

Calendar No. 787

110TH CONGRESS
2D SESSION

S. 868

[Report No. 110–355]

To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2007

Mr. KENNEDY (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

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

A BILL

To amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts 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. TAUNTON RIVER, MASSACHUSETTS.**

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

4 (1) by redesignating paragraph (167) (relating
5 to the Musconetcong River, New Jersey) as para-
6 graph (169);

7 (2) by designating the undesignated paragraph
8 relating to the White Salmon River, Washington, as
9 paragraph (167);

10 (3) by designating the undesignated paragraph
11 relating to the Black Butte River, California, as
12 paragraph (168); and

13 (4) by adding at the end the following:

14 “(170) TAUNTON RIVER, MASSACHUSETTS.—

15 The segment downstream from the headwaters, from
16 the confluence of the Town River and the Matfield
17 River in Bridgewater to the Mount Hope Bay in the
18 city of Fall River, Massachusetts.”

19 **SECTION 1. DESIGNATION OF TAUNTON RIVER, MASSACHU-**
20 **SETTS.**

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

24 “(171) TAUNTON RIVER, MASSACHUSETTS.—The
25 main stem of the Taunton River from its headwaters
26 at the confluence of the Town and Matfield Rivers in

1 *the Town of Bridgewater downstream 40 miles to the*
 2 *confluence with the Quequechan River at the Route*
 3 *195 Bridge in the City of Fall River, to be adminis-*
 4 *tered by the Secretary of the Interior in cooperation*
 5 *with the Taunton River Stewardship Council as fol-*
 6 *lows:*

7 “(A) *The 18-mile segment from the con-*
 8 *fluence of the Town and Matfield Rivers to Route*
 9 *24 in the Town of Raynham, as a scenic river.*

10 “(B) *The 5-mile segment from Route 24 to*
 11 *0.5 miles below Weir Bridge in the City of Taun-*
 12 *ton, as a recreational river.*

13 “(C) *The 8-mile segment from 0.5 miles*
 14 *below Weir Bridge to Muddy Cove in the Town*
 15 *of Dighton, as a scenic river.*

16 “(D) *The 9-mile segment from Muddy Cove*
 17 *to the confluence with the Quequechan River at*
 18 *the Route 195 Bridge in the City of Fall River,*
 19 *as a recreational river.”.*

20 **SEC. 2. MANAGEMENT OF TAUNTON RIVER, MASSACHU-**
 21 **SETTS.**

22 *(a) TAUNTON RIVER STEWARDSHIP PLAN.—*

23 *(1) IN GENERAL.—Each river segment des-*
 24 *ignated by section 3(a)(171) of the Wild and Scenic*
 25 *Rivers Act (as added by section 1) shall be managed*

1 *in accordance with the Taunton River Stewardship*
 2 *Plan, dated July 2005 (including any amendment to*
 3 *the Taunton River Stewardship Plan that the Sec-*
 4 *retary of the Interior (referred to in this section as*
 5 *the “Secretary”) determines to be consistent with this*
 6 *Act).*

7 (2) *EFFECT.—The Taunton River Stewardship*
 8 *Plan described in paragraph (1) shall be considered*
 9 *to satisfy each requirement relating to the comprehen-*
 10 *sive management plan required under section 3(d) of*
 11 *the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).*

12 (b) *COOPERATIVE AGREEMENTS.—To provide for the*
 13 *long-term protection, preservation, and enhancement of*
 14 *each river segment designated by section 3(a)(171) of the*
 15 *Wild and Scenic Rivers Act (as added by section 1), pursu-*
 16 *ant to sections 10(e) and 11(b)(1) of the Wild and Scenic*
 17 *Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Sec-*
 18 *retary may enter into cooperative agreements (which may*
 19 *include provisions for financial and other assistance)*
 20 *with—*

21 (1) *the Commonwealth of Massachusetts (includ-*
 22 *ing political subdivisions of the Commonwealth of*
 23 *Massachusetts);*

24 (2) *the Taunton River Stewardship Council; and*

1 (3) *any appropriate nonprofit organization, as*
 2 *determined by the Secretary.*

3 (c) *RELATION TO NATIONAL PARK SYSTEM.—Notwith-*
 4 *standing section 10(c) of the Wild and Scenic Rivers Act*
 5 *(16 U.S.C. 1281(c)), each river segment designated by sec-*
 6 *tion 3(a)(171) of the Wild and Scenic Rivers Act (as added*
 7 *by section 1) shall not be—*

8 (1) *administered as a unit of the National Park*
 9 *System; or*

10 (2) *subject to the laws (including regulations)*
 11 *that govern the administration of the National Park*
 12 *System.*

13 (d) *LAND MANAGEMENT.—*

14 (1) *ZONING ORDINANCES.—The zoning ordi-*
 15 *nances adopted by the Towns of Bridgewater, Hali-*
 16 *fax, Middleborough, Raynham, Berkley, Dighton,*
 17 *Freetown, and Somerset, and the Cities of Taunton*
 18 *and Fall River, Massachusetts (including any provi-*
 19 *sion of the zoning ordinances relating to the conserva-*
 20 *tion of floodplains, wetlands, and watercourses associ-*
 21 *ated with any river segment designated by section*
 22 *3(a)(171) of the Wild and Scenic Rivers Act (as*
 23 *added by section 1)), shall be considered to satisfy*
 24 *each standard and requirement described in section*

1 6(c) of the Wild and Scenic Rivers Act (16 U.S.C.
2 1277(c)).

3 (2) *VILLAGES.*—For the purpose of section 6(c)
4 of the Wild and Scenic Rivers Act (16 U.S.C.
5 1277(c)), each town described in paragraph (1) shall
6 be considered to be a village.

7 (3) *ACQUISITION OF LAND.*—

8 (A) *LIMITATION OF AUTHORITY OF SEC-*
9 *RETARY.*—With respect to each river segment
10 designated by section 3(a)(171) of the Wild and
11 Scenic Rivers Act (as added by section 1), the
12 Secretary may only acquire parcels of land—

13 (i) by donation; or

14 (ii) with the consent of the owner of the
15 parcel of land.

16 (B) *PROHIBITION RELATING TO ACQUISSI-*
17 *TION OF LAND BY CONDEMNATION.*—In accord-
18 ance with section 6(c) of the Wild and Scenic
19 Rivers Act (16 U.S.C. 1277(c)), with respect to
20 each river segment designated by section
21 3(a)(171) of the Wild and Scenic Rivers Act (as
22 added by section 1), the Secretary may not ac-
23 quire any parcel of land by condemnation.

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