

Calendar No. 363

106TH CONGRESS
1ST SESSION

S. 1296

[Report No. 106-207]

A BILL

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and associated tributaries as a component of the
National Wild and Scenic Rivers System.

NOVEMBER 2, 1999

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 1999

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

NOVEMBER 2, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

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

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

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

1 **SEC. 3. DESIGNATION.**

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

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

8 (2) by designating the second undesignated
9 paragraph following paragraph 156, pertaining to
10 the Clarion River, Pennsylvania, and enacted by
11 Public Law 104-314, as paragraph 158;

12 (3) by designating the third undesignated para-
13 graph following paragraph 156, pertaining to the
14 Lamphrey River, New Hampshire, and enacted by
15 Public Law 104-333, as paragraph 159;

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

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

21 “(160) LOWER DELAWARE RIVER AND ASSOCI-
22 ATED TRIBUTARIES, NEW JERSEY AND PENNSYL-
23 VANIA.—

24 “(A) SEGMENTS.—The 65.6 miles of river
25 segments in New Jersey and Pennsylvania, con-
26 sisting of—

1 “(i) the segment from river mile
2 193.8 to the northern border of the city of
3 Easton, Pennsylvania (approximately 10.5
4 miles, 16.9 kilometers); to be administered
5 by the Secretary of the Interior as a rec-
6 reational river;

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

14 “(iii) the segment from the point just
15 south of the Point Pleasant Pumping Sta-
16 tion to a point 1,000 feet north of the
17 Route 202 bridge (approximately 6.3 miles,
18 10.1 kilometers); to be administered by the
19 Secretary of the Interior as a recreational
20 river;

21 “(iv) the segment from a point 1,750
22 feet south of the Route 202 bridge to the
23 southern border of the town of New Hope,
24 Pennsylvania (approximately 1.9 miles, 3.0
25 kilometers); to be administered by the Sec-

retary of the Interior as a recreational river;

“(v) the segment from the southern boundary of the town of New Hope, Pennsylvania, 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

1 Interior as a component of the National Park
2 System.

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

5 “(i) in accordance with the river man-
6 agement plan entitled ‘Lower Delaware
7 River Management Plan’ and dated August
8 1997, (referred to in this paragraph as the
9 ‘management plan’), prepared by the
10 Lower Delaware Wild and Scenic River
11 Study Task Force and the National Park
12 Service, which establishes goals and ac-
13 tions that will ensure long-term protection
14 of the river’s outstanding values and com-
15 patible management of land and water re-
16 sources associated with the river; and

17 “(ii) in cooperation with appropriate
18 Federal, State, regional, and local agen-
19 cies; including—

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

22 “(II) the Pennsylvania Depart-
23 ment of Conservation and Natural Re-
24 sources;

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

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

6 “(V) the Delaware River Green-
7 way Partnership.

8 “(D) SATISFACTION OF REQUIREMENTS
9 FOR PLAN.—The management plan shall be
10 considered to satisfy the requirements for a
11 comprehensive management plan under sub-
12 section (d).

13 “(E) FEDERAL ROLE.—

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

24 “(ii) COOPERATIVE AGREEMENTS.—
25 Any cooperative agreements entered into

under section 10(e) relating to any of the segments shall—

“(I) be consistent with the management plan; and

“(II) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

“(iii) ~~SUPPORT FOR IMPLEMENTATION.~~—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

“(F) ~~LAND MANAGEMENT.~~—

“(i) ~~IN GENERAL.~~—The Secretary may provide planning, financial, and technical assistance to local municipalities to assist in the implementation of actions to protect the natural, economic, and historic resources of the segments.

“(ii) ~~PLAN REQUIREMENTS.~~—After adoption of recommendations made in section III of the management plan, the zoning ordinances of the municipalities bor-

dering the segments shall be considered to satisfy the standards and requirements under section 6(e).

“(G) ADDITIONAL SEGMENTS.—

“(i) IN GENERAL.—In this subparagraph, the term ‘additional segment’ means—

“(I) the segment from the Delaware Water Gap to the Toll Bridge connecting Columbia, New Jersey, and Portland, Pennsylvania (approximately 9.2 miles, 14.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall be administered by the Secretary as a recreational river;

“(II) the segment from the Erie Lackawanna railroad bridge to the southern tip of Dildine Island (approximately 3.6 miles, 5.8 kilometers), which, if made part of the national wild and scenic river system in accordance with this subparagraph, shall

1 be administered by the Secretary as a
2 recreational river;

3 “(III) the segment from the
4 southern tip of Mack Island to the
5 northern border of the town of
6 Belvidere, New Jersey (approximately
7 2 miles, 3.2 kilometers); which, if
8 made part of the national wild and
9 scenic river system in accordance with
10 this subparagraph, shall be adminis-
11 tered by the Secretary as a rec-
12 reational river;

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

23 “(V) Paulinskill River in
24 Knowlton Township (approximately
25 2.4 miles, 3.8 kilometers); which, if

1 made part of the national wild and
2 scenic river system in accordance with
3 this subparagraph, shall be adminis-
4 tered by the Secretary as a rec-
5 reational river; and

6 “(VI) Cook’s Creek (approx-
7 imately 3.5 miles, 5.6 kilometers),
8 which, if made part of the national
9 wild and scenic river system in ac-
10 cordance with this subparagraph, shall
11 be administered by the Secretary as a
12 scenic river.

13 “(ii) FINDING.—Congress finds that
14 each of the additional segments is suitable
15 for designation as a recreational river or
16 scenic river under this paragraph, if there
17 is adequate local support for the designa-
18 tion.

19 “(iii) DESIGNATION.—If the Secretary
20 finds that there is adequate local support
21 for designating any of the additional seg-
22 ments as a recreational river or scenic
23 river—

1 “(I) the Secretary shall publish
2 in the Federal Register a notice of the
3 designation of the segment; and

4 “(H) the segment shall thereby
5 be designated as a recreational river
6 or scenic river, as the case may be,
7 under this Act.

8 “(iv) CRITERIA FOR LOCAL SUP-
9 PORT.—In determining whether there is
10 adequate local support for the designation
11 of an additional segment, the Secretary
12 shall consider, among other things, the
13 preferences of local governments expressed
14 in resolutions concerning designation of
15 the segment.

16 “(H) AUTHORIZATION OF APPROPRIA-
17 TIONS.—There are authorized to be appro-
18 priated such sums as are necessary to carry out
19 this paragraph.”.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Lower Delaware Wild*
22 *and Scenic Rivers Act”.*

23 **SEC. 2. FINDINGS.**

24 *Congress finds that—*

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

7 (2) *during the study, the Lower Delaware Wild*
8 *and Scenic River Study Task Force and the National*
9 *Park Service prepared a river management plan for*
10 *the study area entitled “Lower Delaware River Man-*
11 *agement Plan” and dated August 1997, which estab-*
12 *lishes goals and actions that will ensure long-term*
13 *protection of the river’s outstanding values and com-*
14 *patible management of land and water resources asso-*
15 *ciated with the river; and*

16 (3) *after completion of the study, 24 municipali-*
17 *ties along segments of the Delaware River eligible for*
18 *designation passed resolutions supporting the Lower*
19 *Delaware River Management Plan, agreeing to take*
20 *action to implement the goals of the plan, and endors-*
21 *ing designation of the river.*

22 **SEC. 3 DESIGNATION.**

23 *Section 3(a) of the Wild and Scenic Rivers Act (16*
24 *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 para-*
 6 *graph following paragraph 156, pertaining to the*
 7 *Clarion River, Pennsylvania, and enacted by Public*
 8 *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; and*

16 (5) *by adding at the end the following:*

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

21 “(i) *the segment from river mile 193.8 to*
 22 *the northern border of the city of Easton, Penn-*
 23 *sylvania (approximately 10.5 miles), as a rec-*
 24 *reational river;*

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

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

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

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

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

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

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

1 “(B) *ADMINISTRATION.*—*The river segments re-*
 2 *ferred to in subparagraph (A) shall be administered*
 3 *by the Secretary of the Interior. Notwithstanding sec-*
 4 *tion 10(c), the river segments shall not be adminis-*
 5 *tered as part of the National Park System.”.*

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

7 (A) *MANAGEMENT OF SEGMENTS.*—*The river segments*
 8 *designated in section 3 shall be managed—*

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

19 (2) *in cooperation with appropriate Federal,*
 20 *State, regional, and local agencies, including—*

21 (A) *the New Jersey Department of Environ-*
 22 *mental Protection;*

23 (B) *the Pennsylvania Department of Con-*
 24 *servation and Natural Resources;*

1 (C) *the Delaware and Lehigh Navigation*
 2 *Canal Heritage Corridor Commission;*

3 (D) *the Delaware and Raritan Canal Com-*
 4 *mission; and*

5 (E) *the Delaware River Greenway Partner-*
 6 *ship.*

7 (b) *SATISFACTION OF REQUIREMENTS FOR PLAN.—*
 8 *The management plan shall be considered to satisfy the re-*
 9 *quirements for a comprehensive management plan under*
 10 *subsection 3(d) of the Wild and Scenic Rivers Act (16*
 11 *U.S.C. 1274(d)).*

12 (c) *FEDERAL ROLE.—*

13 (1) *RESTRICTIONS ON WATER RESOURCE*
 14 *PROJECTS.—In determining under section 7(a) of the*
 15 *Wild and Scenic Rivers Act (16 U.S.C. 1278(a))*
 16 *whether a proposed water resources project would*
 17 *have a direct and adverse effect on the value for which*
 18 *a segment is designated as part of the Wild and Sce-*
 19 *nic Rivers System, the Secretary of the Interior (here-*
 20 *inafter referred to as the “Secretary”) shall consider*
 21 *the extent to which the project is consistent with the*
 22 *management plan.*

23 (2) *COOPERATIVE AGREEMENTS.—Any coopera-*
 24 *tive agreements entered into under section 10(e) of the*
 25 *Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) re-*

1 *lating to any of the segments designated by this Act*
 2 *shall—*

3 *(A) be consistent with the management*
 4 *plan; and*

5 *(B) may include provisions for financial or*
 6 *other assistance from the United States to facili-*
 7 *tate the long-term protection, conservation, and*
 8 *enhancement of the segments.*

9 *(3) SUPPORT FOR IMPLEMENTATION.—The Sec-*
 10 *retary may provide technical assistance, staff support,*
 11 *and funding to assist in the implementation of the*
 12 *management plan.*

13 *(d) LAND MANAGEMENT.—*

14 *(1) IN GENERAL.—The Secretary may provide*
 15 *planning, financial, and technical assistance to local*
 16 *municipalities to assist in the implementation of ac-*
 17 *tions to protect the natural, economic, and historic re-*
 18 *sources of the river segments designated by this Act.*

19 *(2) PLAN REQUIREMENTS.—After adoption of*
 20 *recommendations made in section III of the manage-*
 21 *ment plan, the zoning ordinances of the municipali-*
 22 *ties bordering the segments shall be considered to sat-*
 23 *isfy the standards and requirements under section*
 24 *6(c) of the Wild and Scenic Rivers Act (16 U.S.C.*
 25 *1277(c)).*

1 (e) *ADDITIONAL SEGMENTS.*—

2 (1) *IN GENERAL.*—*In this paragraph, the term*
 3 *“additional segment” means—*

4 (A) *the segment from the Delaware Water*
 5 *Gap to the Toll Bridge connecting Columbia,*
 6 *New Jersey, and Portland, Pennsylvania (ap-*
 7 *proximately 9.2 miles), which, if made part of*
 8 *the Wild and Scenic Rivers System in accord-*
 9 *ance with this paragraph, shall be administered*
 10 *by the Secretary as a recreational river;*

11 (B) *the segment from the Erie Lackawanna*
 12 *railroad bridge to the southern tip of Dildine Is-*
 13 *land (approximately 3.6 miles), which, if made*
 14 *part of the Wild and Scenic Rivers System in*
 15 *accordance with this paragraph, shall be admin-*
 16 *istered by the Secretary as a recreational river;*

17 (C) *the segment from the southern tip of*
 18 *Mack Island to the northern border of the town*
 19 *of Belvidere, New Jersey (approximately 2*
 20 *miles), which, if made part of the Wild and Sce-*
 21 *nic Rivers System in accordance with this para-*
 22 *graph, shall be administered by the Secretary as*
 23 *a recreational river;*

24 (D) *the segment from the southern border of*
 25 *the town of Phillipsburg, New Jersey, to a point*

1 *just north of Gilbert Generating Station (ap-*
 2 *proximately 9.5 miles, which, if made part of the*
 3 *Wild and Scenic Rivers System in accordance*
 4 *with this paragraph, shall be administered by*
 5 *the Secretary as a recreational river;*

6 *(E) Paulinskill River in Knowlton Town-*
 7 *ship (approximately 2.4 miles), which, if made*
 8 *part of the Wild and Scenic Rivers System in*
 9 *accordance with this paragraph, shall be admin-*
 10 *istered by the Secretary as a recreational river;*
 11 *and*

12 *(F) Cook's Creek (approximately 3.5 miles),*
 13 *which, if made part of the Wild and Scenic Riv-*
 14 *ers System in accordance with this paragraph,*
 15 *shall be administered by the Secretary as a sce-*
 16 *nic river.*

17 *(2) FINDING.—Congress finds that each of the*
 18 *additional segments is suitable for designation as a*
 19 *recreational river or scenic river under this para-*
 20 *graph, if there is adequate local support for the des-*
 21 *ignation.*

22 *(3) DESIGNATION.—If the Secretary finds that*
 23 *there is adequate local support for designating any of*
 24 *the additional segments as a recreational river or sce-*
 25 *nic river—*

1 (A) the Secretary shall publish in the Fed-
2 eral Register a notice of the designation of the
3 segment; and

4 (B) the segment shall thereby be designated
5 as a recreational river or scenic river, as the case
6 may be, in accordance with the Wild and Scenic
7 Rivers Act (16 U.S.C. 1271 et seq.).

8 (4) *CRITERIA FOR LOCAL SUPPORT.*—In deter-
9 mining whether there is adequate local support for the
10 designation of an additional segment, the Secretary
11 shall consider, among other things, the preferences of
12 local governments expressed in resolutions concerning
13 designation of the segment.

14 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

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