

106TH CONGRESS
1ST SESSION

H. R. 2317

To designate a portion of the Delaware River and associated tributaries
as a component of the National Wild and Scenic Rivers System.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 1999

Mr. GREENWOOD (for himself, Mrs. ROUKEMA, and Mr. HOLT) introduced the
following bill; which was referred to the Committee on Resources

A BILL

To designate a portion of the Delaware River and associated
tributaries 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 “Lower Delaware Wild
5 and Scenic Rivers Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that the following:

8 (1) Public Law 102–460 directed the Secretary
9 of the Interior to conduct a study of the eligibility
10 and suitability of the lower Delaware River in co-

1 operation and consultation with appropriate Federal,
2 State, regional, and local agencies, including, but not
3 limited to, the Pennsylvania Department of Con-
4 servation and Natural Resources, the New Jersey
5 Department of Environmental Protection, the Dela-
6 ware and Lehigh Navigation Canal National Herit-
7 age Corridor Commission, and the Delaware and
8 Raritan Canal Commission.

9 (2) During the study, the Lower Delaware Wild
10 and Scenic River Study Task Force and the Na-
11 tional Park Service prepared a river management
12 plan for the study area, entitled “Lower Delaware
13 River Management Plan”, dated August 1997, which
14 establishes goals and actions that will ensure long-
15 term protection of the river’s outstanding values and
16 compatible management of their land and water re-
17 sources. Twenty-four municipalities along segments
18 of the Delaware River eligible for designation passed
19 resolutions supporting the Lower Delaware River
20 Management Plan, agreeing to take action as appro-
21 priate to implement the goals of the plan, and en-
22 dorsing designation of the river.

23 (3) Segments of the lower Delaware River and
24 its tributaries, the Paulinskill River, Cook’s Creek,
25 Tinicum Creek, Tohickon Creek, and Paunacussing

1 Creek are eligible for inclusion into the National
2 Wild and Scenic Rivers System—

3 (A) SEGMENT A.—The segment from the
4 Delaware Water Gap to the toll bridge con-
5 necting Columbia, New Jersey, and Portland,
6 Pennsylvania (approximately 9.2 miles, 14.8 kil-
7 ometers)—Recreational.

8 (B) SEGMENT B.—The segment from Erie
9 Lackawann railroad bridge to the southern tip
10 of Dildine Island (approximately 3.6 miles, 5.8
11 kilometers)—Recreational.

12 (C) SEGMENT C.—The segment from the
13 southern tip of Mack Island to the northern
14 border of the town of Belvidere, New Jersey
15 (approximately 2 miles, 3.2 kilometers)—Rec-
16 reational.

17 (D) SEGMENT D.—The segment from the
18 southern border of the town of Belvidere, New
19 Jersey, to the northern border of the city of
20 Easton, Pennsylvania, excluding river mile
21 196.0 to 193.8 (approximately 12.5 miles, 20.1
22 kilometers)—Recreational.

23 (E) SEGMENT E.—The segment from the
24 southern border of the town of Phillipsburg,
25 New Jersey, to a point just north of Gilbert

1 generating station (approximately 9.5 miles,
2 15.2 kilometers)—Recreational.

3 (F) SEGMENT F.—The segment point just
4 south of the Gilbert generating station to a
5 point just north of the Point Pleasant pumping
6 station (approximately 14.2 miles, 22.8 kilo-
7 meters)—Recreational.

8 (G) SEGMENT G.—The segment from the
9 point just south of the Point Pleasant pumping
10 station to a point 1,000 feet north of the Route
11 202 bridge (approximately 6.3 miles, 10.1 kilo-
12 meters)—Recreational.

13 (H) SEGMENT H.—The segment from a
14 point 1,750 feet south of the Route 202 bridge
15 to the southern border of the town of New
16 Hope, Pennsylvania (approximately 1.9 miles,
17 3.0 kilometers)—Recreational.

18 (I) SEGMENT I.—The segment from the
19 southern boundary of the town of New Hope,
20 Pennsylvania, to the town of Washington Cross-
21 ing, Pennsylvania (approximately 6 miles, 9.7
22 kilometers)—Recreational.

23 (J) SEGMENT J.—Paulinskill River in
24 Knowlton Township (approximately 2.4 miles,
25 3.8 kilometers)—Recreational.

1 (K) SEGMENT K.—Cook’s Creek (approx-
2 imately 3.5 miles, 5.6 kilometers)—Scenic.

3 (L) SEGMENT L.—Tinicum Creek (ap-
4 proximately 15.9 miles, 25.6 kilometers)—Sce-
5 nic.

6 (M) SEGMENT M.—Tohickon Creek (ap-
7 proximately 25.6 miles, 41.2 kilometers)—Sce-
8 nic.

9 (N) SEGMENT N.—Paunacussing Creek in
10 Solebury Township (approximately 3 miles, 4.8
11 kilometers)—Recreational.

12 **SEC. 3. DESIGNATION.**

13 Section 3(a) of the Wild and Scenic Rivers Act (16
14 U.S.C. 1274(a)) is amended by adding at the end the fol-
15 lowing new paragraphs:

16 “() LOWER DELAWARE RIVER AND ASSOCI-
17 ATED TRIBUTARIES, NEW JERSEY AND PENNSYLV-
18 ANIA.—

19 “(A) The 65.6 miles of river segments in
20 New Jersey and Pennsylvania consisting of:

21 “(i) The segment from river mile
22 193.8 to the northern border of the city of
23 Easton, Pennsylvania (approximately 10.5
24 miles, 16.9 kilometers), to be administered

1 by the Secretary of the Interior as a rec-
2 reational river.

3 “(ii) The segment from a point just
4 south of the Gilbert generating station to
5 a point just north of the Point Pleasant
6 pumping station (approximately 14.2
7 miles, 22.8 kilometers), to be administered
8 by the Secretary of the Interior as a rec-
9 reational river.

10 “(iii) The segment from a point just
11 south of the Point Pleasant pumping sta-
12 tion to a point 1,000 feet north of the
13 Route 202 bridge (approximately 6.3 miles,
14 10.1 kilometers), to be administered by the
15 Secretary of the Interior as a recreational
16 river.

17 “(iv) The segment from a point 1,750
18 feet south of the Route 202 bridge to the
19 southern border of the town of New Hope,
20 Pennsylvania (approximately 1.9 miles, 3.0
21 kilometers), to be administered by the Sec-
22 retary of the Interior as a recreational
23 river.

24 “(v) The segment from the southern
25 boundary of the town of New Hope, Penn-

1 sylvania, to the town of Washington Cross-
2 ing, Pennsylvania (approximately 6 miles,
3 9.7 kilometers), to be administered by the
4 Secretary of the Interior as a recreational
5 river.

6 “(vi) Tinicum Creek (approximately
7 14.7 miles, 23.7 kilometers), to be admin-
8 istered by the Secretary of the Interior as
9 a scenic river.

10 “(vii) Tohickon Creek from the Lake
11 Nockamixon Dam to the Delaware River
12 (approximately 10.7 miles, 17.2 kilo-
13 meters), to be administered by the Sec-
14 retary of the Interior as a scenic river.

15 “(viii) Paunacussing Creek in
16 Solebury Township (approximately 3 miles,
17 4.8 kilometers), to be administered by the
18 Secretary of the Interior as a recreational
19 river.

20 “(B) The segments designated by this
21 paragraph shall be administered by the Sec-
22 retary of the Interior as components of the Na-
23 tional Park System in cooperation with appro-
24 priate Federal, State, regional, and local agen-
25 cies, including the New Jersey Department of

1 Environmental Protection, the Pennsylvania
2 Department of Conservation and Natural Re-
3 sources, the Delaware and Lehigh Navigation
4 Canal Heritage Corridor Commission, the Dela-
5 ware and Raritan Canal Commission, and the
6 Delaware River Greenway Partnership. The
7 segments shall be managed in accordance with
8 the plan entitled ‘Lower Delaware River Man-
9 agement Plan’. Such plan shall be deemed to
10 satisfy the requirements for a comprehensive
11 management plan under section 3(d).”.

12 **SEC. 4. MANAGEMENT.**

13 (a) FEDERAL ROLE.—(1) The Secretary of the Inte-
14 rior acting through the Director of the National Park
15 Service, shall carry out the Lower Delaware River Man-
16 agement Plan and the provisions of this Act and the Wild
17 and Scenic Rivers Act with respect to each of the segments
18 designated by section 3, including the review of proposed
19 federally assisted water resources projects that could have
20 a direct and adverse effect on the values for which the
21 segment is established, as authorized under section 7(a)
22 of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).
23 In determining whether a proposed water resources
24 project would have a direct and adverse effect on the val-
25 ues for which the segments are designated were included

1 in the National Wild and Scenic Rivers System, the Sec-
2 retary, acting through the Director, shall specifically con-
3 sider the extent to which the project is consistent with the
4 Lower Delaware River Management Plan.

5 (2) Pursuant to sections 10(e) and 11(b) of the Wild
6 and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)),
7 the Secretary of the Interior, acting through the Director
8 of the National Park Service, may enter into cooperative
9 agreements with the States of New Jersey and Pennsyl-
10 vania and other organizations as appropriate. Such coop-
11 erative agreements shall be consistent with the Lower
12 Delaware River Management Plan and may include provi-
13 sions for financial or other assistance from the United
14 States to facilitate the long-term protection, conservation,
15 and enhancement of each of the segments designated by
16 section 3 of this Act.

17 (3) The Secretary of the Interior, acting through the
18 Director, may provide technical assistance, staff support,
19 and funding to assist in the implementation of the Lower
20 Delaware River Management Plan.

21 (b) LAND MANAGEMENT.—The Secretary of the Inte-
22 rior, acting through the Director of the National Park
23 Service, may provide planning, financial, and technical as-
24 sistance to municipalities through which designated river
25 segments flow to assist in their implementation of actions

1 to protect the natural, economic, and historic resources of
2 the Lower Delaware River corridor. After adoption of rec-
3 ommendations made in section III of the management
4 plan, the zoning ordinances of the municipalities bordering
5 the segments shall be considered to satisfy the standards
6 and requirements under section 6(c) prohibiting the Sec-
7 retary from acquiring lands through condemnation for the
8 purposes of including the lands in the designated segments
9 of the river area where such lands are located within any
10 incorporated municipality which has in force and applica-
11 ble to such lands duly adopted, valid zoning ordinances
12 that conform with the purposes of the Wild and Scenic
13 Rivers Act (16 U.S.C. 1221 and following).

14 (c) SEGMENT ADDITIONS.—The Secretary of the In-
15 terior, acting through the Director of the National Park
16 Service, is encouraged to continue to work with the local
17 municipalities to negotiate agreement and support for des-
18 ignating those segments of the Delaware River and its
19 tributaries which were found eligible for designation pur-
20 suant to Public Law 102–460 and were not designated
21 pursuant to this Act. If within 3 years of enactment of
22 this Act, 1 or more of such additional river segments are
23 certified by the Secretary of the Interior as suitable for
24 designation into the National Wild and Scenic Rivers Sys-
25 tem, the Secretary shall publish in the Federal Register

1 a notice of the designation of the segment, and upon such
2 publication the segment shall thereby be designated as a
3 recreational river or scenic river, as the case may be,
4 under section 3(a) of the Wild and Scenic River Act (16
5 U.S.C. 1274(a)).

6 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this Act.

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