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DEERFIELD RIVER WILD AND SCENIC RIVER STUDY

JANUARY 9, 2024.—Ordered to be printed

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

R E P O R T

[To accompany S. 608]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 608) to amend the Wild and Scenic Rivers Act to direct the Secretary of the Interior to conduct a study of the Deerfield River for potential addition to the national wild and scenic rivers system, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 608 is to amend the Wild and Scenic Rivers Act to authorize the Secretary of the Interior to conduct a study of the Deerfield River for potential addition to the national wild and scenic rivers system.

BACKGROUND AND NEED

Located in southern Vermont and western Massachusetts, the Deerfield River and its tributaries flow through the Connecticut River Valley for 76 miles until its confluence with the Connecticut River near Greenfield, Massachusetts.

The Deerfield River and its tributaries provide important wildlife and recreational resources. The river includes several Class II–V rapids and provides some of the best whitewater boating and rafting opportunities in the region. The river is popular for trout fishing and provides important habitat for a variety of other species.

The historically significant Mohawk Trail, which was an important Native American travel route, runs through the river corridor.

LEGISLATIVE HISTORY

S. 608 was introduced by Senators Markey, Warren, Sanders, and Welch on March 1, 2023. Companion legislation, H.R. 1312, was introduced by Representative McGovern in the House of Representatives on March 1, 2023. The Subcommittee on National Parks held a hearing on S. 608 on June 21, 2023.

Senators Markey, Warren, Sanders, and Leahy introduced similar legislation in the 117th Congress, S. 4631, on July 27, 2022.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on September 21, 2023, by a voice vote of a quorum present, recommends that the Senate pass S. 608.

SUMMARY

S. 608 amends section 5(a) of the Wild and Scenic Rivers Act (12 U.S.C. 1276(a)) to authorize the Secretary of the Interior to conduct a study of the Deerfield River in Vermont and Massachusetts, including its major branches and tributaries, to determine their suitability and feasibility for potential inclusion in the National Wild and Scenic Rivers System.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate provided by the Congressional Budget Office on S. 608 follows:

S. 608, Deerfield River Wild and Scenic River Study Act of 2023			
As ordered reported by the Senate Committee on Energy and Natural Resources on September 21, 2023			
By Fiscal Year, Millions of Dollars	<u>2024</u>	<u>2024-2028</u>	<u>2024-2033</u>
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 608 would direct the Department of the Interior (DOI) to study the Deerfield River in Massachusetts and Vermont for potential addition to the national wild and scenic rivers system. The study would encompass the entire river, including its major tributaries and the North, South, East, and West Branches. Under the

bill, DOI would be required to complete the study and report to the Congress on its findings within three years of enactment.

Based on the costs of similar studies, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2028 period; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Kelly Durand. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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 S. 608. 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 the enactment of S. 608, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 608, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the Subcommittee on National Parks hearing on S. 608 follows:

STATEMENT OF MICHAEL A. CALDWELL, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 608, to amend the Wild and Scenic Rivers Act to direct the Secretary of the Interior to conduct a study of the Deerfield River for potential addition to the national wild and scenic rivers system, and for other purposes.

The Department supports S. 608. However, we would like to note that there are 22 previously authorized studies for potential units of the National Park System, potential new national heritage areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been completed and transmitted to Congress.

S. 608 would authorize a study of the Deerfield River to determine whether it meets the criteria for inclusion in the National Wild and Scenic Rivers System. The study would encompass the entire river, including the North, South,

East, and West Branches, and its major tributaries including the Green River, North River, South River, Clesson Brook, Chickley River, Cold River, Gulf Brook, Bog Brook, and Dunbar Brook. The bill requires the study to be completed no later than three years after the date on which funds are made available to carry out the study.

The Deerfield River is a highly significant recreational and natural resource that runs for 76 miles from southern Vermont through northwestern Massachusetts to the Connecticut River, traversing the Green Mountain National Forest, Berkshire Mountains, and Pioneer Valley hill towns. With rapids from Class II to Class V, it offers perhaps the best whitewater boating and rafting in Massachusetts. It is also an excellent cold-water trout fishery and provides outstanding habitat for native Brook Trout throughout the watershed. The historically significant Mohawk Trail ran along the river and was a principal Native American travel route. Several tributaries, such as Cold River and Bog, and Gulf Brooks, are wild free-flowing rivers. Multiple segments of the Deerfield River were identified on the National Park Service's Nationwide Rivers Inventory as having "outstandingly remarkable" values and potentially eligible for National Wild and Scenic Rivers designation. The USDA Forest Service previously completed an eligibility evaluation under Section 5(d)(1) of the Wild and Scenic Rivers Act and determined 13.2 miles of the Deerfield River (from its headwaters to north of Searsburg Reservoir) to be eligible, with a preliminary classification of "scenic."

There is also substantial existing hydroelectric development in the Deerfield basin, but the National Park Service would not expect the study to impact the existing operation of these facilities. The potential impact of the facilities on the eligibility and suitability of the various segments of the Deerfield River would be a topic for study consideration.

If enacted, the National Park Service intends to undertake the study in close cooperation with the affected communities, the Green Mountain National Forest, the relevant agencies of the Commonwealth of Massachusetts and the State of Vermont, and interest groups such as the Deerfield Watershed Association through a partnership-based study approach. The partnership-based approach is recognized in Section 10(e) of the Wild and Scenic Rivers Act as a means of encouraging state and local governmental participation in the administration of a component of the National Wild and Scenic Rivers System. This approach also allows for development of a proposed river management plan as part of the study, which helps landowners and local jurisdictions understand their potential future roles in river management should Congress decide to designate part, or all of the rivers being studied.

Although the Wild and Scenic Rivers Act requires the development of a comprehensive river management plan within three years of the date of designation, it has be-

come the practice of the National Park Service to prepare this plan as part of a study of potential wild and scenic rivers when much of the river runs through private lands. This allows the National Park Service to consult widely with local landowners, federal and state land management agencies, local governments, river authorities, and other groups that have interests related to the river prior to determining if the river is suitable for designation. Early preparation of the plan also assures input from these entities as well as users of the river on the management strategies that would be needed to protect the river's resources.

The National Park Service is aware that there is substantial local community and stakeholder support for conducting a wild and scenic rivers study and, if enacted, we would expect strong public participation in the study process.

Chairman King, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

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 bill S. 608, as ordered reported, are shown as follows (existing law proposed 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):

THE WILD AND SCENIC RIVERS ACT

Public Law 90-542

AN ACT To provide for a National Wild and Scenic Rivers System, and for other purposes

* * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

* * * * *

(147) *DEERFIELD RIVER, MASSACHUSETTS AND VERMONT.—The entire river, including—*

(A) the North, South, East, and West Branches of the Deerfield River; and

(B) the major tributaries of the Deerfield River, including the Green River, North River, South River, Clesson Brook, Chickley River, Cold River, Gulf Brook, Bog Brook, and Dunbar Brook.

* * * * *

SEC. 5. (b) Studies and reports.

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(24) *DEERFIELD RIVER, MASSACHUSETTS AND VERMONT.—Not later than 3 years after the date on which funds are made*

available to carry out this paragraph, the Secretary of the Interior shall—

(A) complete the study described in subsection (a)(147); and

(B) submit to the appropriate committees of Congress a report describing the results of such study.

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