

106TH CONGRESS  
2D SESSION

# H. R. 3556

To designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2000

Mr. CASTLE (for himself and Mr. PITTS) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, 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 “White Clay Creek Wild  
5       and Scenic Rivers System Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) Public Law 102–215 (105 Stat. 1664) di-  
9       rected the Secretary of the Interior, in cooperation  
10      and consultation with appropriate State and local

1 governments and affected landowners, to conduct a  
2 study of the eligibility and suitability of White Clay  
3 Creek, Delaware and Pennsylvania, and the tribu-  
4 taries of the creek for inclusion in the National Wild  
5 and Scenic Rivers System;

6 (2) as a part of the study described in para-  
7 graph (1), the White Clay Creek Study Wild and  
8 Scenic Study Task Force and the National Park  
9 Service prepared a watershed management plan for  
10 the study area entitled “White Clay Creek and Its  
11 Tributaries Watershed Management Plan”, dated  
12 May 1998, that establishes goals and actions to en-  
13 sure the long-term protection of the outstanding val-  
14 ues of, and compatible management of land and  
15 water resources associated with, the watershed; and

16 (3) after completion of the study described in  
17 paragraph (1), Chester County, Pennsylvania, New  
18 Castle County, Delaware, Newark, Delaware, and 12  
19 Pennsylvania municipalities located within the wa-  
20 tershed boundaries passed resolutions that—

21 (A) expressed support for the White Clay  
22 Creek Watershed Management Plan;

23 (B) expressed agreement to take action to  
24 implement the goals of the Plan; and

1 (C) endorsed the designation of the White  
2 Clay Creek and the tributaries of the creek for  
3 inclusion in the National Wild and Scenic Riv-  
4 ers System.

5 **SEC. 3. DESIGNATION OF WHITE CLAY CREEK.**

6 Section 3(a) of the Wild and Scenic Rivers Act (16  
7 U.S.C. 1274(a)) is amended by adding at the end the fol-  
8 lowing:

9 “(161) WHITE CLAY CREEK, DELAWARE AND PENN-  
10 SYLVANIA.—

11 “(A) SEGMENTS.—The 191 miles of river seg-  
12 ments of White Clay Creek (including tributaries of  
13 the Creek and all second order tributaries of the  
14 designated segments) in the States of Delaware and  
15 Pennsylvania (referred to in this paragraph as the  
16 ‘Creek’), as depicted on the recommended designa-  
17 tion and classification maps, as follows:

18 “(i) 30.8 miles of the east branch, includ-  
19 ing Trout Run, beginning at the headwaters  
20 within West Marlborough township downstream  
21 to a point that is 500 feet north of the Borough  
22 of Avondale wastewater treatment facility, as a  
23 recreational river.

24 “(ii) 15.0 miles of the east branch begin-  
25 ning at the southern boundary line of the Bor-

ough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

“(iii) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

“(iv) 20.9 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

“(v) 2.1 miles of the west branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

“(vi) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

1           “(vii) 12.7 miles of the main stem, exclud-  
2           ing Lamborn Run, that flow through the  
3           boundaries of the White Clay Creek Preserve,  
4           Pennsylvania and Delaware, and White Clay  
5           Creek State Park, Delaware, beginning at the  
6           confluence of the east and middle branches in  
7           London Britain township, Pennsylvania, down-  
8           stream to the northern boundary line of the city  
9           of Newark, Delaware, as a scenic river.

10           “(viii) 27.5 miles of the main stem (includ-  
11           ing all second order tributaries outside the  
12           boundaries of the White Clay Creek Preserve  
13           and White Clay Creek State Park), beginning  
14           at the confluence of the east and middle  
15           branches in London Britain township, Pennsyl-  
16           vania, downstream to the confluence of the  
17           White Clay Creek with the Christina River, as  
18           a recreational river.

19           “(ix) 1.3 miles of Middle Run outside the  
20           boundaries of the Middle Run Natural Area, as  
21           a recreational river.

22           “(x) 5.2 miles of Middle Run that flow  
23           within the boundaries of the Middle Run Nat-  
24           ural Area, as a scenic river.

1           “(xi) 15.6 miles of Pike Creek, as a rec-  
2           reational river.

3           “(xii) 38.7 miles of Mill Creek, as a rec-  
4           reational river.

5           “(B) BOUNDARIES.—

6           “(i) IN GENERAL.—Except as provided in  
7           clause (ii), action required to be taken under  
8           subsection (b) shall be taken not later than 1  
9           year after the date of enactment of this para-  
10          graph, except that, with respect to the segments  
11          designated by subparagraph (A), in lieu of the  
12          boundaries provided for in subsection (b), the  
13          boundaries of the segments shall be the greater  
14          of—

15               “(I) the 500-year floodplain; or

16               “(II) 250 feet as measured from the  
17               ordinary high water mark on both sides of  
18               the segment.

19           “(ii) EXCEPTIONS.—The boundary limita-  
20          tions described in clause (i) are inapplicable  
21          to—

22               “(I) the areas described in subpara-  
23               graph (D)(i); and

24               “(II) the properties, as generally de-  
25               picted on the map entitled “White Clay

1 Creek Wild and Scenic River Study Area  
2 Recommended Designated Area”, dated  
3 June 1999, on which are located the sur-  
4 face water intakes and water treatment  
5 and wastewater treatment facilities of—

6 “(aa) the City of Newark, Dela-  
7 ware;

8 “(bb) the corporation known as  
9 United Water Delaware; and

10 “(cc) the Borough of West  
11 Grove, Pennsylvania.

12 “(C) ADMINISTRATION.—

13 “(i) IN GENERAL.—The segments des-  
14 ignated by subparagraph (A) shall be adminis-  
15 tered by the Secretary of the Interior (referred  
16 to in this paragraph as the ‘Secretary’), in co-  
17 operation with the White Clay Creek Watershed  
18 Management Committee as provided for in the  
19 plan prepared by the White Clay Creek Wild  
20 and Scenic Study Task Force and the National  
21 Park Service, entitled “White Clay and Its  
22 Tributaries Watershed Management Plan” and  
23 dated May 1998 (referred to in this paragraph  
24 as the ‘Management Plan’).

1           “(ii) REQUIREMENT FOR COMPREHENSIVE  
2           MANAGEMENT PLAN.—The Management Plan  
3           shall be considered to satisfy the requirements  
4           for a comprehensive management plan under  
5           subsection (d).

6           “(D) CHURCHMAN’S MARSH, LAMBORN RUN,  
7           AND OTHER PROPERTIES.—

8           “(i) IN GENERAL.—Churchman’s Marsh,  
9           Lamborn Run, and the properties on which the  
10          intake structures and pipelines for the proposed  
11          Thompson’s Station Reservoir shall be located  
12          shall be considered suitable for designation as  
13          components of the National Wild and Scenic  
14          Rivers System only at such time as those areas  
15          are removed from consideration as locations for  
16          the reservoir under the comprehensive plan of  
17          the Delaware River Basin Commission.

18          “(ii) SUBSEQUENT DESIGNATIONS.—Noth-  
19          ing in this paragraph prohibits the designation  
20          of an area described in clause (i) as a compo-  
21          nent of the National Wild and Scenic Rivers  
22          System if, on a date after the date of enact-  
23          ment of this paragraph, the additional segment  
24          is determined to be suitable for such designa-  
25          tion.



1           “(iii) ASSISTANCE FOR SUBSEQUENT DES-  
2           IGNATIONS.—The Secretary shall offer assist-  
3           ance as authorized in subparagraph (E) to the  
4           State of Delaware and New Castle County,  
5           Delaware, if an area described in clause (i) is  
6           subsequently determined to be suitable for des-  
7           ignation as a component of the National Wild  
8           and Scenic Rivers System and is so designated.

9           “(E) MANAGEMENT.—

10           “(i) IN GENERAL.—The segments des-  
11           ignated by subparagraph (A) shall be managed  
12           in accordance with the Management Plan.

13           “(ii) FEDERAL ROLE.—

14           “(I) IN GENERAL.—The Director of  
15           the National Park Service (or a designee)  
16           shall represent the Secretary in the imple-  
17           mentation of the Management Plan and  
18           this paragraph (including the review, re-  
19           quired under section 7(a), of proposed fed-  
20           erally-assisted water resources projects  
21           that could have a direct and adverse effect  
22           on the values for which the segments were  
23           designated and authorized).

24           “(II) ASSISTANCE.—To assist in the  
25           implementation of the Management Plan

1 and to carry out this paragraph, the Sec-  
2 retary may provide technical assistance,  
3 staff support, and funding at a cost to the  
4 Federal Government in an amount, in the  
5 aggregate, of not to exceed \$150,000 for  
6 each fiscal year.

7 “(iii) COOPERATIVE AGREEMENTS.—Any  
8 cooperative agreement entered into under sec-  
9 tion 10(e) relating to any of the segments des-  
10 ignated by subparagraph (A)—

11 “(I) shall be consistent with the Man-  
12 agement Plan; and

13 “(II) may include provisions for finan-  
14 cial or other assistance from the United  
15 States to facilitate the long-term protec-  
16 tion, conservation, and enhancement of the  
17 segments.

18 “(iv) STATE REQUIREMENTS.—State and  
19 local zoning laws and ordinances, as in effect on  
20 the date of enactment of this paragraph, shall  
21 be considered to satisfy the standards and re-  
22 quirements under section 6(c).

23 “(v) NATIONAL PARK SYSTEM.—Notwith-  
24 standing section 10(c), any portion of a seg-  
25 ment designated by subparagraph (A) that is

1 not in the National Park System as of the date  
2 of enactment of this paragraph shall not, under  
3 this paragraph—

4 “(I) be considered a part of the Na-  
5 tional Park System;

6 “(II) be managed by the National  
7 Park Service; or

8 “(III) be subject to laws (including  
9 regulations) that govern the National Park  
10 System.

11 “(vi) NO LAND ACQUISITION.—The Fed-  
12 eral Government shall not acquire, by any  
13 means, any right or title in or to land, any  
14 easement, or any other interest for the purpose  
15 of carrying out this paragraph.”.

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