

105TH CONGRESS
2D SESSION

S. 469

AMENDMENTS

In the House of Representatives, U. S.,

October 10, 1998.

Resolved, That the bill from the Senate (S. 469) entitled “An Act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. DESIGNATION OF SUDBURY, ASSABET, AND***
2 ***CONCORD SCENIC AND RECREATIONAL RIV-***
3 ***ERS, MASSACHUSETTS.***

4 *(a) FINDINGS.—The Congress finds the following:*

5 *(1) The Sudbury, Assabet, and Concord Wild*
6 *and Scenic River Study Act (title VII of Public Law*
7 *101–628; 104 Stat. 4497)—*

8 *(A) designated segments of the Sudbury,*
9 *Assabet, and Concord Rivers in the Common-*
10 *wealth of Massachusetts, totaling 29 river miles,*
11 *for study and potential addition to the National*
12 *Wild and Scenic Rivers System; and*

13 *(B) directed the Secretary of the Interior to*
14 *establish the Sudbury, Assabet, and Concord*

1 *Rivers Study Committee (in this section referred*
2 *to as the “Study Committee”) to advise the Sec-*
3 *retary in conducting the study and in the con-*
4 *sideration of management alternatives should the*
5 *rivers be included in the National Wild and Sce-*
6 *nic Rivers System.*

7 *(2) The study determined the following river seg-*
8 *ments are eligible for inclusion in the National Wild*
9 *and Scenic Rivers System based on their free-flowing*
10 *condition and outstanding scenic, recreation, wildlife,*
11 *cultural, and historic values:*

12 *(A) The 16.6-mile segment of the Sudbury*
13 *River beginning at the Danforth Street Bridge in*
14 *the town of Framingham, to its confluence with*
15 *the Assabet River.*

16 *(B) The 4.4-mile segment of the Assabet*
17 *River from 1,000 feet downstream from the*
18 *Damon Mill Dam in the town of Concord to the*
19 *confluence with the Sudbury River at Egg Rock*
20 *in Concord.*

21 *(C) The 8-mile segment of the Concord*
22 *River from Egg Rock at the confluence of the*
23 *Sudbury and Assabet Rivers to the Route 3*
24 *bridge in the town of Billerica.*

1 (3) *The towns that directly abut the segments,*
 2 *including Framingham, Sudbury, Wayland, Lincoln,*
 3 *Concord, Bedford, Carlisle, and Billerica, Massachu-*
 4 *setts, have each demonstrated their desire for National*
 5 *Wild and Scenic River designation through town*
 6 *meeting votes endorsing designation.*

7 (4) *During the study, the Study Committee and*
 8 *the National Park Service prepared a comprehensive*
 9 *management plan for the segment, entitled “Sudbury,*
 10 *Assabet and Concord Wild and Scenic River Study,*
 11 *River Conservation Plan” and dated March 16, 1995*
 12 *(in this section referred to as the “plan”), which es-*
 13 *tablishes objectives, standards, and action programs*
 14 *that will ensure long-term protection of the rivers’*
 15 *outstanding values and compatible management of*
 16 *their land and water resources.*

17 (5) *The Study Committee voted unanimously on*
 18 *February 23, 1995, to recommend that the Congress*
 19 *include these segments in the National Wild and Sce-*
 20 *nic Rivers System for management in accordance*
 21 *with the plan.*

22 (b) *DESIGNATION.*—Section 3(a) of the Wild and Sce-
 23 *nic Rivers Act (16 U.S.C. 1274(a)) is amended—*

1 (1) *by designating the four undesignated para-*
 2 *graphs after paragraph (156) as paragraphs (157),*
 3 *(158), (159), and (160), respectively; and*

4 (2) *by adding at the end the following new para-*
 5 *graph:*

6 “(161) *SUDBURY, ASSABET, AND CONCORD RIVERS,*
 7 *MASSACHUSETTS.—(A) The 29 miles of river segments in*
 8 *Massachusetts, as follows:*

9 “(i) *The 14.9-mile segment of the Sudbury River*
 10 *beginning at the Danforth Street Bridge in the town*
 11 *of Framingham, downstream to the Route 2 Bridge in*
 12 *Concord, as a scenic river.*

13 “(ii) *The 1.7-mile segment of the Sudbury River*
 14 *from the Route 2 Bridge downstream to its confluence*
 15 *with the Assabet River at Egg Rock, as a recreational*
 16 *river.*

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

22 “(iv) *The 8-mile segment of the Concord River*
 23 *from Egg Rock at the confluence of the Sudbury and*
 24 *Assabet Rivers downstream to the Route 3 Bridge in*
 25 *the town of Billerica, as a recreational river.*

1 “(B) *The segments referred to in subparagraph (A)*
 2 *shall be administered by the Secretary of the Interior in*
 3 *cooperation with the SUASCO River Stewardship Council*
 4 *provided for in the plan referred to in subparagraph (C)*
 5 *through cooperative agreements under section 10(e) between*
 6 *the Secretary and the Commonwealth of Massachusetts and*
 7 *its relevant political subdivisions (including the towns of*
 8 *Framingham, Wayland, Sudbury, Lincoln, Concord, Car-*
 9 *lisle, Bedford, and Billerica).*

10 “(C) *The segments referred to in subparagraph (A)*
 11 *shall be managed in accordance with the plan entitled ‘Sud-*
 12 *bury, Assabet and Concord Wild and Scenic River Study,*
 13 *River Conservation Plan’, dated March 16, 1995. The plan*
 14 *is deemed to satisfy the requirement for a comprehensive*
 15 *management plan under subsection (d) of this section.”.*

16 (c) *FEDERAL ROLE IN MANAGEMENT.*—(1) *The Direc-*
 17 *tor of the National Park Service or the Director’s designee*
 18 *shall represent the Secretary of the Interior in the imple-*
 19 *mentation of the plan, this section, and the Wild and Scenic*
 20 *Rivers Act with respect to each of the segments designated*
 21 *by the amendment made by subsection (b)(2), including the*
 22 *review of proposed federally assisted water resources*
 23 *projects that could have a direct and adverse effect on the*
 24 *values for which the segment is established, as authorized*

1 *under section 7(a) of the Wild and Scenic Rivers Act (16*
 2 *U.S.C. 1278(a)).*

3 *(2) Pursuant to sections 10(e) and section 11(b)(1) of*
 4 *the Wild and Scenic Rivers Act (16 U.S.C. 1281(e),*
 5 *1282(b)(1)), the Director shall offer to enter into cooperative*
 6 *agreements with the Commonwealth of Massachusetts, its*
 7 *relevant political subdivisions, the Sudbury Valley Trustees,*
 8 *and the Organization for the Assabet River. Such coopera-*
 9 *tive agreements shall be consistent with the plan and may*
 10 *include provisions for financial or other assistance from the*
 11 *United States to facilitate the long-term protection, con-*
 12 *servation, and enhancement of each of the segments des-*
 13 *ignated by the amendment made by subsection (b)(2).*

14 *(3) The Director may provide technical assistance,*
 15 *staff support, and funding to assist in the implementation*
 16 *of the plan, except that the total cost to the Federal Govern-*
 17 *ment of activities to implement the plan may not exceed*
 18 *\$100,000 each fiscal year.*

19 *(4) Notwithstanding section 10(c) of the Wild and Sce-*
 20 *nic Rivers Act (16 U.S.C. 1281(c)), any portion of a seg-*
 21 *ment designated by the amendment made by subsection*
 22 *(b)(2) that is not already within the National Park System*
 23 *shall not under this section—*

24 *(A) become a part of the National Park System;*

25 *(B) be managed by the National Park Service; or*

1 (C) be subject to regulations which govern the
2 *National Park System.*

3 (d) *WATER RESOURCES PROJECTS.*—(1) *In determin-*
4 *ing whether a proposed water resources project would have*
5 *a direct and adverse effect on the values for which the seg-*
6 *ments designated by the amendment made by subsection*
7 *(b)(2) were included in the National Wild and Scenic Riv-*
8 *ers System, the Secretary of the Interior shall specifically*
9 *consider the extent to which the project is consistent with*
10 *the plan.*

11 (2) *The plan, including the detailed Water Resources*
12 *Study incorporated by reference in the plan and such addi-*
13 *tional analysis as may be incorporated in the future, shall*
14 *serve as the primary source of information regarding the*
15 *flows needed to maintain instream resources and potential*
16 *compatibility between resource protection and possible ad-*
17 *ditional water withdrawals.*

18 (e) *LAND MANAGEMENT.*—(1) *The zoning bylaws of the*
19 *towns of Framingham, Sudbury, Wayland, Lincoln, Con-*
20 *cord, Carlisle, Bedford, and Billerica, Massachusetts, as in*
21 *effect on the date of enactment of this Act, are deemed to*
22 *satisfy the standards and requirements under section 6(c)*
23 *of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For*
24 *the purpose of that section, the towns are deemed to be “vil-*
25 *lages” and the provisions of that section which prohibit*

1 *Federal acquisition of lands through condemnation shall*
 2 *apply.*

3 (2) *The United States Government shall not acquire*
 4 *by any means title to land, easements, or other interests*
 5 *in land along the segments designated by the amendment*
 6 *made by subsection (b)(2) or their tributaries for the pur-*
 7 *poses of designation of the segments under the amendment.*
 8 *Nothing in this section shall prohibit Federal acquisition*
 9 *of interests in land along those segments or tributaries*
 10 *under other laws for other purposes.*

11 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 12 *authorized to be appropriated to the Secretary of the Inte-*
 13 *rior to carry out this section not to exceed \$100,000 for*
 14 *each fiscal year.*

15 **SEC. 2. CHATTAHOOCHEE RIVER NATIONAL RECREATION**
 16 **AREA.**

17 (a) *FINDINGS.—The Congress finds that:*

18 (1) *The Chattahoochee River National Recreation*
 19 *Area is a nationally significant resource and the na-*
 20 *tional recreation area has been adversely affected by*
 21 *land use changes occurring within and outside its*
 22 *boundaries.*

23 (2) *The population of the metropolitan Atlanta*
 24 *area continues to expand northward, leaving dwin-*
 25 *dling opportunities to protect the scenic, recreation,*

1 *natural, and historic values of the 2,000-foot wide*
2 *corridor adjacent to each bank of the Chattahoochee*
3 *River and its impoundments in the 48-mile segment*
4 *known as the area of national concern.*

5 *(3) The State of Georgia has enacted the Metro-*
6 *politan River Protection Act in order to ensure the*
7 *protection of the corridor located within 2,000 feet of*
8 *each bank of the Chattahoochee River, or the 100-year*
9 *flood plain, whichever is greater, and such corridor*
10 *includes the area of national concern.*

11 *(4) Visitor use of the Chattahoochee River Na-*
12 *tional Recreation Area has shifted dramatically since*
13 *the establishment of the national recreation area from*
14 *waterborne to water-related and land-based activities.*

15 *(5) The State of Georgia and its political sub-*
16 *divisions along the Chattahoochee River have indi-*
17 *cated their willingness to join in cooperative efforts*
18 *with the United States of America to link existing*
19 *units of the national recreation area with a series of*
20 *linear corridors to be established within the area of*
21 *national concern and elsewhere on the river and pro-*
22 *vided Congress appropriates certain funds in support*
23 *of such effort, funding from the State, its political*
24 *subdivisions, private foundations, corporate entities,*
25 *private individuals, and other sources will be avail-*

1 *able to fund more than half of the estimated cost of*
2 *such cooperative effort.*

3 **(b) PURPOSES.**—*The purposes of this section are to—*

4 *(1) increase the level of protection of the remain-*
5 *ing open spaces within the area of national concern*
6 *along the Chattahoochee River and to enhance visitor*
7 *enjoyment of such areas by adding land-based links*
8 *between existing units of the national recreation area;*

9 *(2) assure that the national recreation area is*
10 *managed to standardize acquisition, planning, design,*
11 *construction, and operation of the linear corridors;*
12 *and*

13 *(3) authorize the appropriation of Federal funds*
14 *to cover a portion of the costs of the Federal, State,*
15 *local, and private cooperative effort to add additional*
16 *areas to the Chattahoochee River National Recreation*
17 *Area in order to establish a series of linear corridors*
18 *linking existing units of the national recreation area*
19 *and to protect other undeveloped portions of the Chat-*
20 *tahoochee River corridor.*

21 **(c) AMENDMENTS TO CHATTAHOOCHEE NRA ACT.**—

22 *The Act of August 15, 1978, entitled “An Act to authorize*
23 *the establishment of the Chattahoochee River National*
24 *Recreation Area in the State of Georgia, and for other pur-*

1 poses” (*Public Law 95–344; 16 U.S.C. 460ii et seq.*) is
2 amended as follows:

3 (1) *Section 101 (16 U.S.C. 460ii) is amended as*
4 *follows:*

5 (A) *By inserting after “numbered Chat-*
6 *20,003, and dated September 1984” the follow-*
7 *ing: “and on the maps entitled ‘Chattahoochee*
8 *River National Recreation Area Interim Bound-*
9 *ary Maps 1, 2, and 3’ and dated August 6,*
10 *1998”.*

11 (B) *By amending the fourth sentence to*
12 *read as follows: “After July 1, 1999, the Sec-*
13 *retary of the Interior (in this Act referred to as*
14 *the ‘Secretary’) may modify the boundaries of*
15 *the recreation area to include other lands within*
16 *the river corridor of the Chattahoochee River by*
17 *submitting a revised map or other boundary de-*
18 *scription to the Congress. Such revised bound-*
19 *aries shall take effect on the date 6 months after*
20 *the date of such submission unless, within such*
21 *6-month period, the Congress adopts a Joint Res-*
22 *olution disapproving such revised boundaries.*
23 *Such revised map or other boundary description*
24 *shall be prepared by the Secretary after consulta-*

1 *tion with affected landowners and with the State*
 2 *of Georgia and affected political subdivisions.”.*

3 (C) *By striking out “may not exceed ap-*
 4 *proximately 6,800 acres.” and inserting “may*
 5 *not exceed 10,000 acres.”.*

6 (2) *Section 102(f) (16 U.S.C. 460ii–1(f)) is re-*
 7 *pealed.*

8 (3) *Section 103(b) (16 U.S.C. 460ii–2(b)) is*
 9 *amended to read as follows:*

10 “(b) *COOPERATIVE AGREEMENTS.—The Secretary is*
 11 *authorized to enter into cooperative agreements with the*
 12 *State, its political subdivisions, and other entities to assure*
 13 *standardized acquisition, planning, design, construction,*
 14 *and operation of the national recreation area.”.*

15 (4) *Section 105(a) (16 U.S.C. 460ii–4(a)) is*
 16 *amended to read as follows:*

17 “(a) *AUTHORIZATION OF APPROPRIATIONS; ACCEPT-*
 18 *ANCE OF DONATIONS.—In addition to funding and the do-*
 19 *nation of lands and interests in lands provided by the State*
 20 *of Georgia, local government authorities, private founda-*
 21 *tions, corporate entities, and individuals, and funding that*
 22 *may be available pursuant to the settlement of litigation,*
 23 *there is hereby authorized to be appropriated for land ac-*
 24 *quisition not more than \$25,000,000 for fiscal years after*
 25 *fiscal year 1998. The Secretary is authorized to accept the*

1 *donation of funds and lands or interests in lands to carry*
 2 *out this Act.”.*

3 (5) *Section 105(c) (16 U.S.C. 460ii–4(c)) is*
 4 *amended by adding the following at the end thereof:*
 5 *“The Secretary shall submit a new plan within 3*
 6 *years after the enactment of this sentence to provide*
 7 *for the protection, enhancement, enjoyment, develop-*
 8 *ment, and use of areas added to the national recre-*
 9 *ation area. During the preparation of the revised*
 10 *plan the Secretary shall seek and encourage the par-*
 11 *ticipation of the State of Georgia and its affected po-*
 12 *litical subdivisions, private landowners, interested*
 13 *citizens, public officials, groups, agencies, educational*
 14 *institutions, and others.”.*

15 (6) *Section 102(a) (16 U.S.C. 460ii–1(a)) is*
 16 *amended by inserting the following before the period*
 17 *at the end of the first sentence: “, except that lands*
 18 *and interests in lands within the Addition Area de-*
 19 *scribed on the map referred to in section 101 may not*
 20 *be acquired without the consent of the owner thereof”.*

Amend the title so as to read: “An Act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, and for other purposes.”.

Attest:

Clerk.