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SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER ACT

MARCH 17, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany H.R. 193]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 193) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the Natural Wild and Scenic Rivers System, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 193, as ordered reported, is to designate 29 miles of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts as components of the Wild and Scenic Rivers System.

BACKGROUND AND NEED

Local and State interest in a national wild and scenic river study for the Sudbury, Assabet and Concord Rivers date back to the mid 1980's when a proposal was discussed to reactivate the Sudbury Reservoir in order to supply water to the Boston metropolitan area. Fears developed over withdrawals from the reservoir that could create impacts on downstream areas; including prime wildlife habitat. At the same time, surging real estate values in the area triggered concerns about impacts of development along the rivers irreplaceable natural and cultural resources.

In 1990, Public Law 101-628 designated segments of the Sudbury, Assabet and Concord Rivers in Massachusetts for study as

potential components of the Wild and Scenic Rivers System. As a result of the study, 29 miles of the Sudbury, Assabet, and Concord Rivers were found eligible for inclusion in the Wild and Scenic Rivers System. The recommendation was based on the free-flowing character of the rivers and the presence of outstanding ecological, historical, literary, recreational, and scenic values. The eligible segments include 16.6 miles of the Sudbury River, 4.4 miles of the Assabet River, and 8 miles of the Concord River.

The eligible segments of the Sudbury, Assabet and Concord Rivers are remarkably undeveloped, providing recreational opportunities in a natural setting less than an hour's drive from several million people living in the Boston area. Ten of the river miles lie within the boundaries of Great Meadows National Wildlife Refuge, established to protect the waterfowl habitat and associated riparian wetlands. The rivers also feature prominently in the works of nineteenth century authors Hawthorne, Emerson, and Thoreau.

The Wild and Scenic Rivers Act provides for three possible classifications of eligible river segments: wild, scenic, and recreational. These classifications are based on the degree of human modification of the river and adjacent shorelands. Under these guidelines, 14.9 miles of the Sudbury, Assabet, and Concord Rivers as recreational. During the spring of 1995, eight towns along the study segments held meetings and each passed resolutions requesting Congress to designate the rivers as components of the Wild and Scenic Rivers System.

A "River Stewardship Council" would coordinate the actions of the State, local, and Federal Governments, along with participation by local river protection groups. Under this partnership approach, the Federal Government would retain responsibility for ensuring that Federal water resource projects do not impair the rivers' free-flowing character or outstanding resources. The towns and State would retain their existing land use authorities, along with primary responsibility for recreation management. This arrangement would be formalized and funded through cooperative agreements between the National Park Service and other members of the Stewardship Council.

LEGISLATIVE HISTORY

The House of Representatives passed H.R. 193 on February 23, 1999. The Subcommittee on Natural Parks, Historic Preservation and Recreation held a hearing on H.R. 193 on February 24, 1999.

During the 105th Congress, a similar bill, S. 469 was introduced by Senators Kerry and Kennedy on March 18, 1997. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 469 on June 18, 1998.

At its business meeting on September 9, 1998, the Committee on Energy and Natural Resources ordered S. 469, as amended, favorably reported. On October 2, 1998, S. 469 passed the Senate by voice vote. The House of Representatives passed S. 469, as amended on October 10, 1998. No further action was taken.

At its business meeting on March 4, 1999, the Committee on Energy and Natural Resources ordered H.R. 193, favorably reported.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on March 4, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 193, as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "Sudbury, Assabet, and Concord Wild and Scenic Rivers Act."

Section 2 (a) contains Congressional findings.

Subsection (b) designates 29 miles of the river segments as follows: 14.9-mile segment of the Sudbury River a scenic river; 1.7-mile segment of the Sudbury River as a recreational river; 4.4-mile segment of the Assabet River as a recreational river; 8-mile segment of the Concord River as a recreational river. This subsection also directs that the rivers be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council through cooperative agreements with the Commonwealth of Massachusetts and its relevant political subdivisions. The March 16, 1995 "Sudbury, Assabet, and Concord Wild and Scenic River Study, River Conservation Plan" is deemed to satisfy the requirement for a comprehensive management plan.

Subsection (c) designates the Director of the National Park Service or the Director's designee as representative of the Secretary of the Interior in the implementation of the plan. Cooperative agreements may include provisions for financial or other Federal assistance, not to exceed \$100,000 each fiscal year, to facilitate the protection, conservation and enhancement of the river segments.

Subsection (d) directs the Secretary of the Interior to consider the extent to which a water resource project is consistent with the plan.

Subsection (e) deems that local zoning bylaws in effect on the date of enactment of this Act are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)). This subsection also provides that the United States shall not acquire title to land, easements, or other interests in land along the river segments.

Subsection (f) authorizes appropriations not to exceed \$100,000 for each fiscal year for the Secretary to carry out this section.

Subsection (g) amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to make conforming changes.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 193—Sudbury, Assabet, and Concord Wild and Scenic River Act

CBO estimates that implementing H.R. 193 would not have a significant impact on the federal budget. Because H.R. 193 would not affect direct spending or receipts, pay-as-you-go procedures

would not apply. H.R. 193 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 193 would designate 29 miles of river segments in Massachusetts as scenic and recreational rivers. The segments would be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council, as provided for in a conservation plan prepared by the National Park Service (NPS) and the Sudbury, Assabet, and Concord River Study Committee. The act would authorize the NPS to provide financial and other assistance to the state and relevant local governments under cooperative agreements to facilitate the management of the newly designated river segments.

The act would authorize the appropriation of up to \$100,000 each year to implement the river conservation plan, including financial assistance to the state and local governments. For purposes of this estimate, CBO assumes that H.R. 193 will be enacted by the end of fiscal year 1999 and that the authorized funding will be appropriated for fiscal year 2000 and each subsequent year. We estimate that outlays to implement the plan would total about \$500,000 over the 2000–2004 period, assuming appropriations of the authorized amounts.

On February 4, 1999, CBO prepared a cost estimate for H.R. 193 as ordered reported by the House Committee on Resources on February 3, 1999. The two versions of H.R. 193 are similar, and the estimated costs are the same.

The CBO staff contact is Victoria Heid Hall. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 193. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of H.R. 193, as ordered reported.

EXECUTIVE COMMUNICATIONS

A representative of the National Park Service testified in support of H.R. 193, on February 28, 1999 at a hearing before the Subcommittee on National Parks, Historic Preservation, and Recreation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 193, as ordered reported, are shown as follows (existing law pro-

posed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

(Public Law 90–542, October 2, 1968)

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * *

“() *Sudbury, Assabet, and Concord Rivers, Massachusetts—The 29 miles of river segments in Massachusetts, as follows:*

“(A) *The 14.9 mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framington, downstream to the Route 2 Bridge in Concord, as a scenic river;*

“(B) *The 1.7 mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river;*

“(C) *The 4.4 mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord, as a recreational river;*

“(D) *The 8.0 mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 bridge in the town of Billerica, as a recreational river.*”

The segments shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica). The segments shall be managed in accordance with the plan entitled ‘Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan’ dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under section 3(d).”