

106TH CONGRESS
1ST SESSION

S. 1296

To designate portions of the lower Delaware River and associated tributaries
as a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 1999

Mr. DASCHLE (for Mr. LAUTENBERG) (for himself, Mr. TORRICELLI, and Mr.
SANTORUM) introduced the following bill; which was read twice and re-
ferred to the Committee on Energy and Natural Resources

A BILL

To designate portions of the lower Delaware River and asso-
ciated tributaries as a component of the National Wild
and Scenic Rivers System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lower Delaware Wild
5 and Scenic Rivers Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) Public Law 102–460 directed the Secretary
9 of the Interior, in cooperation and consultation with

1 appropriate Federal, State, regional, and local agen-
2 cies, to conduct a study of the eligibility and suit-
3 ability of the lower Delaware River for inclusion in
4 the Wild and Scenic Rivers System;

5 (2) during the study, the Lower Delaware Wild
6 and Scenic River Study Task Force and the Na-
7 tional Park Service prepared a river management
8 plan for the study area entitled “Lower Delaware
9 River Management Plan” and dated August 1997,
10 which establishes goals and actions that will ensure
11 long-term protection of the river’s outstanding val-
12 ues and compatible management of land and water
13 resources associated with the river; and

14 (3) after completion of the study, 24 municipi-
15 palities along segments of the Delaware River eligi-
16 ble for designation passed resolutions supporting the
17 Lower Delaware River Management Plan, agreeing
18 to take action to implement the goals of the plan,
19 and endorsing designation of the river.

20 **SEC. 3. DESIGNATION.**

21 Section 3(a) of the Wild and Scenic Rivers Act (16
22 U.S.C. 1274(a)) is amended—

23 (1) by designating the first undesignated para-
24 graph following paragraph 156, pertaining to Elk-

1 horn Creek and enacted by Public Law 104–208, as
 2 paragraph 157;

3 (2) by designating the second undesignated
 4 paragraph following paragraph 156, pertaining to
 5 the Clarion River, Pennsylvania, and enacted by
 6 Public Law 104–314, as paragraph 158;

7 (3) by designating the third undesignated para-
 8 graph following paragraph 156, pertaining to the
 9 Lamphrey River, New Hampshire, and enacted by
 10 Public Law 104–333, as paragraph 159;

11 (4) by striking the fourth undesignated para-
 12 graph following paragraph 156, pertaining to Elk-
 13 horn Creek and enacted by Public Law 104–333;
 14 and

15 (5) by adding at the end the following:

16 “(160) LOWER DELAWARE RIVER AND ASSOCI-
 17 ATED TRIBUTARIES, NEW JERSEY AND PENNSYL-
 18 VANIA.—

19 “(A) SEGMENTS.—The 65.6 miles of river
 20 segments in New Jersey and Pennsylvania, con-
 21 sisting of—

22 “(i) the segment from river mile
 23 193.8 to the northern border of the city of
 24 Easton, Pennsylvania (approximately 10.5
 25 miles, 16.9 kilometers), to be administered

1 by the Secretary of the Interior as a rec-
2 reational river;

3 “(ii) the segment from a point just
4 south of the Gilbert Generating Station to
5 a point just north of the Point Pleasant
6 Pumping Station (approximately 14.2
7 miles, 22.8 kilometers), to be administered
8 by the Secretary of the Interior as a rec-
9 reational river;

10 “(iii) the segment from the point just
11 south of the Point Pleasant Pumping Sta-
12 tion to a point 1,000 feet north of the
13 Route 202 bridge (approximately 6.3 miles,
14 10.1 kilometers), to be administered by the
15 Secretary of the Interior as a recreational
16 river;

17 “(iv) the segment from a point 1,750
18 feet south of the Route 202 bridge to the
19 southern border of the town of New Hope,
20 Pennsylvania (approximately 1.9 miles, 3.0
21 kilometers), to be administered by the Sec-
22 retary of the Interior as a recreational
23 river;

24 “(v) the segment from the southern
25 boundary of the town of New Hope, Penn-

sylvania, to the town of Washington Crossing, Pennsylvania (approximately 6 miles, 9.7 kilometers), to be administered by the Secretary of the Interior as a recreational river;

“(vi) Tinicum Creek (approximately 14.7 miles, 23.7 kilometers), to be administered by the Secretary of the Interior as a scenic river;

“(vii) Tohickon Creek from the Lake Nockamixon Dam to the Delaware River (approximately 10.7 miles, 17.2 kilometers), to be administered by the Secretary of the Interior as a scenic river; and

“(viii) Paunacussing Creek in Solebury Township (approximately 3 miles, 4.8 kilometers), to be administered by the Secretary of the Interior as a recreational river.

“(B) ADMINISTRATION.—The segments shall be administered by the Secretary of the Interior as a component of the National Park System.

“(C) MANAGEMENT OF SEGMENTS.—The segments shall be managed—

“(i) in accordance with the river management plan entitled ‘Lower Delaware River Management Plan’ and dated August 1997, (referred to in this paragraph as the ‘management plan’), prepared by the Lower Delaware Wild and Scenic River Study Task Force and the National Park Service, which establishes goals and actions that will ensure long-term protection of the river’s outstanding values and compatible management of land and water resources associated with the river; and

“(ii) in cooperation with appropriate Federal, State, regional, and local agencies, including—

“(I) the New Jersey Department of Environmental Protection;

“(II) the Pennsylvania Department of Conservation and Natural Resources;

“(III) the Delaware and Lehigh Navigation Canal Heritage Corridor Commission;

“(IV) the Delaware and Raritan Canal Commission; and

1 “(V) the Delaware River Green-
2 way Partnership.

3 “(D) SATISFACTION OF REQUIREMENTS
4 FOR PLAN.—The management plan shall be
5 considered to satisfy the requirements for a
6 comprehensive management plan under sub-
7 section (d).

8 “(E) FEDERAL ROLE.—

9 “(i) RESTRICTIONS ON WATER RE-
10 SOURCE PROJECTS.—In determining under
11 section 7(a) whether a proposed water re-
12 sources project would have a direct and ad-
13 verse effect on the value for which a seg-
14 ment is designated as part of the national
15 wild and scenic rivers system, the Sec-
16 retary shall consider the extent to which
17 the project is consistent with the manage-
18 ment plan.

19 “(ii) COOPERATIVE AGREEMENTS.—
20 Any cooperative agreements entered into
21 under section 10(e) relating to any of the
22 segments shall—

23 “(I) be consistent with the man-
24 agement plan; and

1 “(II) may include provisions for
 2 financial or other assistance from the
 3 United States to facilitate the long-
 4 term protection, conservation, and en-
 5 hancement of the segments.

6 “(iii) SUPPORT FOR IMPLEMENTA-
 7 TION.—The Secretary may provide tech-
 8 nical assistance, staff support, and funding
 9 to assist in the implementation of the man-
 10 agement plan.

11 “(F) LAND MANAGEMENT.—

12 “(i) IN GENERAL.—The Secretary
 13 may provide planning, financial, and tech-
 14 nical assistance to local municipalities to
 15 assist in the implementation of actions to
 16 protect the natural, economic, and historic
 17 resources of the segments.

18 “(ii) PLAN REQUIREMENTS.—After
 19 adoption of recommendations made in sec-
 20 tion III of the management plan, the zon-
 21 ing ordinances of the municipalities bor-
 22 dering the segments shall be considered to
 23 satisfy the standards and requirements
 24 under section 6(c).

25 “(G) ADDITIONAL SEGMENTS.—

1 “(i) IN GENERAL.—In this subpara-
2 graph, the term ‘additional segment’
3 means—

4 “(I) the segment from the Dela-
5 ware Water Gap to the Toll Bridge
6 connecting Columbia, New Jersey,
7 and Portland, Pennsylvania (approx-
8 imately 9.2 miles, 14.8 kilometers),
9 which, if made part of the national
10 wild and scenic river system in ac-
11 cordance with this subparagraph, shall
12 be administered by the Secretary as a
13 recreational river;

14 “(II) the segment from the Erie
15 Lackawanna railroad bridge to the
16 southern tip of Dildine Island (ap-
17 proximately 3.6 miles, 5.8 kilometers),
18 which, if made part of the national
19 wild and scenic river system in ac-
20 cordance with this subparagraph, shall
21 be administered by the Secretary as a
22 recreational river;

23 “(III) the segment from the
24 southern tip of Mack Island to the
25 northern border of the town of

1 Belvidere, New Jersey (approximately
2 2 miles, 3.2 kilometers), which, if
3 made part of the national wild and
4 scenic river system in accordance with
5 this subparagraph, shall be adminis-
6 tered by the Secretary as a rec-
7 reational river;

8 “(IV) the segment from the
9 southern border of the town of Phil-
10 lipsburg, New Jersey, to a point just
11 north of Gilbert Generating Station
12 (approximately 9.5 miles, 15.2 kilo-
13 meters), which, if made part of the
14 national wild and scenic river system
15 in accordance with this subparagraph,
16 shall be administered by the Secretary
17 as a recreational river;

18 “(V) Paulinskill River in
19 Knowlton Township (approximately
20 2.4 miles, 3.8 kilometers), which, if
21 made part of the national wild and
22 scenic river system in accordance with
23 this subparagraph, shall be adminis-
24 tered by the Secretary as a rec-
25 reational river; and

1 “(VI) Cook’s Creek (approx-
2 mately 3.5 miles, 5.6 kilometers),
3 which, if made part of the national
4 wild and scenic river system in ac-
5 cordance with this subparagraph, shall
6 be administered by the Secretary as a
7 scenic river.

8 “(ii) FINDING.—Congress finds that
9 each of the additional segments is suitable
10 for designation as a recreational river or
11 scenic river under this paragraph, if there
12 is adequate local support for the designa-
13 tion.

14 “(iii) DESIGNATION.—If the Secretary
15 finds that there is adequate local support
16 for designating any of the additional seg-
17 ments as a recreational river or scenic
18 river—

19 “(I) the Secretary shall publish
20 in the Federal Register a notice of the
21 designation of the segment; and

22 “(II) the segment shall thereby
23 be designated as a recreational river
24 or scenic river, as the case may be,
25 under this Act.

1 “(iv) CRITERIA FOR LOCAL SUP-
2 PORT.—In determining whether there is
3 adequate local support for the designation
4 of an additional segment, the Secretary
5 shall consider, among other things, the
6 preferences of local governments expressed
7 in resolutions concerning designation of
8 the segment.

9 “(H) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There are authorized to be appro-
11 priated such sums as are necessary to carry out
12 this paragraph.”.

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