

106TH CONGRESS
2D SESSION

S. 1296

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2000

Referred to the Committee on Resources

AN ACT

To designate portions of the lower Delaware River and associated 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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Public Law 102–460 directed the Secretary
4 of the Interior, in cooperation and consultation with
5 appropriate Federal, State, regional, and local agen-
6 cies, to conduct a study of the eligibility and suit-
7 ability of the lower Delaware River for inclusion in
8 the Wild and Scenic Rivers System:

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

18 (3) after completion of the study, 24 munici-
19 palities along segments of the Delaware River eligi-
20 ble for designation passed resolutions supporting the
21 Lower Delaware River Management Plan, agreeing
22 to take action to implement the goals of the plan,
23 and endorsing designation of the river.

24 **SEC. 3 DESIGNATION.**

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

1 (1) by designating the first undesignated para-
2 graph following paragraph 156, pertaining to Elk-
3 horn Creek and enacted by Public Law 104–208, as
4 paragraph 157;

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

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

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

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

18 “(161) LOWER DELAWARE RIVER AND ASSOCI-
19 ATED TRIBUTARIES, NEW JERSEY AND PENNSYL-
20 VANIA.—(A) The 65.6 miles of river segments in
21 New Jersey and Pennsylvania, consisting of—

22 “(i) the segment from river mile 193.8 to
23 the northern border of the city of Easton,
24 Pennsylvania (approximately 10.5 miles), as a
25 recreational river;

1 “(ii) the segment from a point just south
2 of the Gilbert Generating Station to a point
3 just north of the Point Pleasant Pumping Sta-
4 tion (approximately 14.2 miles), as a rec-
5 reational river;

6 “(iii) the segment from the point just
7 south of the Point Pleasant Pumping Station to
8 a point 1,000 feet north of the Route 202
9 bridge (approximately 6.3), as a recreational
10 river;

11 “(iv) the segment from a point 1,750 feet
12 south of the Route 202 bridge to the southern
13 border of the town of New Hope, Pennsylvania
14 (approximately 1.9), as a recreational river;

15 “(v) the segment from the southern bound-
16 ary of the town of New Hope, Pennsylvania, to
17 the town of Washington Crossing, Pennsylvania
18 (approximately 6 miles), as a recreational river;

19 “(vi) Tinicum Creek (approximately 14.7
20 miles), as a scenic river;

21 “(vii) Tohickon Creek from the Lake
22 Nockamixon Dam to the Delaware River (ap-
23 proximately 10.7 miles), as a scenic river; and

1 “(viii) Paunacussing Creek in Solebury
2 Township (approximately 3 miles), as a rec-
3 reational river.

4 “(B) ADMINISTRATION.—The river segments
5 referred to in subparagraph (A) shall be adminis-
6 tered by the Secretary of the Interior. Notwith-
7 standing section 10(c), the river segments shall not
8 be administered as part of the National Park Sys-
9 tem.”.

10 **SEC. 4. MANAGEMENT OF RIVER SEGMENTS.**

11 (A) MANAGEMENT OF SEGMENTS.—The river seg-
12 ments designated in section 3 shall be managed—

13 (1) in accordance with the river management
14 plan entitled “Lower Delaware River Management
15 Plan” and dated August 1997 (referred to as the
16 “management plan”), prepared by the Lower Dela-
17 ware Wild and Scenic River Study Task Force and
18 the National Park Service, which establishes goals
19 and actions that will ensure long-term protection of
20 the river’s outstanding values and compatible man-
21 agement of land and water resources associated with
22 the river; and

23 (2) in cooperation with appropriate Federal,
24 State, regional, and local agencies, including—

1 (A) the New Jersey Department of Envi-
2 ronmental Protection;

3 (B) the Pennsylvania Department of Con-
4 servation and Natural Resources;

5 (C) the Delaware and Lehigh Navigation
6 Canal Heritage Corridor Commission;

7 (D) the Delaware and Raritan Canal Com-
8 mission; and

9 (E) the Delaware River Greenway Partner-
10 ship.

11 (b) SATISFACTION OF REQUIREMENTS FOR PLAN.—
12 The management plan shall be considered to satisfy the
13 requirements for a comprehensive management plan under
14 subsection 3(d) of the Wild and Scenic Rivers Act (16
15 U.S.C. 1274(d)).

16 (c) FEDERAL ROLE.—

17 (1) RESTRICTIONS ON WATER RESOURCE
18 PROJECTS.—In determining under section 7(a) of
19 the Wild and Scenic Rivers Act (16 U.S.C. 1278(a))
20 whether a proposed water resources project would
21 have a direct and adverse effect on the value for
22 which a segment is designated as part of the Wild
23 and Scenic Rivers System, the Secretary of the Inte-
24 rior (hereinafter referred to as the “Secretary”)

1 shall consider the extent to which the project is con-
2 sistent with the management plan.

3 (2) COOPERATIVE AGREEMENTS.—Any coopera-
4 tive agreements entered into under section 10(e) of
5 the Wild and Scenic Rivers Act (16 U.S.C. 1281(e))
6 relating to any of the segments designated by this
7 Act shall—

8 (A) be consistent with the management
9 plan; and

10 (B) may include provisions for financial or
11 other assistance from the United States to fa-
12 cilitate the long-term protection, conservation,
13 and enhancement of the segments.

14 (3) SUPPORT FOR IMPLEMENTATION.—The
15 Secretary may provide technical assistance, staff
16 support, and funding to assist in the implementation
17 of the management plan.

18 (d) LAND MANAGEMENT.—

19 (1) IN GENERAL.—The Secretary may provide
20 planning, financial, and technical assistance to local
21 municipalities to assist in the implementation of ac-
22 tions to protect the natural, economic, and historic
23 resources of the river segments designated by this
24 Act.

1 (2) PLAN REQUIREMENTS.—After adoption of
 2 recommendations made in section III of the manage-
 3 ment plan, the zoning ordinances of the municipali-
 4 ties bordering the segments shall be considered to
 5 satisfy the standards and requirements under sec-
 6 tion 6(c) of the Wild and Scenic Rivers Act (16
 7 U.S.C. 1277(c)).

8 (e) ADDITIONAL SEGMENTS.—

9 (1) IN GENERAL.—In this paragraph, the term
 10 “additional segment” means—

11 (A) the segment from the Delaware Water
 12 Gap to the Toll Bridge connecting Columbia,
 13 New Jersey, and Portland, Pennsylvania (ap-
 14 proximately 9.2 miles), which, if made part of
 15 the Wild and Scenic Rivers System in accord-
 16 ance with this paragraph, shall be administered
 17 by the Secretary as a recreational river;

18 (B) the segment from the Erie Lacka-
 19 wanna railroad bridge to the southern tip of
 20 Dildine Island (approximately 3.6 miles), which,
 21 if made part of the Wild and Scenic Rivers Sys-
 22 tem in accordance with this paragraph, shall be
 23 administered by the Secretary as a recreational
 24 river;

1 (C) the segment from the southern tip of
2 Mack Island to the northern border of the town
3 of Belvidere, New Jersey (approximately 2
4 miles), which, if made part of the Wild and Sce-
5 nic Rivers System in accordance with this para-
6 graph, shall be administered by the Secretary
7 as a recreational river;

8 (D) the segment from the southern border
9 of the town of Phillipsburg, New Jersey, to a
10 point just north of Gilbert Generating Station
11 (approximately 9.5 miles, which, if made part of
12 the Wild and Scenic Rivers System in accord-
13 ance with this paragraph, shall be administered
14 by the Secretary as a recreational river;

15 (E) Paulinskill River in Knowlton Town-
16 ship (approximately 2.4 miles), which, if made
17 part of the Wild and Scenic Rivers System in
18 accordance with this paragraph, shall be admin-
19 istered by the Secretary as a recreational river;
20 and

21 (F) Cook's Creek (approximately 3.5
22 miles), which, if made part of the Wild and Sce-
23 nic Rivers System in accordance with this para-
24 graph, shall be administered by the Secretary
25 as a scenic river.

1 (2) FINDING.—Congress finds that each of the
2 additional segments is suitable for designation as a
3 recreational river or scenic river under this para-
4 graph, if there is adequate local support for the des-
5 ignation.

6 (3) DESIGNATION.—If the Secretary finds that
7 there is adequate local support for designating any
8 of the additional segments as a recreational river or
9 scenic river—

10 (A) the Secretary shall publish in the Fed-
11 eral Register a notice of the designation of the
12 segment; and

13 (B) the segment shall thereby be des-
14 ignated as a recreational river or scenic river,
15 as the case may be, in accordance with the Wild
16 and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

17 (4) CRITERIA FOR LOCAL SUPPORT.—In deter-
18 mining whether there is adequate local support for
19 the designation of an additional segment, the Sec-
20 retary shall consider, among other things, the pref-
21 erences of local governments expressed in resolutions
22 concerning designation of the segment.

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated such sums as
3 are necessary to carry out this Act.

Passed the Senate November 19, 1999.

Attest:

GARY SISCO,
Secretary.