

Appendix 13. Existing Uses of Surface Waters in the Missisquoi Bay Basin

In keeping with its obligations under the Federal Clean Water Act, the Vermont Water Quality Standards include an anti-degradation policy (WRP, 2008). The policy requires that “existing uses” of surface waters in the state, and the water quality needed to support them, be protected and maintained. Existing uses, such as fishing, contact recreation, and water supply, are those that have actually occurred in or on waters on or after 11/28/1975, whether or not the use is presently occurring. Determination of existing uses for a given waterbody can occur during basin planning or when someone is seeking a permit for a regulated activity that might affect water quality.

During this basin planning process, ANR has identified existing uses of contact recreation, fishing, boating and public drinking surface water supplies in the Missisquoi Bay watershed (Table A13.1) using the procedure in the *Draft Vermont Anti-Degradation Implementation - Existing Use Determination For Use During River Basin Planning* (VTDEC, 2008). Note the following general principles applied in this process:

- All lakes and ponds within a river basin area have existing uses of fishing, contact recreation and boating. This presumption may be rebutted on a case-by-case basis during a permit application process.
- The list includes only certain well-known existing uses in the Missisquoi Bay watershed. It is not intended to be comprehensive. Additional areas and existing uses may be identified during consideration of a permit application and subsequent basin planning efforts.
- For contact recreation and recreational boating in flowing waters, the existing use is established if there is more than an incidental level of the use. There must be both public access and evidence of the presence of “attractive sites” for the use.
- For recreational fishing in flowing waters, ANR recognizes that fishing occurs in all lakes and ponds and in certain reaches of flowing waters (i.e. streams and rivers). This planning process identified only well recognized and documented sites where there is more than an incidental level of fishing use. For reaches to be eligible, there must be public access and either evidence of sites to fish or documentation of special regulations for fishing, or documentation of waters that are stocked by the State.
- For public drinking surface water supply, existing use is established if there is more than an incidental use. The existing use does not apply to non-public or domestic water supply withdrawals. There must be evidence that that the specified waters are used as a source for public drinking water supply.

Information provided by ANR’s Karen Bates via personal communication (email) 7-18-12

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Table A13.1. Existing Uses in the Wild and Scenic Study Area Towns and Villages.

Area or Reach	Waterbody	Town	Use	Info Source/ Comments
Big Falls	Missisquoi River	Troy	Contact Recreation	(1) (2)
Troy Four Corners	Jay Branch	Troy	Contact Recreation	(1) (2)
Hectorville Bridges	Trout River	Montgomery	Contact Recreation	(1) (2)
Hutchins Covered Bridge	Trout River	Montgomery	Contact Recreation	(1) (2)
Montgomery School House	Trout River	Montgomery	Contact Recreation	(1) (2)
Longley Covered Bridge	Trout River	Montgomery	Contact Recreation	(1) (2)
Kidder's	Tyler Branch	Enosburgh	Contact Recreation	(1) (2)
Creamery Covered Bridge	West Hill Brook	Montgomery	Contact Recreation	(1) (2)
Hippy Hole	West Hill Brook	Montgomery	Contact Recreation	(1) (2)
East Richford to Enosburg Falls	Missisquoi River	Richford/Enosburgh	Recreational Boating	(3) (4) (5)
Upper Missisquoi River	Missisquoi River	Troy	Fishing	(3)
Tyler Branch	Tyler Branch	Enosburgh	Fishing	(3)
Kane Road (TH-3) bridge to Enosburg Falls Dam	Missisquoi River	Sheldon/Enosburgh	Fishing	(7) Special Regulations
Burgess Branch	Burgess Branch	Lowell	Fishing	(8) Stocked
Hazen Notch Brook	Hazen Notch Brook	Lowell	Fishing	(8) Stocked
Jay Branch	Jay Branch	Jay	Fishing	(8) Stocked
Missisquoi River-East Branch	Missisquoi River	Lowell	Fishing	(8) Stocked
Upper Missisquoi River	Missisquoi River	Troy/Westfield	Fishing	(8) Stocked
Bridge on TH-3 (Kane Rd) upstream to confluence with Tyler Branch	Missisquoi River	Enosburgh	Fishing	(8) Stocked
Confluence w/ Tyler Branch upstream to top of the dam in Enosburg Falls	Missisquoi River	Enosburgh	Fishing	(8) Stocked
The Branch		Enosburgh	Fishing	(8) Stocked
Trout River		Berkshire/ Montgomery	Fishing	(8) Stocked
Tyler Branch		Enosburgh	Fishing	(8) Stocked
Stanhope Brook		Richford	Public Water Supply	(9)(10) Class A2
Loveland Brook		Richford	Public Water Supply	(9)(10)
Old Spring/Upper Reservoir		Troy	Public Water Supply	(9)
Mountain Brook and tributary		North Troy	Public Water Supply	(10) Class A2
Coburn Brook Reservoir and Tributaries		North Troy	Public Water Supply	(10) Class A2
Unnamed tributary to Trout River		East Berkshire	Public Water Supply	(10) Class A2
Hannah Clark Brook		Montgomery Ctr.	Public Water Supply	(10) Class A2
Trout Brook and Enosburg Reservoir		Enosburg Falls	Public Water Supply	(10) Class A2
Black Falls Brook		Montgomery Ctr.	Public Water Supply	(10) Class A2

(1) VTDEC, 2004 (2) Jenkins and Zika, 1985 (3) DeLorme, 1996 (4) AMC, 2002 (5) Jenkins and Zika, 1992 (6) AMC, 1992 (7) VTDFW, 2008 (8) DFW Website (9) VTDEC pers. Com (10) VTWRP, 2008

