.
- Signs will be consistent with the Forest Service Sign Handbook and Town of Jackson regulations.
- The Town of Jackson and Forest Service will evaluate the need and location for user information and install appropriate signs or kiosks.
- Signs should be consistent with visual quality standards and guidelines as described herein.

Interpretive Services

- A variety of interpretive actions may be taken to protect and promote the river. However, promotion should be consistent with maintaining the character of the area. The purpose of information and interpretive programs will be to protect the river and to give users an appreciation of the river area. Care should be taken to promote commercial activity in Jackson, but not necessarily to increase use of the river itself or encourage public use of private lands.
- Attention will be given to interpretation of historical, geological and cultural areas of significance as well as the Wild and Scenic River designation.
- Develop a map and brochure containing appropriate information for the river segments.
- Develop and provide educational programs for the schools and the Tin Mountain Conservation Center.
- Incorporate interpretive information into recreation site development plans and appropriate signs.
- Develop and maintain an archival record of the river history and protection program.

Public Health, Safety, and Welfare

Occasionally, through natural events or human action, conditions in a river may be hazardous. These include flooding, ice and debris jams at bridges, metal pipes and other

debris at the Falls, high water conditions at the Falls, contaminated water, and overcrowding.

- The Town of Jackson, State of New Hampshire, and Forest Service are responsible for identifying potentially hazardous conditions and providing assistance to resolve them.
- Information will seek to remind visitors of the inherent risks of river use.



The Wildcat River, photograph by Dr. Richard Anderson, White Mountain National Forest collection.



The Wildcat River flooding the solarium at the Wentworth Hall, November 8, 1963. This structure was frequently damaged by floods only to be rebuilt in the same location. Photographer unknown, Jackson Historical Society collection.

- Measures will be taken as necessary to protect river residents and visitors from hazards within the river corridor. The Town, Forest Service, and State will distribute information and post signs to identify hazardous sites and conditions as appropriate.
- Information regarding risks will be incorporated into educational materials, signs, and user contacts.

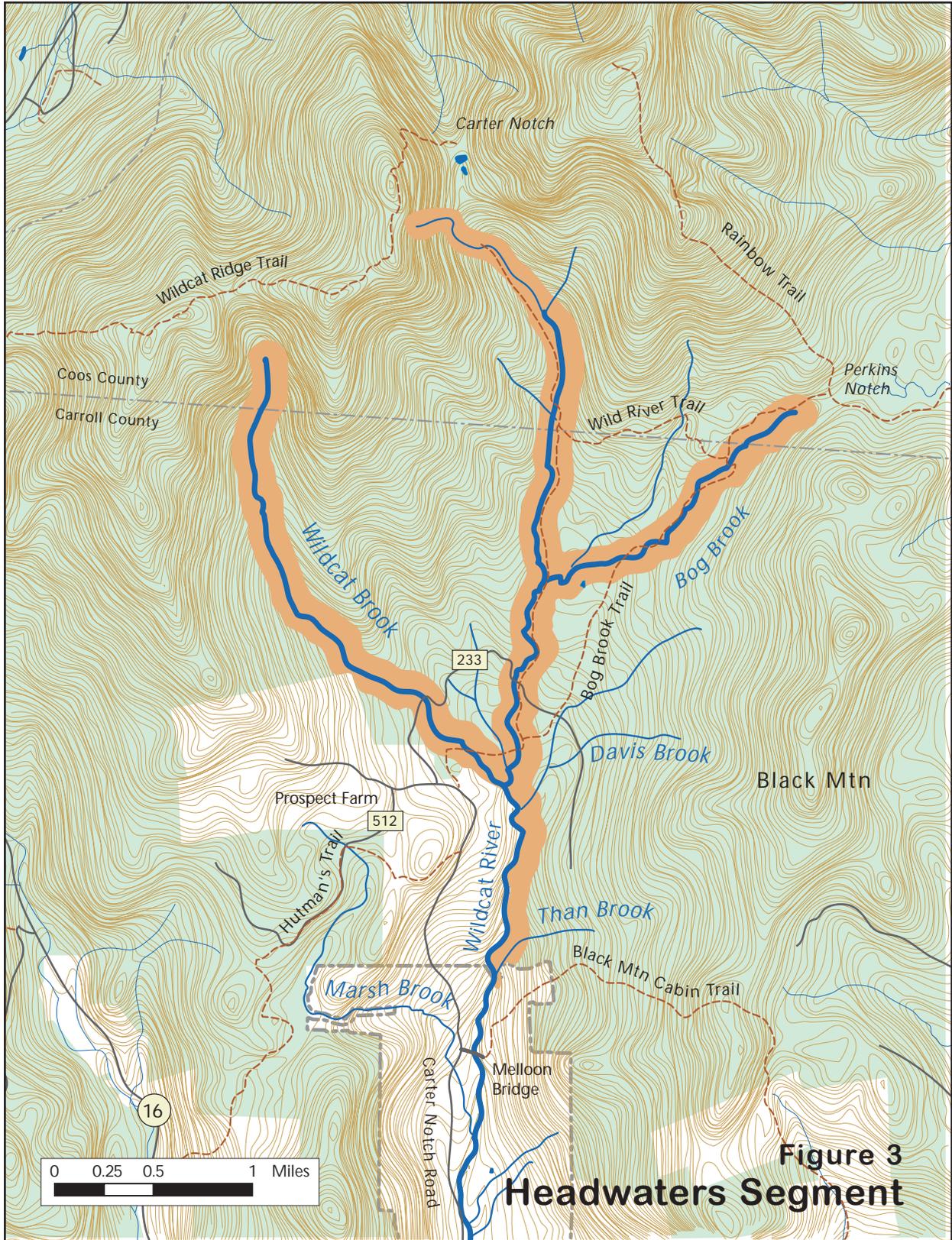
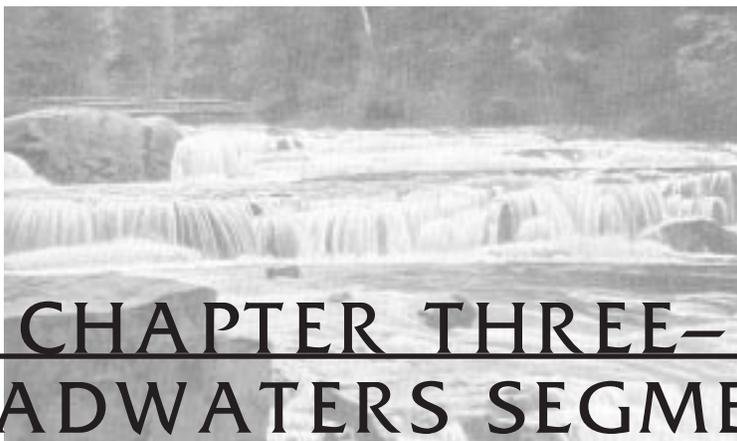


Figure 3
Headwaters Segment



Postcard: Jackson, NH, Gray's Inn, postmarked Feb 1, 1910, the Hugh C. Leighton Co, Manufacturers, Portland, ME, USA, Made in Germany, Diane McClave collection.



CHAPTER THREE- HEADWATERS SEGMENT

River Classification-Scenic

Location

The Headwaters segment is the northernmost section of the Wildcat River and its tributaries under the Wild and Scenic designation. The majority of this segment is within the WMNF. There are inholdings at the lower end of this segment that are held by private owners and the Town of Jackson.

The headwater area includes the following river segments:

- Wildcat River, (aka Wildcat Brook) (4.45 miles) upstream from the intersection of the National Forest proclamation boundary, crossing the Wildcat River, to the height of land in Carter Notch.
- Wildcat Brook (aka Little Wildcat Brook) (2.83 miles) upstream to its source east of the Wildcat Ski Area gondola terminal near the 3200 feet contour line.
- Bog Brook (1.58 miles) from its confluence with Wildcat River to the height of land at Perkins Notch.

The river management corridor for these segments is that area defined as:

- On NFSL, no less than 500 feet from the center of the river, as noted in Wildcat Wild and Scenic River Corridor Maps.
- On private or Town of Jackson land adjacent to the river, the boundary is the 100-year floodplain or 75 feet from the edge of the river whichever is greater. For the westside of Wildcat Brook, where the inholdings are not adjacent to the river, the boundary is 500 feet.

Existing Characteristics and Conditions

The Wildcat River watershed and particularly the river origin near the height of land in Carter Notch with its two ponds is one of the most scenic areas in the northeast. The brilliant fall color from hardwood trees is spectacular. This watershed has a long history of intensive timber management and has demonstrated excellent regeneration and growth rates.



*Carter Notch from Black Mountain, July, 2003.
Photograph by Dean Yoshina, White Mountain National Forest collection.*

People visit this area because it offers tranquility, solitude, and high quality recreation experiences. It is particularly popular with mountain bike riders during the summer and rabbit hunters during the winter months. There is moderate fishing and hiking use during summer and fall. Fall and winter may be the heavy use periods.

The Headwaters section has a trail network consisting of Bog Brook Trail, Wildcat River Trail, Wild River Trail, Wildcat Valley Trail, Dana Trail, Rainbow Trail, Marsh Brook Trail and Jackson Ski Touring trails under Special Use Permit. The Appalachian Trail also passes through the northern tip of this segment. These trails are important to hikers, cross country skiers, hunters, anglers, and snowshoers.

Towards the southern part of this section, the town-owned Prospect Farm consists of approximately 300 acres. The Baker family bequeathed the property to the Town of Jackson for the enjoyment of citizens and as part of the Forest Preserve. Historically, the Preserve was known for being a productive high-altitude farm. Hikers, hunters and cross-country skiers currently use it.

Wildcat Brook Road #233 provides access to the lower portion of this segment and crosses Wildcat Brook, Wildcat River and Davis Brook. Treated-timber bridges span Wildcat Brook and Wildcat River. Bog and Davis Brooks have culvert crossings. There is

an existing road right-of-way on the Carter Notch Road of approximately one mile. The right-of-way extends from the Town of Jackson property line (near Camp Gout) north to the National Forest boundary.

Desired Condition of the River Area

The desired condition of the headwaters section is largely maintenance of the current condition described here in detail. The river area is heavily forested and predominantly in a natural or natural appearing condition. Vegetation within the riparian zone appears unaltered and near pristine. Vegetation outside the riparian area is natural appearing and provides a variety of plant species and age groups as a result of vegetation management. High altitude areas of the river remain in a near pristine condition.

Existing roads and hiking trails are low density and provide access to the river area, disperse use and allow occasional views of the river and drainages.

Traditional non-motorized recreation uses are predominant. Use is light to moderate and evidence of human activity is substantially unnoticeable and subordinate to the characteristic landscape.

Privately owned land within this river area is predominantly forested and reminiscent of a rural 19th century pastoral landscape. There is noticeable human activity resulting from occasional homes and seasonally used cabins. Evidence of use is usually in harmony with the natural-appearing environment and consistent with good resource management.

Management concerns within this segment include: river crossings, user developed camps, maintenance of undisturbed forest cover along the river and trails, management of undesignated tributaries and lack of adequate parking for trailheads. Right-of-ways are also needed for the Black Mountain ski trail, Bog Brook Trail and Bog Brook Trailhead. The desired future condition includes resolution and management of these concerns.

River Management Direction, Standards and Guidelines

Goals

The goals within the headwaters segment are:

- Protect the existing natural scenic character of the river area. Natural processes will be the primary means through which vegetative change will occur. Within the Wild and Scenic River Corridor timber harvesting will be limited, but may occur to achieve specific visual, habitat or salvage objectives.

- Provide for the conservation and enhancement of Wildcat Valley resources for future generations including high water quality and scenic, vegetative, biological, cultural, historical and recreation resources.
- Maintain a naturally functioning and appearing riparian zone.

Jurisdiction

- The Forest Supervisor, WMNF, is responsible for administering NFSL within the river corridor.
- On Town of Jackson and private land within the river corridor, the Town of Jackson, Board of Selectmen, and the Conservation Commission have jurisdiction.

Compliance

- During revision of the Forest Plan, the NFSL within the Wild and Scenic river corridor will be assigned a specific Management Area. The revised WMNF Forest Plan will incorporate this CRMP. The Forest Service will ensure compliance with the guidelines described in this plan.
- The Town of Jackson will assist with monitoring the effectiveness of National Forest management within the river area and work closely with local, State and federal officials to strengthen controls, encourage enforcement and assure compliance with this CRMP.
- Private inholdings within the designated river corridor will be administered through a cooperative agreement with the Jackson Board of Selectman and State of New Hampshire, in accordance with the Headwaters Section of this plan. The Town of Jackson statutes and zoning regulations also guides the in-holdings within this corridor.

Resource Uses and Protection Measures

Because the Headwaters Segment is predominantly on NFSL, the standards and guidelines below apply solely to NFSL, unless otherwise stated. The standards and guidelines for the Town of Jackson and private in-holdings in this river segment are covered in Chapter II, River-Wide Direction.

Visual Quality

- Scenery and the natural appearing character of the river area will be protected and enhanced.
- On WMNF lands, the visual quality standards and guidelines, described in this document and the Forest Plan, will be used as guidance for enhancing the views and



landscape character seen from the trails. Management activities needed to preserve or create vistas will be considered.

- Following the scenery management system, the visual integrity objective on NFSL, within the foreground area of the river and trails, will be high. In the middle and background areas, moderate will be the visual integrity objective.

Water Quality

- Water quality will be monitored and protected in accordance with the WMNF Forest Plan Standards and Guidelines as well as Federal and State water quality guidelines.
- All shelters, toilets, and primitive camps will be located in such a way that they cannot pollute drinking water sources.
- Users will be educated on low-impact camping methods that protect drinking waters. On National Forest lands, backcountry rangers, signs, and handouts will be used to inform visitors about low-impact use.

Fish and Wildlife

Artificial habitat structures, if used, must be created from materials that blend with the site, do not detract from the natural landscape, and do not adversely affect the river's free-flowing condition and the values for which it was designated.

Vegetation Management

Vegetation on NFSL, within the designated wild and scenic corridor, will be managed in accordance with the following standards.

- Vegetation within the river corridor will be allowed to evolve through natural processes, except when it is manipulated for the following reasons:
 1. Maintenance of critical habitat for threatened or endangered wildlife species;
 2. Correction of severe damage caused by fire, wind, ice, insect/disease, or other natural catastrophes;
 3. To screen developments to meet visual integrity objectives;
 4. Management of vegetation for critical wildlife situations outside the seen area;
 5. Performance of minor work to enhance wildlife habitat, create vistas and meet trail construction and maintenance needs.

- Silvicultural prescriptions will be used that contribute to restoration of ecological function and natural appearance of riparian influence zones.

- Unique and visually attractive stands (e.g. white birch) may be managed to enhance their health and allow viewing within hiking trail corridors.



Left and right: old gristmill on Jackson Falls, date and photographer unknown. Warren Schomaker collection.

Areas of Special Significance

- On NFSL, surveys will be conducted prior to all earth disturbing activities. All activities will be designed to avoid, minimize, or mitigate adverse effects upon any known cultural or historic resources.

- National Register sites and non-eligible sites chosen for enhancement and interpretation will be afforded protection as necessary by Town of Jackson Zoning Ordinances.²⁰

- Where appropriate, cultural and historical sites may be interpreted through maps, guidebooks, and signs.

Recreation and Improvements to Infrastructure

As previously stated in the Resource Use section, the standards and guidelines for recreation and improvements to infrastructure below, apply to NFSL only, unless otherwise stated.



²⁰ See Appendix L, *Existing Regulations affecting Riparian Lands in the Town of Jackson, NH.*

Recreation

- Improvements for recreational development may occur as appropriate and/or necessary including, but not limited to privies, spring boxes, trails, river crossings, trailheads and informational signs.
- To protect low and moderate use locations, recreation use should not be dispersed from high to low use areas.
- Existing dispersed camping will be allowed, where suitable, but recreational facilities will not be constructed within 100 feet of the river or trail, except when the only feasible location is within the 100 foot buffer.
- Existing trail shelters and hut at Carter Notch will be managed in accordance with the Appalachian Club Special Use Permit.
- Overnight facilities (huts and shelters) should be managed in order to concentrate use, absorb recreation impacts, and prevent site deterioration.
- Rehabilitation measures may be considered at damaged existing sites.

Fishing Access

- Access will be provided at public landings and through hiking trail corridors.

Hiking and Cross-Country Ski Trails

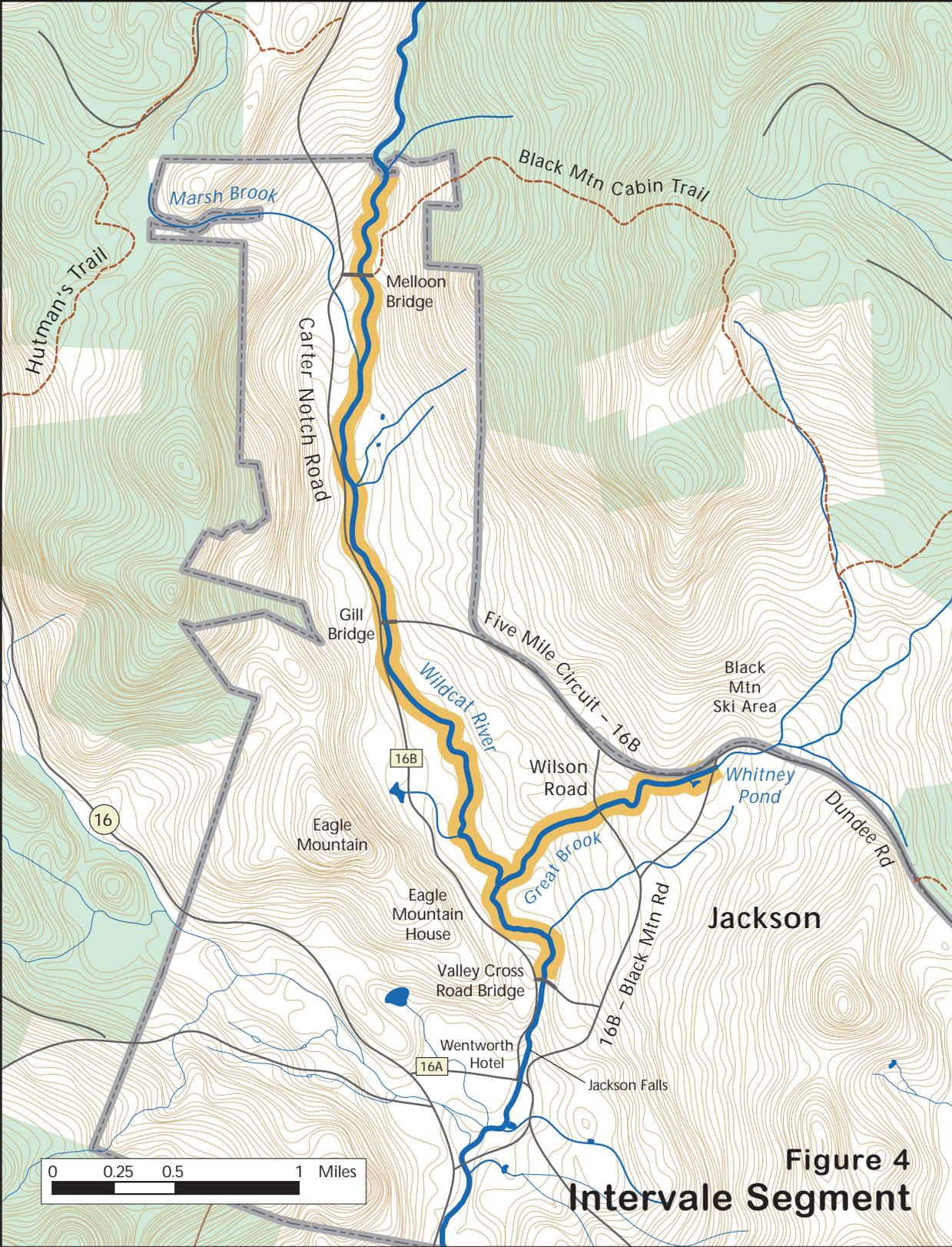
- Hiking trails will be constructed and maintained to standards described in FSH 2309.18.²¹
- The Wildcat River Trail south of Forest Road 233 and Marsh Brook trail may be machine-groomed for skiing.

Visitor and Use Management

- Management of the river area on NFSL will strive to provide a semi-primitive non-motorized recreation experience.
- Existing traditional recreational uses consistent with protecting river values and the semi-primitive non-motorized experience will be maintained.²² Current levels and types of recreation use are generally considered appropriate.

²¹ See *Forest Service Handbook 2309.18 (Trails Management)*, WMNF Supplement.

²² See *Chapter VII-H-3, WMNF Forest Plan, 1986*, and as described in the *Revised Forest Plan*.





Iron Mountain House, Jackson, N.H., postcard, date and photographer unknown, Diane McClave collection.



CHAPTER FOUR— INTERVALE SEGMENT

River Classification—Scenic

Location

This Intervale segment extends from the intersection of the WMNF proclamation boundary, crossing the Wildcat River downstream, to the Valley Crossroad Bridge above Jackson Falls. The majority of the land in this segment is privately owned or managed by the Town of Jackson. The Intervale portion includes:

- Great Brook from the Route 16B Bridge at Whitney’s Pond to its confluence with Wildcat Brook (1.05 Mile).

The width of the river management corridor is determined by the extent of those riparian properties lying within the 100-year floodplain as shown on the River Resource Protection Map and designated as Zone A and SA1-99 on the Flood Insurance Rate Map of Jackson, NH. Where the floodplain has not been delineated or where the delineation is less than 75 feet from the nearest bank of a stream, the river corridor shall be defined as that area within 75 feet of a body of water. In any specific situation, the greater limit shall apply.

Existing Characteristics and Conditions

Wildcat River and Great Brook below Whitney’s Pond are free of impoundments. Whitney’s Pond is used for swimming during the summer and a source of water for snow making at Black Mountain Ski Area during early and midwinter. Some Great Brook water flow is diverted to refill Whitney’s Pond during the winter months.

The area is largely undeveloped, but not primitive. Human activity is evidenced in small clusters of residential buildings, dispersed dwellings, and agricultural buildings. The Eagle Mountain Hotel and Golf Course, private homes, and farm buildings are the major improvements. The corridor lies within the River Conservation District of the Jackson

Zoning Ordinance, with land uses regulated by this ordinance. Most private land is relatively undeveloped. Forestry and other agricultural uses are dominant activities and most of the private land is enrolled in the current use program.

The Intervale section receives relatively heavy public use as compared to the Headwaters section, but it is less used than the Jackson Falls segment. The Eagle Mountain House hotel and golf course attract many visitors who swim, picnic, fish, play golf, hike, and ski in the river area, depending on the season. The Jackson Ski Touring Foundation trail system brings many winter visitors to the area. Many private landowners also recreate in the area. Fishing, swimming, and skiing are among the most popular pastimes.

The area is accessible by Carter Notch Road, which parallels Wildcat Brook throughout this area. Five-mile Circuit Road (Route 16B) crosses the brook.

The water quality of the area meets or exceeds all federal and State standards for conservation, recreation and other uses.

Desired Condition of the River Area

The Intervale section will continue as a mosaic of fields and predominantly forested land. The rural 19th century pastoral character of the land will be perpetuated. There is noticeable human activity in the area resulting from occasional homes and farm buildings, hikers, a golf course, managed fields and livestock. Evidence of those uses will usually be in harmony with the natural-appearing environment and consistent with resource management goals.

Several large tracts within this area will be protected from future development by conservation easements. The Burgess, Tilney and Pepper properties are outstanding examples of retaining the pastoral and natural appearing characteristics through conservation easements. Many smaller tracts will be protected by voluntary actions of private landowners.

River Management Direction, Standards and Guidelines

Goals

The goals for the Intervale segment are to:

- Maintain the existing natural, scenic and rural character of the river corridor through a balance of development and good environmental practices.
- Provide for the conservation and enhancement of Wildcat corridor resources including, but not limited to, high water quality, and scenic, cultural, historical and recreational resources.

- Provide quality recreation experiences to residents and visitors.

Jurisdiction

The Jackson Board of Selectmen, Zoning and Planning Boards, and Conservation Commission all have oversight roles in the implementation of this plan.

Compliance

The Town of Jackson will work closely with local, State and federal officials to encourage enforcement and assure compliance with this plan.

The Town will seek to build commitment and support among all citizens whereby river management needs will be identified and communicated to the Selectmen or Conservation Commission.

When a deviation occurs, an individual should initially be approached in a non-threatening manner and offered information and assistance.

Removal and cleanup of unnatural river debris is the responsibility of the Selectmen and as appropriate requires a Wetlands Permit from the NHDES and/or evaluation under Section 7.



Postcard: Jackson, NH, Village, Merton C. Harriman, postmarked July 2, 1900? (year imprint unreadable), Diane McClave collection.



Postcard: White Mountains, NH Wild Cat River, Jackson, NH, pub. by The Atkinson News Co., Tilton, NH, No. 1348, date unknown, Diane McClave collection.

Resource Uses and Protection Measures

The following standards and guidelines apply to Town of Jackson lands and private lands as applicable and/or noted.

Visual Quality

- The primary objective is to protect the rural scenery and the natural appearing character of this river segment. The rural/pastoral environment and the ridge-to-ridge views are important components of that character.

- The Selectmen and Conservation Commission will advise and assist landowners with the design of structures to utilize natural appearing materials and be visually in harmony with the landscape.

Vegetation Management

- Forest areas outside the river segments, but within the visually seen area, should be managed in a manner, which provides special emphasis on visual quality.

- In unforested areas, grazing, hay cropping and recreation activities will continue using best management practices to protect stream banks, prevent erosion, and provide fish and wildlife habitat.

- Particular emphasis should be placed on developing appropriate bank protection that enhances fish and wildlife habitat, subject to Section 7.

- Within the watershed, landowners are encouraged to adopt “best management practices” to emphasize maintenance of river qualities.²³

Fish and Wildlife

Fish habitat improvement will be accomplished cooperatively with volunteers, State of New Hampshire and the WMNF. Habitat improvement projects will be in compliance with Section 7.

Recreation and Improvements to Infrastructure

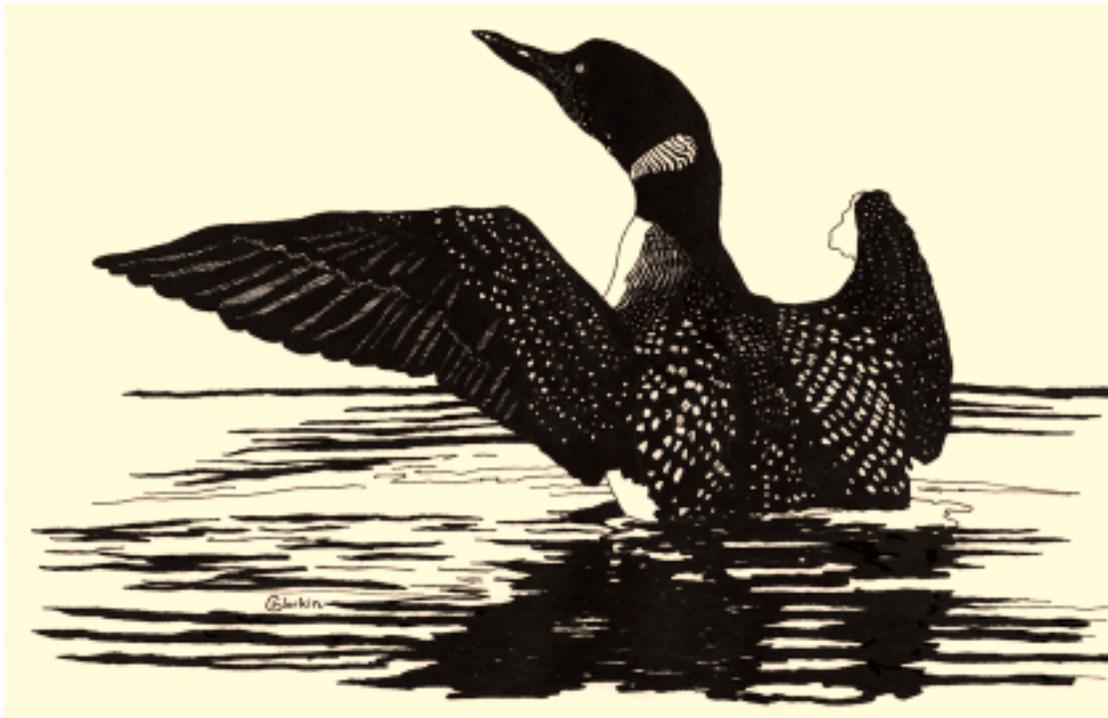
The recreation opportunities and improvements discussed below apply to Town of Jackson lands, unless otherwise indicated. Town of Jackson lands within the river corridor include the Prospect Farm, a previous landfill site, and the Gill Bridge site.

Camping

- Facilities will not be provided at these locations and camping will be discouraged.

Fishing

- Public fishing access will be limited to the Gill Bridge and landfill access crossing sites. Private landowners will be encouraged to permit temporary access to responsible fishermen.



²³ Guidance may be obtained in *Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire* (NH Division of Forests and Lands, 1997). See also Appendices L and M.

Hiking

- The Black Mountain hiking trail begins at the landfill site and continues to the middle summit of Black Mountain. Right of way and parking for the trailhead must be addressed.
- Additional hiking opportunities on selected cross-country ski trails near the river will be sought through a partnership with the Jackson Conservation Commission, Jackson Ski Touring Foundation, and private landowners.

Cross-Country Skiing

- Cross-country skiing facilities will continue to be provided by the Jackson Ski Touring Foundation. This fee system will provide an extensive recreation opportunity for winter use along the river.

Motorized Use

- Motorized use will be restricted to public roads and highways or as allowed by the Town of Jackson.

Visitor and Use Management

Guidelines for public use are described in Chapter II, River-Wide Management Direction.



Postcard: Mt. Double Head, Jackson, NH, Published by J. V. Hartman Post Card Co., Boston, Mass., postmarked Sept 19, 1917, Diane McClave collection.

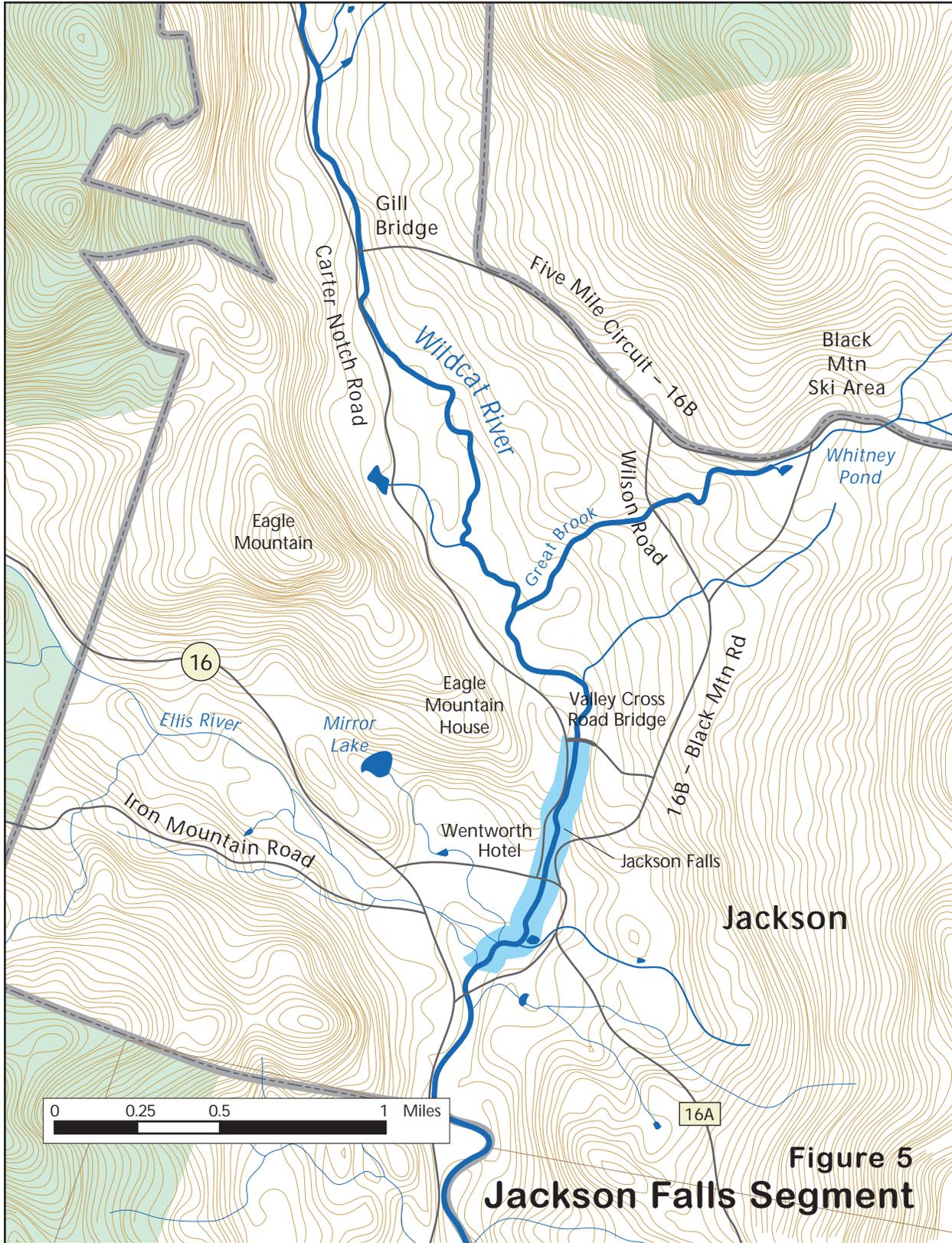


Figure 5
Jackson Falls Segment



JACKSON FALLS

Postcard: Jackson Falls, date and photographer unknown, Diane McClave collection.



CHAPTER FIVE— JACKSON FALLS SEGMENT

River Classification—Recreational

Location

The Jackson Falls segment extends from the Valley Crossroad Bridge above Jackson Falls to the confluence with the Ellis River (0.81 mile).

The width of the river management corridor is determined by the extent of those riparian properties lying within the 100-year flood plain as shown on the River Resource Protection Map and designated as Zone A and SA1-99 on the Flood Insurance Rate Map of Jackson, NH. Where the flood plain has not been delineated or where the delineation is less than 75 feet from the nearest bank of a stream, the river corridor shall be defined as that area within 75 feet of a body of water. In any specific situation, the greater limit shall apply.

Existing Characteristics and Conditions

This segment has outstanding scenic values and provides high quality recreation experiences (i.e. viewing, sunbathing, walking, wading, swimming, photography, and picnicking). The Wildcat River is free of impoundments.

Recreation use is heavy and concentrated around the upper part of the falls and parking is limited. Intense use of this area is causing degradation of its natural beauty and some stream bank erosion. Litter and disposal of human and animal waste is a concern.

The area around Jackson Falls and the center of the Town of Jackson is developed and represents substantial evidence of human activity. The area includes quality commercial and residential development as well as Town offices, an elementary school and Memorial Park.

Public lands are the dominant element in this segment. The public lands in this segment

include: Valley Crossroads bridge, the fire station and Town Garage, the former Gray's Inn property, the easement on the west bank granted to the Town by the Wentworth Resort, the Town Hall, Jackson Elementary School and adjacent historic barn and Memorial Park.

This section shows numerous past alterations to the streambed including the hydropower diversion structure, the breached swimming pool, the dikes, the highway bridges, the fire pond and golf course. There are also concerns that streambed conditions on the Ellis River affect the Wildcat. The Jackson Memorial Park and the Wentworth Golf Club have experienced flooding and erosion.

The area is accessible by Carter Notch Road, New Hampshire Route 16A and 16B and other community roads and bridge crossings.

The water quality of the area meets or exceeds all federal and State standards for conservation, recreation and other uses.

Desired Condition of the River Area

The 19th century New England town character of this segment will be preserved. There will be significant human activity as this historic resort community continues to provide a variety of seasonal activities with Jackson Falls as the centerpiece. Foot access throughout this segment is important to provide a quality experience for residents and visitors. The level and type of development will retain its present character.

River Management Direction, Standards and Guidelines

Goals

The management goals for the Jackson Falls segment are:

- Protect the existing natural, scenic and historic/rural character of this segment through a balance of improvement projects and beneficial environmental practices. Retain the existing character of the Town with its village green and uncrowded small-town atmosphere.
- Provide for the conservation and enhancement of resources including, but not limited to, the high water quality of the town's rivers and streams, and scenic, cultural, historical and recreational resources.
- Retain the highly scenic and quality recreation experiences by managing and distributing visitor use and providing facilities that will protect the river segments, provide for public safety and minimize the impact of heavy use.

- Assure that projects and activities within this area are coordinated, compatible and consistent with the river management plan.
- Assure that reliable information is available to the Town Selectmen and Conservation Commission members in order to facilitate the best choices for projects.
- Determine a course of remedial action for riparian property owners to help prevent or repair damage caused by erosion of the riverbanks or altering of the river course.

Jurisdiction

The Town of Jackson has oversight responsibility and assists with administration to provide long-term protection and preservation of the falls area.

Compliance

Selectmen will establish a process for implementation of the Jackson Falls Segment Plan that will include public participation in the design and selection of projects. They will also review, evaluate and refine the Jackson Falls Segment Plan shown in the 1987 RCP maps 1 and 2 following page 24.

The town will build commitment and support among all citizens whereby river management needs will be identified and communicated to the Selectmen, Conservation Commission and Planning Board.

When a deviation occurs, the individual involved will be offered information and assistance.

The responsibility for removal and cleanup of unnatural river debris will be determined by the Jackson Board of Selectmen but may likely require a Wetlands Permit from the State of New Hampshire, subject to Section 7.

Resource Uses and Protection Measures

The following resources uses and guidelines apply to Town of Jackson property and privately owned land as indicated.

Visual Quality

- A primary objective is to protect scenery and the historic and recreation values of this river segment. The historic small town environment and the town green, park-like atmosphere are important components of that character and will be retained.

Vegetation Management

- Forested areas may be maintained through a range of silvicultural and harvest practices provided that such practices result in minimal impact on river values and comply with State statutes.
- Riparian landowners will be encouraged to provide a natural undisturbed buffer to stabilize stream banks, enhance fish and wildlife habitat and filter run-off water. Vegetation on private lands may be modified for the following reasons:
 1. Provide for public safety and correct severe damage caused by fire, wind, ice, insect/disease, or other catastrophe;
 2. Allow views of the river through maintenance of selected openings and vistas;
 3. Allow construction and maintenance of existing and selected new trails; walkways and openings;
 4. Maintain critical habitat for threatened or endangered wildlife species;
 5. Screen developments to meet visual quality objectives;
 6. Manage vegetation for critical wildlife situations outside the seen area.
- Intent-to-cut notification will be required by the Jackson Board of Selectmen and may be reviewed to assure compliance with State of New Hampshire “best management” practices and this plan.²⁴

Fish and Wildlife

- Fish habitat improvement will be accomplished cooperatively with the Town of Jackson, New Hampshire Fish and Game and the WMNF and volunteers. Fish habitat improvement projects will be in compliance with Section 7.

Areas of Special Significance

- The Town of Jackson may review and recommend proposed projects that protect and enhance the areas of special significance.

Recreation and Improvements to Infrastructure Structures

- Structures and improvements on private lands will be reviewed by the Town of Jackson to assure consistency with Jackson zoning and the river management plan.
- Technical services will be utilized for review, evaluation and design of selected structures and improvements.

²⁴ See *Good Forestry in the Granite State*, (NH Division of Forests & Lands, 1997) and *Best Management Practices for Erosion Control* (NH Division of Forests & Lands, 1991).

- Funding for selected projects will be obtained through cost sharing, grants, contributions and Town, State and federal support.

Trails

- Hiking and cross-country ski trail use may only be permitted by the private landowner. Use of cross-country ski trails under easement by the Jackson Ski Touring Foundation must be consistent with existing agreements.

Visitor and Use Management

Levels of Use

- The carrying capacity of this recreational area is limited. The Town of Jackson will seek professional services to study the carrying capacity and distribution of visitors. The Town will establish and maintain levels of use consistent with protecting unique values and historic small-town character, while providing high quality recreational experiences for residents and visitors.



Postcard: Main street, Jackson, NH, Geo F. Slade Jr, Pub No. 302, date and photographer unknown, Diane McClave collection.

- Due to the severe shortage of available parking on the Upper Falls section on Carter Notch Road, visitors often park in undesignated areas and create a safety hazard for other vehicles, pedestrians and fellow visitors. The Town of Jackson will take responsibility for providing designated parking on both upper and lower falls to provide for public safety and protection of private property.
- Visitor use may be managed by providing information (brochures and signing) and by the size and location of parking areas and trails.
- Visitor safety at the falls will be improved by reconstructing the road shoulder on the east side of Carter Notch Road. Vehicles parked in no parking zones may be subject to fines and/or towing at the discretion of the Jackson Police Department.
- A trail connecting the upper and lower falls and alternate parking may be developed to provide access and distribute use.

Signs

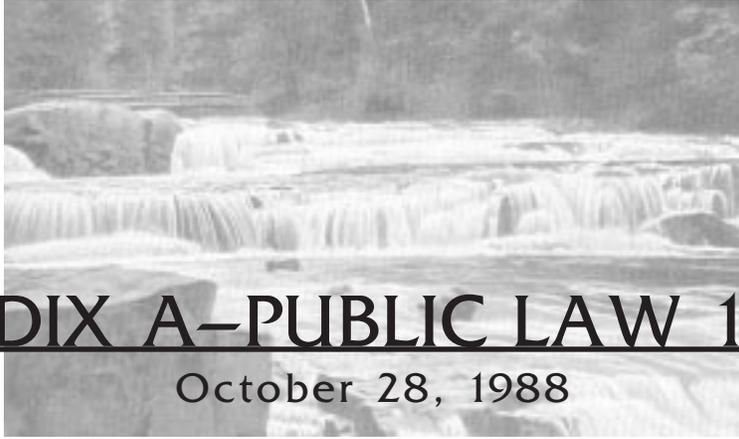
- Signs must be in compliance with existing regulations and should be complimentary to the historic small-town character of the area.
- The WMNF will work with and assist the Town of Jackson in obtaining professional services for developing sign standards.
- The Town of Jackson will review proposed sign design before implementation and once approved, funding will be secured to provide signing in designated areas.

Interpretive Services

- Attention will be given to interpretation of historical, geological and cultural areas of significance.
- The Town of Jackson may review and recommend interpretive information and signing to promote visitor understanding and appreciation of the area.

Public Health, Safety, and Welfare

- Corroded iron pipe may remain throughout a significant portion of the river and may pose a danger to visitors. Newly exposed pipe may pose a public safety hazard and may meet emergency situation criteria under Army Corps of Engineer rules at 33 CFR 323.4(a)(2).



APPENDIX A—PUBLIC LAW 100-554

October 28, 1988

AN ACT [S. 1914] To designate a segment of the Wildcat River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, and for other purposes. Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, SECTION 1. DESIGNATION OF WILDCAT RIVER.

In order to preserve and protect for present and future generations the outstanding scenic, natural, recreational, scientific, historic, and ecological values of the Wildcat River in the State of New Hampshire, section 3(a) of the Wild and Scenic Rivers Act (16 U. S. C. 1274(a)) as amended, by adding the following new paragraph at the end thereof:

“(65) Wildcat River, New Hampshire.—(A) A 14.51 mile segment including the following tributaries: Wildcat Brook, Bog Brook, and Great Brook (all as generally depicted on a map entitled “Wildcat River”, dated October 1987) to be administered as follows: those segments of the Wildcat River and its tributaries located within the boundary of the White Mountain National Forest (hereinafter in the paragraph referred to as ‘the forest’) shall be administered by the Secretary of Agriculture (hereinafter in this paragraph referred to as the ‘Secretary’); those segments located outside the boundary of the forest shall be administered by the Secretary through a cooperative agreement with the Board of Selectmen of the town of Jackson and the State of New Hampshire pursuant to section 10(e) of this Act. Such agreement shall provide for the long-term protection, preservation, and enhancement of the river segments located outside the boundary of the forest and shall be consistent with the comprehensive management plan to be prepared by the Secretary pursuant to section 3(d) of this Act and with the July 1987 River Conservation Plan prepared by the Wildcat Brook Advisory Committee in conjunction with the National Park Service.

“(B)(i) To assist in the implementation of this paragraph, the Secretary shall establish, within 3 months after the date of enactment of this subparagraph [October 28, 1988], a Wildcat River Advisory Commission (hereinafter in this paragraph referred to as the “Commission”).

“(ii) The Commission shall be composed of 7 members appointed by the Secretary as follows: one member from recommendations submitted by the Governor of the State of New Hampshire; 4 members from recommendations submitted by the Jackson Board of Selectmen, of which at least 2 members shall be riparian property owners, and at least one member shall be on the Board of Selectmen; one member from recommendations submitted by the Jackson Conservation Commission; and one member selected by the Secretary. Members of the Commission shall be appointed for terms of 3 years. Vacancies shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of such term until a successor is appointed. The Commission shall designate one of its members as Chairman(iii). The Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers, which have a distribution, which generally covers the area affected by the designation of the segments described in this paragraph. Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(iv) Members of the Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this paragraph on vouchers signed by the Chairman.

(v) Four members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(vi) The Commission shall cease to exist on the date 10 years after the enactment of this paragraph [October 28, 1988].

(vii) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of Oct. 6, 1972; 86 Stat. 776), are hereby waived with respect to this Commission.

(C) The authority of the Secretary to acquire lands outside the boundary of the White Mountain National Forest for purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof. The Secretary may also acquire scenic easements for purposes of this paragraph as provided in section 6 of this Act.

(D) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this paragraph.

Approved October 28, 1988



APPENDIX B- WILD AND SCENIC RIVERS ACT

(P.L. 90-542, as ammended)
(16 U.S.C. 1271-1287)

Wild & Scenic Rivers Act

An Act²⁵

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

SECTION 1.

(a) This Act may be cited as the “Wild and Scenic Rivers Act.”

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild

²⁵ *The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) as set forth herein consists of Public Law 90-542 (October 2, 1968) and amendments thereto.*

and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SECTION 2.

- (a) The national wild and scenic rivers system shall comprise rivers
- (i) that are authorized for inclusion therein by Act of Congress, or
 - (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line.

Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation [Fund] Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in Section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

- (1) Wild river areas — Those rivers or sections of rivers that are free of impound-

ments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas — Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas — Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SECTION 3.

(a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

[List of designated rivers omitted. Please see following list.]

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)), establish detailed boundaries therefore (which boundaries shall include an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river); and determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments. Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

(c) Maps of all boundaries and descriptions of the classifications of designated river segments, and subsequent amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

(d) (1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component of the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within 3 full fiscal years



Jackson Falls House, Jackson, N. H.

Postcard: Jackson Falls House, Jackson, N.H., published by Howard Robinson Co, The Wigwam, Jackson, N.H., date and photographer unknown, Diane McClave collection.

after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.

SECTION 4.

(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a) (1) through (27) of this Act no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers

(i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and



Visitor card, Jackson Falls House, date and photographer unknown, Diane McClave collection.

(ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.). Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the

Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of the State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary high water mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.

SECTION 5.

(a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

[List of study rivers and study periods is omitted. If you need the list, please contact a Council member.]

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it

be proposed for inclusion in the national wild and scenic rivers system.

(d) (1) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(2) The Congress finds that the Secretary of the Interior, in preparing the Nationwide Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Land Management, is authorized under this subsection to complete a study of the eligibility and suitability of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Congress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of any other Federal agency with respect to activities or action on this segment and its immediate environment.

SECTION 6.

(a) (1) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation or by exchange in accordance with the subsection (d) of this section. Lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic Rivers System, the appropriate

Secretary may, with the consent of the landowners for the portion outside the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.

(b) If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefore, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in sec-

tion 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) (1) Any owner or owners (hereinafter in this subsection referred to as “owner”) of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such a date retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term “improved property,” as used in this Act, means a detached, one-family dwelling (hereinafter referred to as “dwelling”), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SECTION 7.

(a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or



Postcard: Hawthorne Cottage, Jackson, NH, Photo by E.D. Putnam & Son, Diane McClave collection.

directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and 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 charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. No department or agency of the United States shall recommend authorization 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 charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would effect the component and the values to be protected by it under this Act. Any license heretofore or hereafter issued by the Federal Power Commission affecting the New River of North

Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 2 of this Act and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and 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 might be designated, as determined by the Secretary responsible for its study or approval —

(i) during the ten-year period following enactment of this Act or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: Provided, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and

(ii) during such interim period from the date a report is due and the time a report is actually submitted to the Congress; and

(iii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior under section 2(a)(ii) of this Act, is necessary for the secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or

recreational river area on the date of designation of a river for study as provided in section 5 of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SECTION 8.

(a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States. This subsection shall not be construed to limit the authorities granted in section 6(d) or section 14A of this Act.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section

5(a) are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act.

SECTION 9.

(a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that —

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior, or in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the components in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as

the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.

SECTION 10.

(a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archaeological, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife refuge system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State-or county-owned lands.

SECTION 11.

(a) The Secretary of the Interior shall encourage and assist the states to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant



to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas.

(b) (1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers. Any agreement under this subsection may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources.

(2) Wherever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deems necessary or desirable.

(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.

SECTION 12.

(a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion, in accordance with section 2(a)(ii), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans, affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the



Postcard: Moody Farm, date and photographer unknown, Diane McClave collection.

planning, administration, and management of Federal lands which are within the boundaries of any rivers for which approval has been granted under section 2(a)(ii). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Administrator, Environmental Protection Agency and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SECTION 13.

(a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, adminis-

tration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in the national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

SECTION 14.

The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns

that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SECTION 14A.

(a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers system and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States.

SECTION 15.

Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (38) through (50) of section 3(a) of this Act —

(1) the boundary of each such river shall include an average of not more than six hundred and forty acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands; and

(2) the withdrawal made by paragraph (iii) of section 9(a) shall apply to the minerals in Federal lands which constitute the bed or bank or are situated within one-half mile of the bank of any river designated a wild river by the Alaska National Interest Lands Conservation Act.

SECTION 16.

As used in this Act, the term —

(a) “River” means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) “Free-flowing,” as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion

works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) “Scenic easement” means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner’s consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).

SECTION 17.

There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers described in section 3(a) of this Act:

Clearwater, Middle Fork, Idaho, \$2,909,800;
Eleven Point, Missouri, \$10,407,000;
Feather, Middle Fork, California, \$3,935,700;
Rio Grande, New Mexico, \$253,000;
Rogue, Oregon, \$15,147,000
St. Croix, Minnesota and Wisconsin, \$21,769,000;
Salmon, Middle Fork Idaho, \$1,837,000; and
Wolf Wisconsin, \$142,150.



APPENDIX C—A HISTORICAL OVERVIEW OF EVENTS LEADING TO DESIGNATION

Starting in 1980, two proposals to the Federal Energy Regulatory Commission (FERC) to develop Jackson Falls for hydroelectric power changed the character of Jackson forever. Construction of such facilities would severely diminish the natural beauty of Jackson Falls. As a result, local residents, concerned citizens, conservation organizations, and all levels of government banded together to protect the Wildcat River.

The first proposal was for a 400-kilowatt plant. Engineering analysis determined that there was some power generation potential and it would be only marginally profitable. Four local organizations joined to protest the project and file a Motion to Intervene with FERC [the procedure by which a party obtains legal standing to participate in the licensing process]; they included Jackson's Board of Selectmen, Conservation Commission, and Planning Board, as well as the Jackson Resort Association. FERC nevertheless allowed the project to continue. Only when the developer failed to meet the reporting requirements of the permit was the project terminated in 1982. Subsequently, the falls area was purchased as part of the Wentworth Hall property.

In 1983, a Massachusetts company submitted an application for a preliminary permit to study the feasibility of installing a 366-kilowatt hydropower plant at Jackson Falls, without the knowledge or consent of the Wentworth's owner. Once again, many became concerned about the effect that the project would have on the resource values of the Wildcat River and the falls, as well as on the tourism-dependent local economy. Individual protests and Motions to Intervene were filed not only by the same four Jackson organizations, but also by the owner of the Wentworth Hall property, other riverfront landowners, the Appalachian Mountain Club and the Society for the Protection of New Hampshire Forests.

A broad effort was undertaken to provide complete information to all citizens and visitors and to solicit their concerns. A survey of Jackson residents and landowners demonstrated the broad support for the protection of the river. Donors of conservation ease-

ments emphasized this commitment. Numerous letters were received from other concerned citizens, as well. Local media printed more than 100 major pieces showing strong support for the effort to protect the Wildcat. Washington-based American Rivers, Inc., joined the regional conservation organizations actively opposing the project and the services of a Washington, D.C. lawyer were engaged. The Governor of New Hampshire and the state's Congressional delegation provided outstanding support as well.

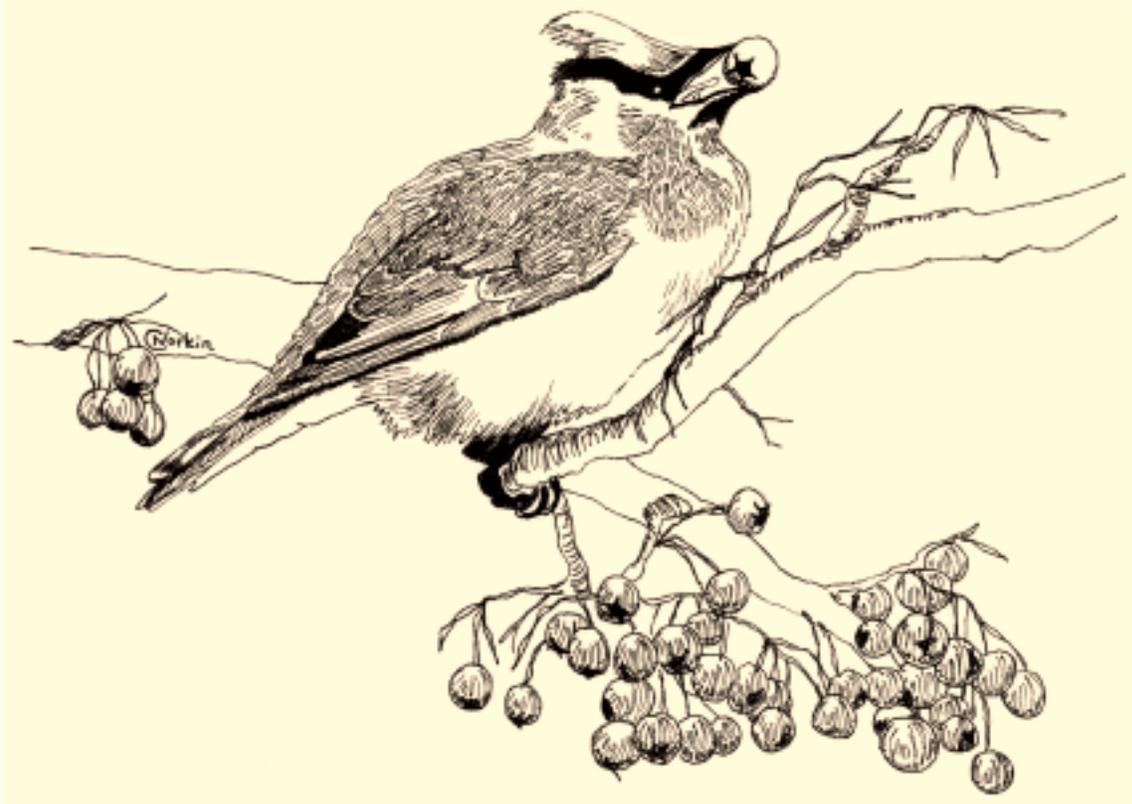
FERC nevertheless issued the permit to develop the hydropower project even in the face of opposition from such broad-based interests. Appeals made with increasing Congressional participation were overruled by FERC, and at a rehearing requested by petition, the permit was upheld. Thus, although the Town of Jackson diligently followed the complete process mandated by FERC law and regulation, FERC nevertheless denied the rights of the riparian owners and other local residents, the town, and the state.

The only recourse to prevent hydropower development of Jackson Falls therefore became the pursuit of Wild and Scenic River legislation for the Wildcat. The National Park Service had included the Wildcat and its tributaries in its Nationwide Rivers Inventory on account of their outstanding scenic values related to a high diversity of distinctive landforms and land uses, and vegetative, geologic, and cultural resource features; the river therefore had already been determined to possess the minimum criteria for wild and scenic designation. Further consultation with the New Hampshire Congressional delegation resulted in a decision to draft study legislation that could protect the Wildcat River from hydropower development through wild and scenic river designation, at the same time maintaining local land use control and denying federal authority to acquire private lands outside the proclamation boundary of the White Mountain National Forest. These latter provisions were essential to the concerns of local landowners, since the Wild and Scenic Rivers Act of 1968 includes the power of eminent domain in language intended largely to address the needs of large western rivers, where much land is already part of the public domain.

At the next Town Meeting, Jackson residents voted unanimously to seek a Wild and Scenic study. Separate bills then worked their way through House and Senate committees with the support of testimony by Jackson Selectmen and many others. Both bills received unanimous committee votes. On 19 June 1984, Congress therefore included provisions in the New Hampshire Wilderness Act for a study of the Wildcat River for possible inclusion in the National Wild and Scenic Rivers System. This placed a moratorium on all federally initiated or licensed water resource development activities that might have a direct and adverse impact on the character of the river and its surrounding lands, for a ten year period during which the citizens of Jackson could decide what course of action they wished to take. The bill also directed the Town of Jackson to evaluate other possibilities of resource protection.

The National Park Service was requested to conduct the Wild and Scenic study, now described in the video “The Town and the River,” as well as summarized in an agency report. Beginning in August 1985, the National Park Service entered into two cooperative agreements to assess the Wildcat’s eligibility and suitability: (1) with the Town of Jackson, to prepare a River Conservation Plan that would establish a strategy of state and local river conservation actions and private landowner initiatives; (2) with the Appalachian Mountain Club, to assess local public attitudes toward river conservation, survey and analyze public use of Jackson Falls; develop management recommendations for the area as part of the River Conservation Plan, and assess the effects of wild and scenic designation on patterns of use and local socio-economic development.

In order to assess the need for wild and scenic river designation, town citizens examined the existing Master Plan and zoning laws to evaluate their effectiveness toward protecting the river, local natural resources, and the rural character of the Town. Accordingly, the Town appointed a project advisory committee — the Wildcat Brook Advisory Committee — to oversee preparation of the River Conservation Plan and to coordinate public involvement in the study process. The committee thus encouraged citizen participation through the use of landowner/resident and user surveys, public meetings and workshops, radio announcements and newspaper articles, and through the assistance of various conservation, recreational, and business organizations. The plan was completed in July 1987.





Postcard: 1533. On the Wildcat at Jackson Falls, Jackson, NH, Howard, Robinson Co. The Wigwam, Jackson, NH, W.R.M. Haverhill, Mass., date and photographer unknown, Diane McClave collection.



APPENDIX D—A HISTORY OF PUBLIC INVOLVEMENT WITH WILDCAT RIVER DESIGNATION

During the study process for Wild and Scenic designation, public interest clearly weighed in on the side of river protection. A survey of visitors found that 80 percent of the users of the Wildcat are non-residents and that recreational use is concentrated around Jackson Falls. The Resident/Landowner Survey determined that 94 percent of the townspeople felt that it was important to preserve the scenic qualities, open space, free-flowing rivers, rural atmosphere, and air and water quality of Jackson, and that the Town should take specific actions to preserve these qualities, especially as they relate to Wildcat Brook. At the same time, the Wildcat Brook Advisory Committee determined that conservation easements on riverfront properties afforded a positive and perpetual means of conserving the character and values of the river corridor. During June 1986, it was determined the Wildcat was eligible for wild and scenic river designation.

The Town took the next step. In September 1986, the Town entered into an agreement with the Society for the Protection of New Hampshire Forests and the National Park Service to promote a Conservation Easement Program to protect private land along the Wildcat, through landowner workshops, identification of suitable properties, and negotiation with landowners; by December that year, easements on 86 acres had been donated in addition to several previously in place. Then, at the March 1987 annual Town Meeting, residents of Jackson unanimously voted to pursue Wild and Scenic designation for the Wildcat. In a demonstration of their genuine concern, they voted as well to enact two important river conservation measures:

(1) approval of a zoning amendment that establishes a River Conservation District, eliminates future building in the floodplains of Wildcat Brook and other major river bodies of Jackson, and increases building setbacks in the river corridor outside the floodplain;

(2) approval of a zoning amendment to establish a new basis for minimum lot sizes throughout the Town of Jackson, based upon soil characteristics and their ability to

assimilate waste water effluent.

On December 3, 1987, Senators Gordon Humphrey (NH), Warren Rudman (NH), and David Durenberger (MN) introduced legislation in the Senate to designate the Wildcat a wild and scenic river; Representatives Robert Smith and Judd Gregg initiated similar legislation in the House. Less than a year later, on 28 October 1988, the President signed the bill passed by Congress (P.L. 100-554) to amend the WSRA to include portions of the Wildcat River and its tributaries in the National Wild and Scenic Rivers System.

The legislation was thus the result of a “bottom-up” approach dependent upon local support and action—nine years of hard work, in fact, by concerned citizens and local government representatives working together toward the betterment of their community, often sacrificing work and personal time to do so.

After the legislation was passed, the emphasis of local effort shifted to the implementation of provisions of the law and of the recommendations made in the River Conservation Plan.



Postcard: Main street, Jackson, NH, The Bisbee Press, Lancaster, NH, date and photographer unknown, Diane McClave collection.



APPENDIX E—BOUNDARY DESCRIPTION

WHITE MOUNTAIN NATIONAL FOREST BOUNDARY DESCRIPTION OF THE WILDCAT WILD AND SCENIC RIVER CORRIDOR

JACKSON TOWNSHIP, CARROLL COUNTY, NEW HAMPSHIRE BEANS PURCHASE, COOS COUNTY, NEW HAMPSHIRE

Being a corridor for the Wildcat River and three of its tributaries; Great Brook, Bog Brook and Wildcat Brook. The Wildcat River and these tributaries were designated as a component of the National Wild and Scenic Rivers System by Public Law 100-554 dated October 28, 1988. The corridor is more particularly described in three segments as follows:

Jackson Falls Segment

That portion of the Wildcat River which extends from the confluence with the Ellis River on the south to the Valley Crossroad Bridge on the north. This section is described by the following New Hampshire State Plane Coordinates NAD83. These coordinates are expressed in feet and were derived from a digitized version of the National Flood Insurance Program Floodway Flood Boundary and Floodway Map for the Town of Jackson, New Hampshire, Carroll County dated July 2, 1979. The coordinates are representative of the 100 year flood boundary as shown on said National Flood Insurance Program maps.

BEGINNING at the confluence of the Wildcat River with the Ellis River.

THENCE southeasterly to the following NH State Plane Coordinates on the easterly boundary of the 100-year flood boundary:

	X coordinate	Y coordinate	
1	1,110,960	599,360	100-year flood boundary at confluence with Ellis River

THENCE running in a general northerly direction along the easterly boundary of the 100 year flood boundary through the following listed NH State plane coordinates:

	X coordinate	Y coordinate		
2	1,111,260	599,420	<i>An intersection with an unnamed brook</i>	
3	1,111,445	599,470		
4	1,111,520	599,540		
5	1,111,600	599,650		
6	1,111,710	599,790		
7	1,111,770	600,000		
8	1,111,810	600,150		
9	1,111,690	600,380		
10	1,111,670	600,490		
11	1,111,720	600,730		
12	1,111,770	600,990		
13	1,111,840	601,320		
14	1,112,040	601,830		
15	1,112,070	601,990		
16	1,112,090	602,200		
17	1,112,120	602,350		
18	1,112,180	602,530		<i>Easterly of the Valley Crossroad Bridge.</i>
19	1,112,190	602,720		

THENCE westerly to the following NH State Plane Coordinates on the westerly boundary of the 100 year flood boundary near the Valley Crossroad Bridge:

20	1,112,040	602,740	<i>westerly of the Valley Crossroad Bridge</i>
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THENCE generally southerly along the westerly boundary of the 100 year flood boundary through the following NH State Plane Coordinates:

21	1,111,970	602,530	
22	1,111,910	602,040	
23	1,111,880	601,870	
24	1,111,820	601,700	
25	1,111,720	601,530	
26	1,111,670	601,320	
27	1,111,610	601,130	
28	1,111,580	601,000	
29	1,111,500	600,920	
30	1,111,040	601,000	

	X coordinate	Y coordinate	
31	1,110,960	601,150	
32	1,110,870	601,230	
33	1,110,880	601,480	
34	1,110,670	601,560	
35	1,110,550	601,680	
36	1,110,420	601,680	
37	1,110,180	601,780	
38	1,110,050	601,770	
39	1,109,750	601,560	
40	1,109,760	601,480	
41	1,109,880	601,410	
42	1,109,940	601,430	
43	1,110,120	601,540	
44	1,110,240	601,530	
45	1,110,260	601,480	
46	1,110,210	601,370	
47	1,110,140	601,230	
48	1,110,100	601,040	
49	1,110,100	600,950	
50	1,110,100	600,750	
51	1,110,010	600,650	
52	1,109,830	600,610	

THENCE southeasterly to THE PLACE OF THE BEGINNING.

Intervale Segment

Section No. 1.

That section of the Wildcat River which extends from the northerly terminus of the above described Jackson Falls Segment to the northerly terminus of the 100 year flood boundary as shown on the National Flood Insurance Program Floodway Flood Boundary and Floodway Map for the Town of Jackson, New Hampshire, Carroll County dated July 2, 1979. This section is described by the following New Hampshire State Plane Coordinates NAD83. These coordinates are expressed in feet and were derived from a digitized version of the 100 year flood boundary as shown on said National Flood Insurance Program maps.

BEGINNING at the northeasterly corner of the above described Jackson Falls Segment (Point #19 above).

THENCE running in a general northerly direction along the easterly boundary of the 100 year flood boundary through the following listed NH State Plane Coordinates:

	X coordinate	Y coordinate	
53	1,112,300	602,870	
54	1,112,370	603,080	
55	1,112,360	603,200	
56	1,112,280	603,400	
57	1,112,290	603,580	
58	1,112,230	603,670	
59	1,112,190	603,640	<i>An intersection with an unnamed, seasonal brook.</i>
60	1,111,450	604,490	
61	1,111,280	604,840	<i>An intersection with Great Brook.</i>
62	1,111,040	605,270	
63	1,110,900	605,650	
64	1,110,730	606,500	
65	1,110,560	606,810	
66	1,110,500	607,100	
67	1,110,470	607,530	
68	1,110,320	607,660	
69	1,110,230	608,010	
70	1,110,090	608,230	
71	1,109,460	608,940	
72	1,109,050	609,260	
73	1,108,850	609,360	
74	1,108,790	610,250	
75	1,108,870	610,340	
76	1,108,630	611,260	
77	1,108,510	611,430	
78	1,108,400	612,720	
79	1,108,280	612,890	
80	1,108,270	613,210	<i>An intersection with an unnamed, seasonal brook.</i>
81	1,108,230	613,600	
82	1,108,210	614,510	
83	1,108,190	614,770	
84	1,108,430	615,700	
85	1,108,460	616,150	
86	1,108,410	616,600	
87	1,108,420	616,640	
88	1,108,620	616,970	
89	1,108,580	617,390	

	X coordinate	Y coordinate	
90	1,108,440	617,560	
91	1,108,280	617,720	
92	1,108,220	617,860	
93	1,108,210	618,020	
94	1,108,240	618,110	
95	1,108,360	618,280	
96	1,108,380	618,380	
97	1,108,370	618,450	
98	1,108,320	618,630	
99	1,108,340	618,760	
100	1,108,410	618,910	
101	1,108,490	619,050	
102	1,108,530	619,220	
103	1,108,490	619,400	
104	1,108,500	619,500	
105	1,108,560	619,590	
106	1,108,690	619,690	
107	1,108,710	619,740	<i>The northeasterly corner of Section No. 1.</i>

THENCE westerly and crossing the Wildcat River to the following NH State Plane Coordinates on the westerly boundary of the 100 year flood boundary:

108	1,108,510	619,820	<i>The northwesterly corner of Section No. 1.</i>
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THENCE generally southerly along the westerly boundary of the 100 year flood boundary through the following NH State Plane Coordinates:

109	1,108,400	619,590	
110	1,108,410	619,120	
111	1,108,170	618,890	
112	1,108,170	618,690	
113	1,108,180	618,470	
114	1,108,190	618,320	
115	1,108,160	618,230	
116	1,108,130	618,180	
117	1,108,090	618,090	
118	1,108,070	618,010	
119	1,108,080	617,920	
120	1,108,140	617,760	

	X coordinate	Y coordinate	
121	1,108,290	617,550	
122	1,108,320	617,470	
123	1,108,310	617,320	
124	1,108,300	617,230	
125	1,108,270	617,100	
126	1,108,120	616,800	
127	1,108,030	616,740	
128	1,108,180	616,000	
129	1,108,060	615,920	<i>An intersection with Marsh Brook.</i>
130	1,108,070	615,630	
131	1,108,010	615,280	
132	1,107,980	615,190	
133	1,107,810	614,910	
134	1,107,740	614,790	
135	1,107,710	614,630	
136	1,107,710	614,440	
137	1,107,740	614,240	
138	1,107,760	613,920	
139	1,107,800	613,710	
140	1,107,790	613,600	
141	1,107,880	613,310	
142	1,107,880	613,100	
143	1,107,920	613,010	
144	1,107,960	612,890	
145	1,107,970	612,700	
146	1,107,970	612,560	
147	1,107,920	612,280	
148	1,107,940	612,130	
149	1,108,000	611,950	
150	1,108,180	611,690	
151	1,108,340	611,350	
152	1,108,420	611,230	
153	1,108,510	611,020	
154	1,108,620	610,660	
155	1,108,620	610,460	
156	1,108,640	610,350	
157	1,108,720	609,930	
158	1,108,720	609,800	
159	1,108,710	609,730	

	X coordinate	Y coordinate	
160	1,108,680	609,610	
161	1,108,680	609,470	
162	1,108,810	609,080	
163	1,108,950	608,740	
164	1,109,340	608,060	
165	1,109,500	607,850	
166	1,109,570	607,650	
167	1,109,600	607,410	
168	1,109,560	607,210	
169	1,109,420	606,820	
170	1,109,650	606,580	
171	1,109,780	606,480	
172	1,109,890	606,340	
173	1,109,990	606,280	
174	1,110,080	606,200	
175	1,110,290	605,880	<i>Near the intersection of Wildcat River and an unnamed brook.</i>
176	1,110,440	605,500	
177	1,110,760	605,080	
178	1,110,780	604,990	
179	1,110,770	604,920	
180	1,110,670	604,800	
181	1,110,640	604,730	
182	1,110,660	604,670	
183	1,110,780	604,460	
184	1,111,010	604,220	
185	1,111,050	603,950	
186	1,111,100	603,850	
187	1,111,190	603,770	
188	1,111,430	603,640	
189	1,111,520	603,610	
190	1,111,810	603,560	
191	1,111,930	603,490	
192	1,112,000	603,410	
193	1,112,020	603,320	
194	1,112,010	603,170	
195	1,112,060	602,810	

THENCE continuing southerly along the 100 year flood plain to the northwest corner of the Jackson Falls Segment (Point # 20) described above.

Section No. 2.

Being a small portion of the Wildcat River which extends from the northerly terminus of the above described Section No. 1 and runs northerly to the Proclamation Boundary of the White Mountain National Forest. The river corridor boundary along this section is 75 feet easterly of the top of the bank on the east side and 75 feet westerly of the top of the bank on the west side of the Wildcat River.

Section No. 3.

Being that portion of Great Brook which extends from the easterly sideline of the above described Section No. 1 of the Intervale Segment and running upstream northeasterly about 1.4 miles to the confluence of two unnamed branches of said Great Brook which flow southwesterly and northwesterly. The boundaries of the Wild and Scenic River Corridor on Great Brook are 75 southeasterly of the top of the southeast bank of said Great Brook and 75 northwesterly of the top of the northwest bank of said Great Brook.

Headwaters Segment

Being that portion of Wildcat River, Bog Brook and Wildcat Brook which extend northerly from the northerly terminus of the above described Section No. 2 of the Intervale Segment to the termini of said Wildcat River, Bog Brook and Wildcat Brook. This segment is approximately 500 feet on each side of Wildcat River, Bog Brook and Wildcat Brook. The coordinates in this segment were derived from GIS coverages of the White Mountain National Forest and are expressed in New Hampshire State Plane NAD83 feet.

BEGINNING at the northeast corner of the above described Section No. 2 of the Intervale Segment.

THENCE easterly along the Proclamation Boundary of the White Mountain National Forest to the following New Hampshire State Plane Coordinates approximately 500 feet easterly of Wildcat River:

	X coordinate	Y coordinate	
196	1,109,070	620,390	<i>Approximate intersection of Proclamation Boundary and 500 foot buffer on Wildcat River.</i>

THENCE northerly along the east side of Wildcat River approximately 500 feet easterly of said river through the following New Hampshire State Plane Coordinates:

	X coordinate	Y coordinate	
197	1,109,400	620,740	
198	1,109,560	621,270	
199	1,109,490	621,640	
200	1,109,660	622,610	
201	1,109,840	623,310	
202	1,110,030	624,010	<i>Near intersection with Davis Brook.</i>
203	1,109,840	624,350	
204	1,109,900	624,830	
205	1,109,620	625,140	
206	1,109,680	625,430	
207	1,109,960	626,070	<i>Near intersection with FR 233.</i>
208	1,109,650	626,860	
209	1,109,820	627,330	
210	1,109,740	627,800	
211	1,110,300	628,640	
212	1,110,380	628,860	<i>Southeasterly of confluence of Wildcat River and Bog Brook.</i>

THENCE northeasterly and southwesterly along Bog Brook approximately 500 feet on each side of said brook through the following New Hampshire State Plane Coordinates:

213	1,110,150	629,320	
214	1,110,310	630,140	
215	1,110,800	630,160	
216	1,111,120	630,510	
217	1,112,960	630,900	<i>North end of Bog Brook.</i>
218	1,114,760	632,950	<i>North end of Bog Brook.</i>
219	1,117,400	635,080	
220	1,116,960	635,880	
221	1,116,090	635,580	
222	1,114,010	633,850	
223	1,113,740	633,590	
224	1,113,290	632,700	<i>Northerly of confluence of Wildcat River and Bog Brook</i>

THENCE northerly, northwesterly, southeasterly and southerly along Wildcat River through the following New Hampshire State Plane Coordinates approximately 500 feet on each side of said Wildcat River:

	X coordinate	Y coordinate	
225	1,112,430	632,040	
226	1,110,450	631,400	
227	1,110,370	632,490	
228	1,110,790	633,390	
229	1,110,720	634,030	
230	1,111,160	636,630	
231	1,109,550	639,220	
231	1,109,000	640,020	
233	1,108,720	640,180	
234	1,108,480	640,200	
235	1,108,340	640,160	
236	1,108,040	640,270	
237	1,107,990	640,510	
238	1,107,790	640,750	
239	1,107,530	640,890	
240	1,107,150	640,930	
241	1,106,850	640,830	
242	1,106,270	640,600	<i>North end Wildcat River.</i>
243	1,106,130	640,330	<i>North end Wildcat River.</i>
244	1,106,160	640,040	<i>North end Wildcat River.</i>
245	1,106,300	639,860	
246	1,106,520	639,760	
247	1,106,790	639,770	
248	1,107,070	639,870	
249	1,107,280	639,560	
250	1,107,490	639,410	
251	1,108,150	639,170	
252	1,108,420	639,160	
253	1,108,730	638,640	
254	1,109,120	638,290	
255	1,110,890	637,700	
256	1,110,270	638,390	
257	1,109,370	637,960	
258	1,109,950	636,610	
259	1,109,500	633,890	
260	1,109,670	633,550	

	X coordinate	Y coordinate	
261	1,109,230	632,580	<i>Westerly of the confluence of Wildcat River and Bog Brook</i>
262	1,109,190	631,240	
263	1,109,430	630,900	
264	1,109,050	630,080	
265	1,108,920	629,200	
266	1,109,060	628,840	
267	1,108,770	628,370	
268	1,108,640	627,850	
269	1,108,720	627,490	
270	1,108,540	627,130	

THENCE northwesterly, northerly, southerly and southeasterly along Wildcat Brook through the following New Hampshire State Plane Coordinates approximately 500 feet on each side of said Wildcat River:

271	1,108,510	626,650	<i>North end Wildcat Brook. North end Wildcat Brook.</i>
272	1,108,810	626,070	
273	1,108,190	626,740	
274	1,107,570	626,920	
275	1,107,300	627,730	
276	1,106,480	628,300	
277	1,105,180	628,820	
278	1,105,030	629,380	
279	1,103,860	630,380	
280	1,103,070	633,120	
281	1,102,720	634,460	
282	1,103,260	635,650	
283	1,103,050	637,140	
284	1,102,100	637,120	
285	1,102,040	635,930	
286	1,101,540	634,810	
287	1,101,710	632,810	

THENCE continuing southeasterly with a line 500 feet southwesterly of the southwest bank of Wildcat Brook to an intersection with Line 66-65 of U.S. Tract 57n (Publishers Paper Company).

THENCE easterly with said Tract 57n, reversed, to Corner 65.

THENCE southerly with Line 65-64 of said Tract 57n to an intersection with a line parallel with and 500 feet southwesterly of the southwest bank of Wildcat Brook.

THENCE southeasterly with said line 500 feet southwesterly of the southwest bank of Wildcat Brook to an intersection with the southwesterly boundary of U.S. Tract 1055 (Mark A. McPherson).

THENCE continuing southeasterly with the southwesterly boundary of said Tract 1055 to an intersection with a line parallel with and 75 feet westerly of the west bank of the Wildcat River.

THENCE southerly with said line parallel with and 75 westerly of the west bank of the Wildcat River to the northerly terminus of the above described Section No. 2 of the Intervale Segment.

Prepared by: Nancy E. Iwanicki, Forest Land Surveyor, April 2004



Postcard: Glen Ellis River and Thom Mountain, Jackson, NH, Published in Saxony by G.W. Morris, Portland, Maine, postmarked Sept 17, 1907?, Diane McClave collection.



APPENDIX F-WILDCAT RIVER ADVISORY COMMISSION

The Wildcat River Advisory Commission acts under general authority of the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 776). It was created under terms of the Wildcat River legislation (P.L.100-554).

Under Forest Service regulations (No. 1042-99, 12 October 1989), the commission's purpose is defined as follows:

- (1) to assist with administration of the designated segments of the Wildcat River and its tributaries through the cooperative efforts of the Board of Selectmen of the Town of Jackson, the State of New Hampshire, and the Jackson Conservation Commission; and
- (2) to provide for the long-term protection, preservation, and enhancement of the Wildcat River, river area, and river segments located outside the boundary of the White Mountain National Forest through cooperation, agreement and cooperative effort wherever possible.

The regulations further outlined the following more specific duties (USDA Regulation 1042-99) for the Commission during its existence:

- a. To assist the Secretary with preparation of a comprehensive river management plan;
- b. To assist the Secretary with management of the Wildcat River, which shall preserve for present and future generations its outstanding scenic, natural, recreational, scientific, historic, and ecological values

As required by the legislation, the Commission consisted of seven members, appointed by the Secretary of Agriculture from recommendations made by the Jackson Board of

Selectmen (4), the Jackson Conservation Commission (1), and the Governor of the State of New Hampshire (1). Members appointed from Board of Selectmen recommendations must have included at least two riparian property owners and at least one member of the Board of Selectmen. The Forest Supervisor of the White Mountain National Forest, or a representative appointed by the Supervisor, also served on the Commission.

According to the Act, the commission was discontinued in October 1998.



Postcard: MCH, Glen Ellis River and Thorn Mtn, Jackson, NH, postmarked June 6, 1912, Diane McClave collection.



APPENDIX G—COOPERATIVE AGREEMENT

BETWEEN THE USDA—FOREST SERVICE, THE TOWN OF JACKSON, NEW HAMPSHIRE AND THE STATE OF NEW HAMPSHIRE #R9-WM-REC-93-002

THIS AGREEMENT, made and entered into the 16 day of NOVEMBER, 1992, by and between the USDA-Forest Service, the Town of Jackson, New Hampshire, and the State of New Hampshire, under the authority of the Wild and Scenic Rivers Act (16 USC 1271-1287), as amended by P.L. 100-554 (28 October 1988),

WHEREAS, P.L. 100-554 designated segments of the Wildcat River and its tributaries including Bog Brook, Great Brook and Wildcat Brook in the State of New Hampshire as a component of the National Wild and Scenic Rivers System, in order to preserve and protect for present and future generations their outstanding scenic, natural, recreational, scientific, historic, and ecological values; and

WHEREAS, some designated river segments lie within the boundary of the White Mountain National Forest, under the administration of the USDA-Forest Service;

WHEREAS, the remaining portions of the designated river segments include private and municipal lands outside the boundary of the White Mountain National Forest, under jurisdiction of the Town of Jackson, through its Board of Selectmen; and

WHEREAS, the State of New Hampshire has jurisdiction over certain activities affecting river resources, especially through its Department of Environmental Service; and

WHEREAS, P.L. 100-554 provided that the Secretary of Agriculture (the Secretary) shall administer those segments of the Wildcat River and its designated tributaries located outside the boundary of the forest through a cooperative agreement with the Board of Selectmen of the Town of Jackson and the State of New Hampshire; and

WHEREAS, P.L. 100-554 provided that the cooperative agreement shall provide for the long-term protection, preservation, and enhancement of those river segments, and that the agreement shall be consistent with the comprehensive management plan to be prepared by the Secretary, and with the July 1987 Wildcat Brook Conservation Plan.

WHEREAS, P.L. 100-554 required the Secretary to establish a Wildcat River Advisory Commission and specified that its purpose is advisory in nature, to assist with administration of the Wildcat River and its designated tributaries located outside the boundary of the White Mountain National Forest in cooperation with the Board of Selectmen of the Town of Jackson, the State of New Hampshire, and the US Forest Service.

THEREFORE, it is agreed as follows:
ALL SIGNATORIES AGREE:

- 1.To work cooperatively to provide for the long-term protection, preservation, and enhancement of the designated segments of the Wildcat River and its designated tributaries located outside the boundary of the White Mountain National Forest.
- 2.To assist with preparation and implementation of the comprehensive Management Plan.
- 3.To advise and consult with the Wildcat River Advisory Commission when considering actions affecting the Wildcat River and its designated tributaries.

THE USDA-FOREST SERVICE AGREES:

- 1.To provide technical and administrative assistance to the Wildcat River Advisory Commission.
- 2.To provide financial support for the Commission for expenses reasonably incurred in carrying out their duties and responsibilities. An amendment to this agreement in the form of a Financial Operating Plan shall describe the type of expenses and maximum annual amount available for reimbursement.

THE BOARD OF SELECTMEN OF THE TOWN OF JACKSON AGREES:

- 1.To advise the Wildcat River Advisory Commission of all proposed changes in local zoning ordinances.

THE STATE OF NEW HAMPSHIRE AGREES:

- 1.To provide technical assistance and/or information to the Town of Jackson, and the Wildcat Advisory Commission through the following agencies;
 - a.The Department of Environmental Services, regarding subdivision approval and sewage system issues, dredge and fill applications and permit requests, alteration of terrain permit requests, river corridor management planning, and the monitoring and management of the water quality of the Wildcat River and its tributaries.
 - b.The Division of Forest and Lands, Department of Resources and Economic Development, regarding timber harvesting activities;
 - c.The Department of Transportation, regarding transportation activities;
 - d.Other State agencies, regarding issues in their areas of jurisdiction, as per specific agreements with those agencies.

2.To incorporate a discussion of the Comprehensive River Management Plan, in the 1994-1999 revision of the New Hampshire State Comprehensive Outdoor Recreation Plan.

IT IS FURTHER MUTUALLY AGREED:

- 1.That this agreement may be amended at any time. Amendments must be executed in writing and mutually agreed to and signed by all affected parties. The type of amendment may vary according to the nature of the agreement.
- 2.That nothing contained in this agreement shall obligate the Forest Service to perform any service or expend any funds in the absence of an appropriation therefore by the Congress; likewise, that nothing contained in this agreement shall obligate an agency of the State of New Hampshire to perform any service or expend any funds in the absence of an appropriation therefore by the State of New Hampshire; and likewise, that nothing contained in this agreement shall obligate the Town of Jackson to perform any service or expend any funds in the absence of an appropriation therefore by the Board of Selectmen.
- 3.That no member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this Agreement, or to any benefit that may arise there from, but this provision shall not be construed to extend to the Agreement if made with a corporation for its general benefit.
- 4.That in carrying out the terms of this agreement, there shall be no discrimination against any person because of race, color, creed, or national origin.
- 5.That this agreement shall extend from the first date shown above until terminated. it may be terminated at any time by any party, upon 60 days' notification to the other parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

Town of Jackson
/s/ Diane H. McClave
Selectman
11/16/92
Date

Council on Resources and Development,
State of New Hampshire
/s/ Jeffrey H. Taylor
Chairman
8/31/92
Date

Town of Jackson
/s/ Frank DiFruscio
Selectman
11/12/92
Date

US Forest Service/White Mountain National
Forest
/s/ Rick D. Cables
Supervisor
8/21/92
Date

Town of Jackson
/s/ Peter E Kelly
Selectman
11/16/92
Date



Postcard: Wild Cat River, Jackson, NH, copyright 1909 by G.F. Slade, Jr., photographer unknown, Diane McClave collection.



APPENDIX H—MEMORANDUM OF UNDERSTANDING

BETWEEN
USDA FOREST SERVICE
REGION 9, WHITE MOUNTAIN NATIONAL FOREST,
SUPERVISOR'S OFFICE
AND THE
TOWN OF JACKSON
AND THE
STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES

This MEMORANDUM OF UNDERSTANDING is hereby entered into by and between the USDA Forest Service, White Mountain National Forest, hereinafter referred to as the Forest Service, the Selectmen of the Town of Jackson, New Hampshire, hereinafter referred to as the Selectmen, and the State of New Hampshire Department of Environmental Services, hereinafter referred to as the DES.

A. **PURPOSE:** The purpose of this Memorandum of Understanding is to implement P.L. 100-554, which designated the Wildcat River and its tributaries (Bog Brook, Great Brook, and Wildcat Brook) components of the National Wild and Scenic Rivers System, within the State of New Hampshire. The intent of this agreement is to provide a framework for cooperation in the management, protection and preservation of the free-flowing condition, the outstandingly remarkable values, and the water quality of the Wildcat River and its tributaries for present and future generations. P.L. 100-554 directed the Secretary of Agriculture to administer the river segments located outside the boundary of the White Mountain National Forest through a cooperative agreement with the Selectmen and State of New Hampshire. This cooperation serves the mutual interest of the parties and the public.

B. **STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**

Portions of the designated Wildcat National Wild and Scenic River lie within the White Mountain National Forest, administered by the Forest Service. The Forest Service is the natural resource agency responsible for the sustained management and protection of the

White Mountain National Forest, including the headwaters of the Wildcat River and its tributaries. The Forest Service is also the federal agency charged with administrative responsibility for all designated river segments.

Portions of the designated river segments include private and municipal lands outside the boundary of the White Mountain National Forest fall under the jurisdiction of the Town of Jackson. The Board of Selectmen is the governing entity responsible for decisions regarding management and developments within the portion of the river corridor in the Town.

The DES has regulatory authority over certain activities affecting river resources within the State including the Wildcat National Wild and Scenic River.

All three parties have administrative or regulatory authority affecting the lands and waters within the Wildcat River. All three parties are highly interested in working cooperatively for the long-term protection, preservation, and enhancement of the designated segments of the Wildcat River. All three parties are willing to advise and consult each other when considering actions affecting the Wildcat River and to work productively with each other and with other entities to resolve issues and overcome obstacles in protecting and enhancing river resources. In consideration of the above premises, the three parties agree as follows:

C. FOREST SERVICE SHALL:

1. Serve as the federal agency charged with administrative responsibility for the designated river segments.
2. Implement Section 7(a) of the National Wild and Scenic Rivers Act to protect the designated river segments from adverse impacts of proposed water resources projects funded, permitted, or otherwise assisted by the federal government.
3. Enter into cooperative agreements with the Selectmen and DES, and other parties as appropriate to undertake projects to implement the Comprehensive River Management Plan and 1987 Wildcat Brook River Conservation Plan.
4. Conduct technical assistance as documented through separate cooperative agreements for the protection and enhancement of the designated river segments established by the authority of the National Wild and Scenic Rivers Act.
5. Identify, where possible, additional programs, grants, authorities, and other resources that could benefit the Selectmen and DES and the conservation and enhancement of the river resource.
6. Provide an accurate and up-to-date GIS version of the Wild and Scenic River corridor boundary to the DES, with a secondary boundary area drawn within which we may have an informational or advisory interest.

D. SELECTMEN SHALL:

1. Enforce all applicable zoning and land use regulations to protect designated river segments.
2. Review and monitor activities affecting the designated river segments, through the Jackson Conservation Commission, and advise the DES and the Forest Service as necessary to assure compliance with the Comprehensive River Management Plan, 1987 Wildcat Brook River Conservation Plan, and National Wild and Scenic Rivers Act.
3. Provide appropriate consideration to the Comprehensive River Management Plan and 1987 Wildcat Brook River Conservation Plan in any land and water use plans and decisions within the Town.
4. Work with the other parties as appropriate and practicable to raise funds and identify resources to address priority issues.

E. DES SHALL:

1. Implement its regulatory programs under the federal Clean Water Act, New Hampshire RSA 482-A, and other pertinent state and delegated federal statutes and programs in consultation with the Selectmen and Forest Service in a manner consistent with the provisions of Section 7(a) of the National Wild and Scenic Rivers Act, Comprehensive River Management Plan, and 1987 Wildcat Brook River Conservation Plan. Specifically, at such time as application is made to the State of New Hampshire for a Wetlands Permit within the bed and bank of the Wildcat River and its tributaries, notification would be made to the Forest Service for the purpose of Section 7 determination.
2. Provide technical assistance and information to the Selectmen and Forest Service regarding subdivision approval and sewage system issues, alteration of terrain permit requests, river corridor management planning, and monitoring and management of water quality of the Wildcat River and its tributaries.
3. Assist in the identification and resolution of issues related to the conservation and enhancement of the designated river segments and to utilize the many programs and resources of the state agencies to assist the Selectmen and Forest Service towards this end.

F. IT IS MUTUALLY AGREED AND UNDERSTOOD BY ALL PARTIES THAT:

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to the Forest Service under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).
2. PARTICIPATION IN SIMILAR ACTIVITIES. This instrument in no way restricts the

Forest Service or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.

3. COMMENCEMENT/EXPIRATION/TERMINATION. This MOU takes effect upon the signature of the Forest Service, the Selectmen and the DES and shall remain in effect for five years from the date of execution. This MOU may be extended or amended upon written request of either the Department of Agriculture, the Selectmen or the DES and the subsequent written concurrence of the others. The Department of Agriculture, the Selectmen or the DES may terminate this MOU with a 60-day written notice to the others.

4. RESPONSIBILITIES OF PARTIES. The Department of Agriculture, the Selectmen and the DES, and their respective agencies and office will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.

5. PRINCIPAL CONTACT. The principal contacts for this instrument are:

Forest Service Project Contact	Forest Service Administrative Contact
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Dean Yoshina Wild and Scenic Rivers Coordinator 33 Kancamagus Highway Conway, NH 03818 Phone: (603) 447-5448 x109 FAX: 603447-8405 E-Mail: dyoshina@fs.fed.us	Same
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Selectmen Project Contact	Selectmen Administrative Contact
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Town of Jackson, Selectmen P.O. Box 268 Jackson, NH 03846 Phone: (603) 383-4223 FAX: (603) 383-6980	Same
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DES Project Contact	DES Administrative Contact
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Collis Adams NH DES Wetlands Bureau Administrator 6 Hazen Drive, P.O. Box 95 Concord, NH 03302-0095 Phone: (603) 271-2147 FAX: (603) 271-6588 E-Mail: cadams@des.state.nh.us	Same
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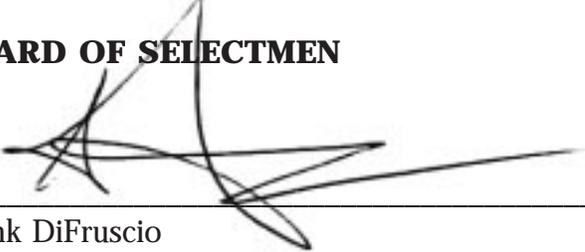
6. NON-FUND OBLIGATING DOCUMENT. Nothing in this MOU shall obligate either the Department of Agriculture, the Selectmen or the DES to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies and offices of the Department of Agriculture, the Selectmen and the DES will require execution of separate agreements and be contingent upon the availability of appropriated funds. Appropriate statutory authority must independently authorize such activities. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

7. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

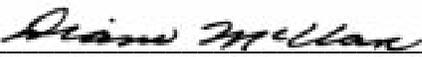
THE PARTIES HERETO have executed this instrument

BOARD OF SELECTMEN

DATE

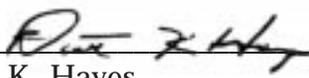


Frank DiFrusco



Diane McClave

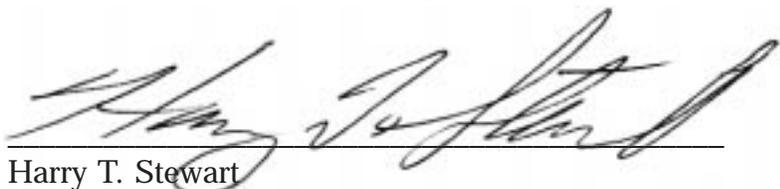
2/28/03



Scott K. Hayes

3/3/03

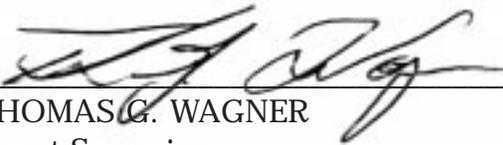
NH DEPARTMENT OF ENVIRONMENTAL SERVICES



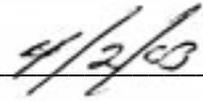
Harry T. Stewart
Water Division Director

3/14/03

**USDA FOREST SERVICE
REGION 9
WHITE MOUNTAIN NATIONAL FOREST
SUPERVISOR'S OFFICE**



THOMAS G. WAGNER
Forest Supervisor



4/2/03

The authority and format of this Instrument has been reviewed and Approved for signature

/s/William L. Clark
William L. Clark
FS Agreement Coordinator

Date: 1/24/03





APPENDIX I–SECTION 7

EVALUATION PROCEDURE

PROCEDURE TO EVALUATE WATER RESOURCE PROJECTS UNDER THE DIRECT AND ADVERSE EFFECTS STANDARD OF SECTION 7(a)

Evaluation procedure under the direct and adverse effects standard for existing projects licensed by the FERC, or other federally assisted, licensed, or permitted projects inside the designated river (Section 7(a)), or congressionally authorized study river (Section 7(b)).

The following questions should be considered in a typical analysis under this standard. The scope of the evaluation should be consistent with the magnitude and complexity of the proposed activity. The resulting analysis may be documented in a few pages or a much lengthier product, as required.

1. Define the Proposed Activity. Describe the proposed activity in term of the:

- a. Project proponent(s);
- b. Purpose/need for the project;
- c. Geographic location of the project (include a map);
- d. Duration of the proposed activities;
- e. Magnitude/extent of the proposed activities; and,
- f. Relationship to past and future management activities.

2. Describe How the Proposed Activity Will Directly Alter Within-Channel Conditions.

Address the magnitude and spatial extent of the effects the proposed activity will have on within-channel attributes. Give special attention to changes in features that

would affect the ORVs. Describe:

- a. The position of the proposed activity relative to the streambed and stream-banks.
- b. Any likely resulting changes in:
 - (1) Active channel location;
 - (2) Channel geometry (cross-sectional shape, width/depth characteristics);

- (3) Channel slope (rate or nature of vertical drop);
- (4) Channel form (straight, meandering, or braided);
- (5) Relevant water quality parameters (turbidity, temperature, nutrient availability); and,
- (6) Navigation of the river.

3. Describe How the Proposed Activity Will Directly Alter Riparian and/or Floodplain Conditions. Address the magnitude and spatial extent of the effects the proposed activity will have on riparian/floodplain attributes. Give special attention to changes in features that would affect the ORVs. Describe:

- a. The position of the proposed activity relative to the riparian area and floodplain.
- b. Any likely resulting changes in:
 - (1) Vegetation composition, age structure, quantity, or vigor;
 - (2) Relevant soil properties such as compaction or percent bare ground; and,
 - (3) Relevant floodplain properties such as width, roughness, bank stability, or susceptibility to erosion.

4. Describe How the Proposed Activity Will Directly Alter Upland Conditions. Address the magnitude and spatial extent of the effects the proposed activity will have on upland attributes. Give special attention to changes in features that would affect the ORVs. Describe:

- a. The position of the proposed activity relative to the uplands.
- b. Any likely resulting changes in:
 - (1) Vegetative composition, age structure, quantity, or vigor;
 - (2) Relevant soil properties such as compaction or percent bare ground; and,
 - (3) Relevant hydrologic properties such as drainage patterns or the character of surface and subsurface flows.
- c. Potential changes in upland conditions that would influence archaeological, cultural, or other identified significant resource values.

5. Evaluate and Describe How Changes in On-Site Conditions Can/Will Alter Existing Hydrologic or Biologic Processes. Evaluate potential changes in hydrologic and biologic processes by quantifying, qualifying, and/or modeling the likely effects of the Proposed activity on:

- a. The ability of the channel to change course, re-occupy former segments, or inundate its floodplain.
- b. Streambank erosion potential, sediment routing and deposition, or debris loading.

- c. The amount or timing of flow in the channel.
- d. Existing flow patterns.
- e. Surface and subsurface flow characteristics.
- f. Flood storage (detention storage).
- g. Aggradation/degradation of the channel.
- h. Biological processes such as:
 - (1) Reproduction, vigor, growth and/or succession of streamside vegetation;
 - (2) Nutrient cycling;
 - (3) Fish spawning and/or rearing success;
 - (4) Riparian dependent avian species needs;
 - (5) Amphibian/mollusk needs; and,
 - (6) Species composition (diversity).

6. Estimate the Magnitude and Spatial Extent of Potential Off-Site Changes. Address potential off-site, or indirect effects of the proposed activity, acknowledging any uncertainties.

- a. Consider and document:
 - (1) Changes that influence other parts of the river system;
 - (2) The range of circumstances under which off-site changes might occur (for Example, as may be related to flow frequency): and,
 - (3) The likelihood that predicted changes will be realized.
- b. Specify processes involved, such as water and sediment, and the movement of nutrients.

7. Define the Time Scale Over Which Steps 3-6 are Likely to Occur.

Review steps 3-6, looking independently at the element of time. Define and document the time scale over which the effects will occur.

8. Compare Project Analyses to Management Goals. Based on the analysis of steps 3-7, Identify and document project effects on achievement, or timing of achievement, of management goals and objectives relative to free-flow, water quality, riparian area and floodplain conditions, and the ORVs and river classification.

9. Make the Section 7 Determination. Based on the analysis of steps 3-8, document:

- a. The effects of the proposed activity on conditions of free-flow, including identification of any proposed measures to minimize those effects.
- b. Any direct and adverse effects on the ORVs for which the river was designated.



Postcard: postmarked 1907, date and photographer unknown, Diane McClave collection.



APPENDIX J—MONITORING²⁶

Monitoring is the observation and recording of conditions that have been of concern in this Wildcat CRMP. It is done to see if the desired future conditions, management of the ORVs, implementation of Section 7, and protection of water quality that are described in the CRMP are being achieved on the ground. If those desired results are not being achieved, it is either because the management direction is not being followed, or, if the direction is being followed, because the understanding of the relationships between causes and effects have been in error. Monitoring is intended to discover those situations where conditions are not being met and to identify whether it is because management direction is not being implemented properly or if the cause and effect relationships need to be better defined.

The Monitoring Plan on the following pages presents the items that will be monitored for the Wildcat River system. Management actions described are progression of actions to be taken when the prior action does not achieve the desired result.

²⁶ *Responsibility for monitoring activities lies with the Town of Jackson and US Forest Service. However, these activities may be accomplished by committees or individuals delegated by the Town and other specialists who may determine the specific monitoring techniques needed.*

Items to be Measured	Standard	Method of Measure, Frequency	Management Actions
<p>1. Human impacts to sensitive cultural and historical sites</p>	<p>Unacceptable damage by projects or vandalism of any known sites.</p>	<p>Field inspections of known sites, 3-5 years</p>	<p>1. Post signs explaining significance of site. Examine management that may contribute to change in visitor's action.</p> <p>2. Increase law enforcement and educational patrols to the affected sites.</p> <p>* If initial actions do not resolve issues, coordinate with SHPO, and conduct focus management assessment to consider:</p> <p>3. Additional management actions including closure orders or ordinances.</p>
<p>2. Campsite size</p>	<p>10% net increase in size</p>	<p>Select 10 sample sites, measure campsite area at sample sites on 3-year interval. Monitor remaining campsites for area change. Utilize sample sites for duration of this plan.</p>	<p>1. Post revegetation signs. Establish site boundaries and revegetate expanded area. Begin focused examination of all site dimensions and conditions within zone. Rehabilitate any expansion exceeding standard. Examine management that may contribute to a change in use patterns. Analyze group-use policies and act accordingly.</p> <p>2. Increase focused patrols in the affected area.</p>

Items to be Measured	Standard	Method of Measure, Frequency	Management Actions
3. Campsite density	3 sites within 200 feet, maximum 5 sites within 500 feet of each other.	Complete inventory, 3-year interval	<ol style="list-style-type: none"> 1. Post revegetation signs. Written reminder to all VIS centers reinforcing the established education message for this zone. Examine management that may contribute to a change in use patterns. Analyze group-use policies and act accordingly. 2. Increase focused patrols in the affected area. 3. Site revegetation. <p><i>*If initial actions do not resolve issue, conduct focused management assessment to consider:</i></p> <ol style="list-style-type: none"> 4. Enact or expand closure order for affected area. 5. Consider implementation of limited overnight-use system.
4. Litter and human waste	Inability of workforce to effectively control litter and human waste	As discovered on regularly scheduled patrols	<ol style="list-style-type: none"> 1. Focus intensive education effort at developed site and trailhead locations. 2. Increase maintenance and education patrols in affected areas. 3. Consider other management actions including closing or relocating designated sites. <p><i>* If initial actions do not resolve issues, conduct focused management assessment to consider:</i></p> <ol style="list-style-type: none"> 4. Installation of garbage receptacles and toilets

Items to be Measured	Standard	Method of Measure, Frequency	Management Actions
<p>5. Compliance of developments or activities within river corridor</p>	<p>Completed development or project not meeting WSRA and zoning ordinances</p>	<p>1. Approval of NHDES Wetland Permit or 404 Clean Water Act permits prior to Section 7 determination, if applicable, on-going.</p> <p>2. Field review of completed projects where permit issued by state or Town, 3-5 years.</p>	<p>1. Education and outreach to landowners, Town of Jackson, NHDES, US Army Corps of Engineers, Forest Service and other involved groups. Examine conditions or management that may contribute to increase in permit wetland permit applications and other land-use applications.</p> <p>2. Work with Town of Jackson, NHDES, US Army Corps of Engineers, Forest Service in reviewing water resource project permit applications in order to implement WSRA.</p>
<p>6. Scenic quality and riparian health</p>	<p>Retention of scenic quality of river by maintaining and improving riparian vegetation.</p>	<p>Aerial photo review of riparian vegetation in corridor, 5-year interval.</p>	<p>1. Education and outreach of landowners, town and involved groups.</p> <p>2. Work with town in enforcement of applicable zoning ordinances</p>
<p>7. Water quality</p>	<p>Meet Forest Service water quality standards applicable to this river system—currently meets all water quality standards.</p>	<p>Use approved water quality monitoring methods, 1-3 years.</p>	<p>1. Continue WMNF water quality monitoring strategy.</p> <p>2. Work with NHDES and other involved parties to meet water quality.</p>



APPENDIX K–WATER QUALITY MONITORING

WATER QUALITY MONITORING LOCATIONS, MONITORING DATES, AND PARAMETERS MEASURED

Wildcat River Water Quality Monitoring Sites

Name of Sample Site	Reference Name
<i>Bog Brook at Forest Road 233</i>	<i>Wildcat 1</i>
<i>Wildcat Brook at Forest Road 233</i>	<i>Wildcat 2</i>
<i>Wildcat River at Road to Black Mountain Trailhead</i>	<i>Wildcat 3</i>
<i>Wildcat River at Route 16B</i>	<i>Wildcat 4</i>
<i>Great Brook at Wilson Road</i>	<i>Wildcat 5</i>
<i>Wildcat River at Valley Cross Road</i>	<i>Wildcat 6</i>
<i>Wildcat River upstream from confluence with Ellis River</i>	<i>Wildcat 7</i>

Dates Sampled

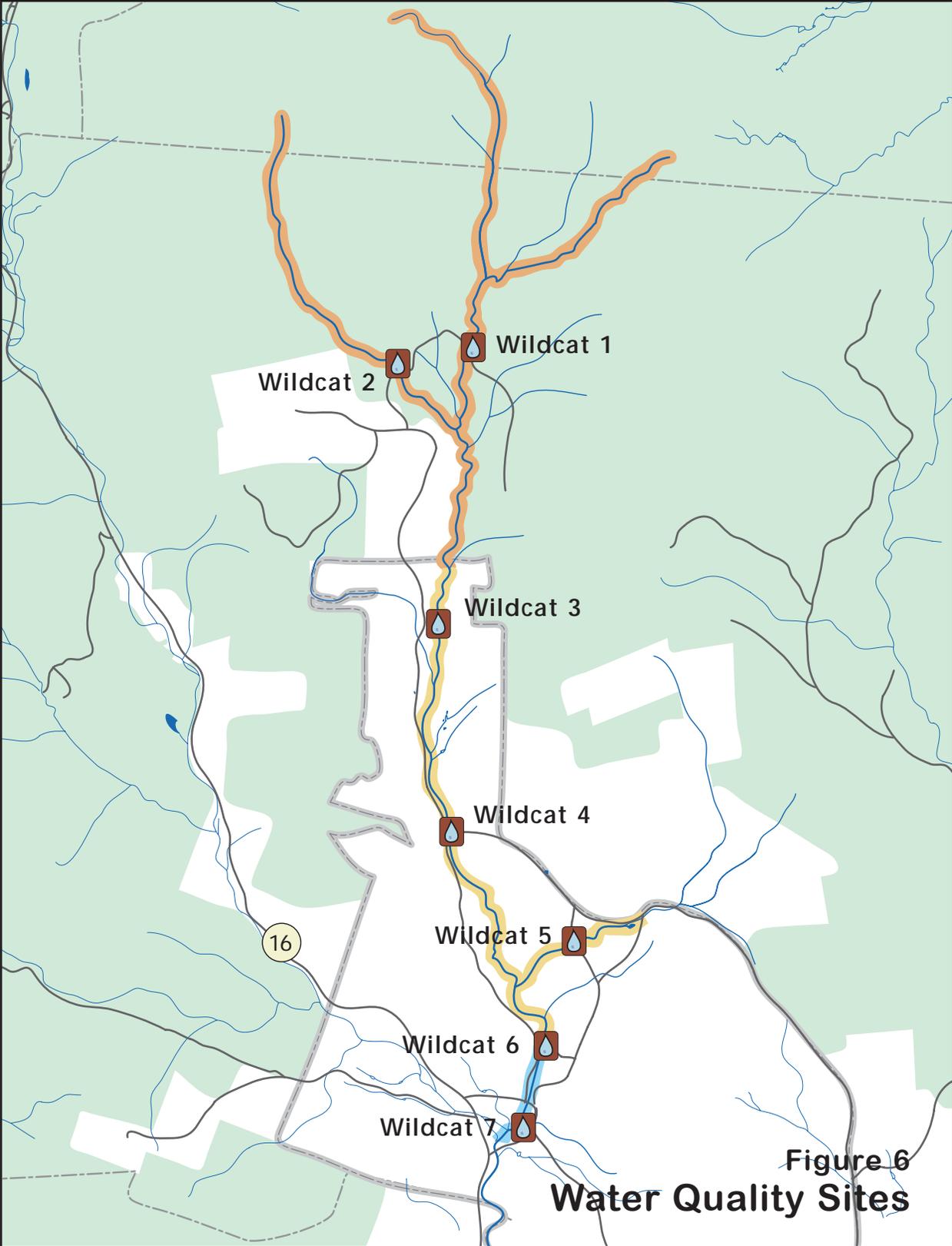
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1991					29	11	1, 24	2, 14, 21	3		25	
1992				9	26			3				
1993				19		23			15	27		
1994				6, 11		23		10			22	
1995				26		29					6	
1996												
1997												
1998												
1999				12			8			20		
2000				11			11				2	
2001				26		27				11		
2002							22					

Parameters Measured by WMNF

Parameter	Abbreviated Unit of Measurement	Unit of Measurement
<i>Air Temperature</i>	<i>°F</i>	<i>Degrees Fahrenheit</i>
<i>Water Temperature</i>	<i>°F</i>	<i>Degrees Fahrenheit</i>
<i>Conductivity</i>	<i>umhos/cm</i>	<i>(106 umhos = 1 mhos)</i>
<i>Streamflow (Discharge)</i>	<i>CFS</i>	<i>Cubic Feet per Second</i>
<i>pH (Hydrogen-ion activity)</i>	<i>moles/L</i>	<i>Moles per Liter</i>
<i>Turbidity</i>	<i>NTU</i>	<i>Nephelometric Turbidity Units</i>
<i>Color (Unfiltered or Apparent)</i>	<i>PT-CO</i>	<i>Platinum-cobalt Units</i>
<i>Alkalinity, Total as CaCO₃</i>	<i>mg/L</i>	<i>Milligrams per Liter</i>
<i>Acidity, Total as CaCO₃</i>	<i>mg/L</i>	<i>Milligrams per Liter</i>
<i>Fecal Coliform</i>	<i>bacteria count</i>	<i># of colonies of fecal coliform bacteria</i>
<i>E. coli</i>	<i>bacteria count</i>	<i># of colonies of E. coli bacteria</i>

Parameters Measured by Laboratory Located Off Forest

Parameter Description	Parameter Abbreviation	Units
<i>Residue, Total Non-filterable</i>	<i>Residue, Tot. Nonfilt.</i>	<i>MG/L</i>
<i>Nitrogen, Ammonia as N</i>	<i>NH4-N</i>	<i>MG/L</i>
<i>Nitrite and Nitrate as N</i>	<i>NO2+NO3</i>	<i>MG/L</i>
<i>Phosphate, Total as PO4</i>	<i>T-PO4</i>	<i>MG/L</i>
<i>Calcium, Total</i>	<i>Ca</i>	<i>MG/L</i>
<i>Magnesium, Total</i>	<i>Mg</i>	<i>MG/L</i>
<i>Sodium, Total</i>	<i>Na</i>	<i>MG/L</i>
<i>Potassium, Total</i>	<i>K</i>	<i>MG/L</i>
<i>Chloride, Total</i>	<i>Cl</i>	<i>MG/L</i>
<i>Sulfate, Total</i>	<i>SO4</i>	<i>MG/L</i>
<i>Arsenic, Total</i>	<i>As</i>	<i>UG/L</i>
<i>Chromium, Total</i>	<i>Cr</i>	<i>UG/L</i>
<i>Copper, Total</i>	<i>Cu</i>	<i>UG/L</i>
<i>Iron, Total</i>	<i>Fe</i>	<i>UG/L</i>
<i>Lead, Total</i>	<i>Pb</i>	<i>UG/L</i>
<i>Manganese, Total</i>	<i>Mn</i>	<i>UG/L</i>
<i>Nickel, Total</i>	<i>Ni</i>	<i>UG/L</i>
<i>Silver, Total</i>	<i>Ag</i>	<i>UG/L</i>
<i>Zinc, Total</i>	<i>Zn</i>	<i>UG/L</i>
<i>Antimony, Total</i>	<i>Sb</i>	<i>UG/L</i>
<i>Aluminum, Total</i>	<i>Al</i>	<i>UG/L</i>
<i>Silicon, Total</i>	<i>Si</i>	<i>UG/L</i>
<i>Selenium, Total</i>	<i>Se</i>	<i>UG/L</i>
<i>Calcium Hardness</i>	<i>Cal Hard</i>	<i>MG/L</i>





Postcard: Jackson Falls, Jackson, NH, date and photographer unknown, Diane McClave collection.



APPENDIX L-EXISTING REGULATIONS

AFFECTING RIPARIAN LANDS WITHIN THE TOWN OF JACKSON, NEW HAMPSHIRE

General Regulations

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Relevant Ordinances, Legislation and Regulations		
<p>Development in Flood Hazard Areas—Ordinance Section 10 E&F</p> <p><i>...The Selectmen shall review proposed developments to assure that all necessary permits have been applied for and/or received from those governmental agencies from which approval is required by federal or state law.</i></p> <p><i>...In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the NH Office of State Planning and submit copies of such notification to the Board of Selectmen and the Federal Insurance Administration.</i></p> <p><i>...Within the altered or relocated portion of any watercourse, the applicant shall submit to the Board of Selectmen certification provided by a registered professional engineer or architect assuring that the flood carrying capacity of the watercourse has been maintained.</i></p>	<p>Clean Water Act</p>	<p><i>RSA 482-A, NH Dredge and Fill statute requires a permit for any dredge, fill or construction in or adjacent to surface water or in wetlands.</i></p> <p><i>RSA 483-B</i> Comprehensive Shoreland Protection Act</p>

General Regulations (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
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Relevant Ordinances, Legislation and Regulations (continued)

<p>River Conservation District–Section 5-D.1 <i>Permitted Uses:</i> <i>The following uses shall be permitted within the River Conservation District provided that the proposed use will not alter the natural surface configuration of the land by the addition of fill or by dredging or does not require the erection or construction of any structure or building unless otherwise permitted in this section. No use shall adversely affect the efficiency or unduly restrict the capacity of the channels or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system, nor shall any use in the floodway raise the level of the 100 year flood waters at any point. See permitted uses in the sections below.</i></p>		
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Water Quality

	<p>Clean Water Act: <i>Restore & maintain the chemical, biological and physical integrity of the U.S. waters.</i></p> <p>RSA 483:9 <i>Water quality shall be maintained at class A or B for rivers designated as “natural” or “rural”</i></p> <p>Soil Conservation Act (16 U.S.C. 590a): <i>Directs US Soil Conservation Service to prevent soil erosion through local regulations and watershed improvement projects.</i></p>	<p>Env-Ws 410: <i>Surface Water Quality Standards.</i></p> <p>RSA 482-A, and <i>Wt 100-700: NHDES Wetland Bureau Rules</i></p> <p>Env-Ws 437: <i>Protection of surface water from degradation by pollutant discharge.</i></p> <p>RSA 485-A:17 <i>Alteration of Terrain Permit required for major earth disturbance.</i></p> <p>Env-Ws 415: <i>Rules governing alteration of terrain permits.</i></p>
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General Regulations (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
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Timber Harvest Practices

<p><i>Section 5-D.1(6)I–River Conservation District–Permitted Uses: Forestry according to recognized soil conservation practices and consistent with the purpose and intent of this section.</i></p>		<p>RSA 224:44a No more than 50% of the basal area of trees shall be cut, leaving a well distributed stand of healthy growing trees within 150 feet of any navigable river, or within 50 feet of any other stream which normally flows throughout the year, unless the timber cutting is for converting the use of the land and all necessary state and local permits have been secured.</p> <p>RSA 485-A:3 Best Management Practices required in timber harvesting.</p> <p>RSA 482-A:3V Forest Management limited to minimum impact activities.</p>
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Road, bridge and building construction

<p><i>Section 15-D.1(f,j)–River Conservation District–Permitted Uses: Temporary non-residential structures used in connection with growing, harvesting, storage or sale of crops raised on the premises. Agriculture buildings that do not require septic systems.</i></p>	<p>Rivers & Harbors Act of 1899: Need federal approval to construct dams, bridges, piers, etc. in any navigable water.</p> <p>Clean Water Act, Section 404.</p> <p>Wild and Scenic Rivers Act, Section 7</p>	<p>RSA 482-A:3 Construction of structures in or adjacent to wetlands or surface water require NHDES wetlands permit.</p>
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Borrow pits, sand & gravel operations, removal of material from the corridor

		<p>RSA 155-E No excavations within 75 feet of any navigable river or within 25 feet of any other stream which normally flows throughout the year.</p>
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General Regulations (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Dredge and fill activities		
<p><i>Ordinance Section 10 E-F</i> Development in Flood Hazard Areas.</p> <p>River Conservation District—Section 5-D-Permitted Uses.</p>	<p>Clean Water Act Section 404: Establishes permit system for dredge and fill activities in navigable waterways. River or floodway maintenance, subject to any required state or federal permits.</p> <p>Wild and Scenic Rivers Act, Section 7.</p>	<p>RSA 485A:17 A permit is required for any terrain alteration in or on border of surface waters or which will alter natural runoff.</p> <p>RSA 482-A:3 Permit from wetlands board required for excavation, dredge, fill or construction in or on any banks, flat, marsh or swamp in and adjacent to any waters of the state.</p> <p>RSA 483:9 No channel alteration activities shall be allowed in rivers designated as “natural” or “rural”.</p>
Septic systems		
<p>River Conservation District—Section 5-D.1(m) <i>Replacement septic systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.</i> <i>See items I. G.</i></p>		<p>RSA 485A:29 Permit is required before system construction, inspection required before system covered or used.</p>
Setbacks for septic systems		
<p><i>Ordinance Section 4—District & District Regulations</i> <i>Septic system leach fields set back shall 100 feet from the near bank of any year-round stream or body of water. Leach fields installed in excessively drained soils, setback shall be 150 feet from any year-round stream or body of water (excluding any fire ponds).</i></p>		<p>Env-Ws 1008.03 Sewage disposal systems shall be at least 75 feet from surface water. Locate septic system no closer than 125 feet from wetlands or water course.</p>

General Regulations (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Pollution from agricultural, residential, municipal and individual sources		
<p><i>Ordinance Section 5-D.1(k)–River Conservation District.</i> River Conservation District. <i>No deicing chemicals or other potential pollutants shall be stockpiled or stored within the River Conservation District.</i></p>		<p>Env-Ws 800: <i>Regulations for removal, transportation, and disposal of septage and sludge.</i> RSA 485-A: <i>Water pollution and waste disposal regulations.</i> RSA 485-A151: <i>Litter (garbage, scrap metal, old cars, trees, etc.) shall not be disposed of in, on the ice over, or on the banks of surface waters.</i></p>
Pesticides and fertilizer		
		<p><i>See item H.I. RSA 430: All pesticide applications must comply with rules adopted by Pesticides Control Board, NH Dept. of Agriculture.</i></p>
Manure spreading		
		<p>RSA 431:33-35 <i>Manure and chemical fertilizer handling must be done in accordance with NH Dept. of Agriculture Best Management Practices.</i></p>
Storage facilities for petroleum &/or hazardous materials		
		<p><i>See item H.I. Env-Ws 411: Rules for underground storage and handling of oil & petroleum liquids.</i></p>
Road salt		
		<p><i>See item H.I. RSA 485-C11 Outdoor storage of road deicing chemicals is prohibited in designated wellhead protection areas.</i></p>
Disposal of plowed snow		
		<p>RSA 485-C11 <i>Snow dumps are prohibited in designated wellhead protection areas.</i></p>

General Regulations (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Runoff from roads & parking lots; use of catch basins for dumping		
See Ordinance Section 5-A.2 for possible excluded uses.		RSA 485-A:17 Alteration of terrain permit requirements include practices to mitigate the affects of urban runoff.
Landfills; solid waste disposal, recycling depots; oil collecting tanks		
		See item H.I. Env-Wm 1901 Solid Waste Management Rules RSA 483:9 No new solid waste landfills in corridor of designated “natural” river or within 500 year flood plain of “rural” river. No expansion of existing landfills within 500 yr. Flood plain of designated “natural” river. Land application of solid waste to be incorporated into soil and set back at least 250 feet from high water mark of designated “natural” or “rural” river.
Timber operations–slash & mill waste		
Ordinance Section 5-D.1 (b) Permitted Uses.		RSA 224:446 No disposal of slash & mill waste within 50 feet of any navigable river, within 25 feet of any stream which will float a canoe at normal water level or in any stream which normally flows throughout the year.
Water quality, including water withdrawals		
	Federal Power Act (16 U.S.C. 791) Every hydro-electric project on navigable streams requires a Federal Energy Regulatory Commission permit.	RSA 483:9 No dams or inter-basin transfers are allowed and a protected instream flow level shall be established for each river designated as “natural” or “rural.” Env-W 700: Water uses over 20,000 gpd must be registered and usage reported.

Regulations Addressing Visual Qualities

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Setbacks for buildings and roads		
<p><i>Ordinance Section 4-B.1(b)–</i> Minimum Lot Size <i>No structure or any portion thereof shall be located within 50 feet of a year-round stream or a body of water where the stream or body of water serves as a property boundary.</i></p> <p><i>Ordinance Section 4-B.1–</i> Village District <i>No building, structure or portion thereof shall be located on a lot nearer any lot line, year-round stream or body of water than the minimum setbacks set forth below. From the near bank of any year-round stream or body of water which is a property boundary: 50 feet.</i></p>		<p>Wt 402.09(c) <i>Structures over the waters shall not be allowed for the transfer of any activities usually associated with land, including, but not limited to sun-bathing and picnicking.</i></p> <p>RSA 483-B <i>provides setbacks for septic systems, pesticide and fertilizer use, and requires maintenance of natural woodland buffers where such exist.</i></p>
Permitted Uses		
<p><i>Ordinance Section 4-4-B.1(a) Districts</i> Rural and Residential District <i>uses are single and multi-family dwelling units, farms, customary home industry, or occupation, carried on exclusively by a resident of the premises, entirely within a building, employing not more than three people, provided such use is secondary to the use of the premises for dwelling purposes, and also provided that such use does not constitute a public hazard or nuisance.</i></p> <p><i>4-B.2 (a) Village District uses are: All uses permitted in Rural and Residential District and, in addition thereto, restaurants, professional and/or commercial businesses, municipal facilities and areas, hotels, motels, private and/or charitable facilities, but shall exclude: (See Sec-C).</i></p>		

Regulations Addressing Visual Qualities (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Building heights		
<p><i>Ordinance Section 4-B.1 and 4-B.2—Height of Buildings or Structures in Rural-Residential and Village Districts.</i></p> <p><i>Building heights will be limited to a 35 foot maximum. Height, building or structure means that the height of all new building or structures, and all alterations and/or enlargements of building or structures, shall be limited to 35 feet, measured vertically from the natural ground surface to any point.</i></p>		
Mobile home regulations		
<p><i>Ordinance Section 9—Trailer/ Mobile Home Parks</i></p> <p><i>No trailer or mobile home parks shall be located or maintained within the Town of Jackson; which, for purposes thereof, shall be deemed to mean a parcel of land where two or more trailers or mobile homes are parked. Nothing hereunder shall be construed to prohibit individual trailers or mobile homes located on individual lots so long as such lot otherwise meets the minimum lot size requirements and setbacks.</i></p>		<p>RSA 674:32 <i>Manufactured housing can be regulated but not completely excluded from a municipality.</i></p>
Junk yard restrictions		
		<p>RSA:236:111-129 <i>Junk yard regulations</i></p>

Regulations Addressing Visual Qualities (continued)

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Location of roads and parking lots		
<p><i>Ordinance Section 5-D.1 (h,k)–River Conservation District (Permitted Uses) Private roads, driveways, bridges, and utility rights of way if essential to the use of land not located within the River Conservation District, and if so located and constructed as to minimize any detrimental impact upon the district. ...Construction and maintenance of farm, forest, or recreational service roads. See Ordinance Section 7.</i></p> <p>Parking: “All new, altered and/or enlarged structures or land uses shall provide adequate parking facilities for motor vehicles using the following design guidelines in their building permit application:”.</p>		<p>RSA 485-A Setback requirements apply to roads, driveways, and parking lots.</p>
Timber operations–cutting for views		
		<p>RSA 485-A Requires maintenance of a healthy well-distributed stand of trees, saplings, shrubs, and groundcovers in areas where natural woodland buffers exist.</p>
Signs		
<p>Ordinance Section 11 for provisions applying to the location, erection, and maintenance of signs on any property within the Town of Jackson.</p>		

Regulations Addressing Recreation

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Permitted Uses		
<p><i>Ordinance Section II D.1 (d)</i> River Conservation District–<i>Permitted Uses. Parks, conservation areas, nature trails, and recreation uses consistent with the purpose and intent of this ordinance.</i> <i>...Uses or structures accessory to public open space such as signs, picnic facilities, walkways and the like.</i></p>		
Camping		
	See WMNF Forest Plan	
Trail Networking		
	See WMNF Forest Plan	RSA 215-A Off Highway recreation <i>Vehicle regulations.</i>
Barrier free access		
	American Disabilities Act of 1991 <i>implementation guide: Developed Outdoor Recreation Accessibility Guide and Recommendations (1998).</i>	

Regulations Addressing Fish, Wildlife, and Habitat

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Wildlife and Fish		
	<p>Dept. of Transportation Act of 1966: <i>No U.S. Department of Transportation projects are allowed on public land important for wildlife, recreation or historic properties unless there is no prudent and feasible alternative.</i></p> <p>FSM 2345.42b <i>“Manage wildlife and fish habitats in a manner consistent with the other recognized river attributes.”</i> <i>“Recommendation to State agencies concerning the management of fisheries must be consistent and in harmony with established river objectives.”</i></p>	
Threatened and Endangered species		
	<p>Endangered Species Act (16 U.S.C. 1531-43)</p>	<p>RSA 212:A Endangered Species Conservation Act RSA 217-A NH Native Plant Protection Act Res-N 100-300 <i>Administrative rules governing plant protection</i></p>

Regulations Addressing Historic Resources

Town of Jackson	Federal Agencies/WMNF	State of New Hampshire
Historical Buildings and other Resources		
<p>Ordinance Section 9 – <i>for buildings which are declared or determined to be eligible for the National register of Historic Preservation.</i></p>		<p>RSA 227-C <i>Governs identification and protection of state historic resources and properties.</i></p>





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WILDCAT RIVER

Comprehensive River Management Plan



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