

Union Calendar No. 474

106TH CONGRESS
2^D SESSION

H. R. 3520

[Report No. 106-813]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 2000

Mr. PITTS introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 6, 2000

Additional sponsors: Mr. CASTLE and Mr. ANDREWS

SEPTEMBER 6, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on January 24, 2000]

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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “White Clay Creek Wild*
3 *and Scenic Rivers System Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 (1) *Public Law 102–215 (105 Stat. 1664) di-*
7 *rected the Secretary of the Interior, in cooperation*
8 *and consultation with appropriate State and local*
9 *governments and affected landowners, to conduct a*
10 *study of the eligibility and suitability of White Clay*
11 *Creek, Delaware and Pennsylvania, and the tribu-*
12 *taries of the creek for inclusion in the National Wild*
13 *and Scenic Rivers System;*

14 (2) *as a part of the study described in paragraph*
15 *(1), the White Clay Creek Wild and Scenic Study*
16 *Task Force and the National Park Service prepared*
17 *a watershed management plan for the study area en-*
18 *titled “White Clay Creek and Its Tributaries Water-*
19 *shed Management Plan”, dated May 1998, that estab-*
20 *lishes goals and actions to ensure the long-term pro-*
21 *tection of the outstanding values of, and compatible*
22 *management of land and water resources associated*
23 *with, the watershed; and*

24 (3) *after completion of the study described in*
25 *paragraph (1), Chester County, Pennsylvania, New*
26 *Castle County, Delaware, Newark, Delaware, and 12*

1 *Pennsylvania municipalities located within the wa-*
2 *tershed boundaries passed resolutions that—*

3 *(A) expressed support for the White Clay*
4 *Creek Watershed Management Plan;*

5 *(B) expressed agreement to take action to*
6 *implement the goals of the Plan; and*

7 *(C) endorsed the designation of the White*
8 *Clay Creek and the tributaries of the creek for*
9 *inclusion in the National Wild and Scenic Riv-*
10 *ers System.*

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

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

15 “(162) *WHITE CLAY CREEK, DELAWARE AND PENN-*
16 *SYLVANIA.—The 190 miles of river segments of White Clay*
17 *Creek (including tributaries of White Clay Creek and all*
18 *second order tributaries of the designated segments) in the*
19 *States of Delaware and Pennsylvania, as depicted on the*
20 *recommended designation and classification maps (dated*
21 *June 2000), to be administered by the Secretary of the Inte-*
22 *rior, as follows:*

23 “(A) *30.8 miles of the east branch, including*
24 *Trout Run, beginning at the headwaters within West*
25 *Marlborough township downstream to a point that is*

1 500 feet north of the Borough of Avondale wastewater
2 treatment facility, as a recreational river.

3 “(B) 15.0 miles of the east branch beginning at
4 the southern boundary line of the Borough of
5 Avondale to a point where the East Branch enters
6 New Garden Township at the Franklin Township
7 boundary line, including Walnut Run and Broad
8 Run outside the boundaries of the White Clay Creek
9 Preserve, as a recreational river.

10 “(C) 4.0 miles of the east branch that flow
11 through the boundaries of the White Clay Creek Pre-
12 serve, Pennsylvania, beginning at the northern bound-
13 ary line of London Britain township and downstream
14 to the confluence of the middle and east branches, as
15 a scenic river.

16 “(D) 6.8 miles of the middle branch, beginning
17 at the headwaters within Londonderry township
18 downstream to a point that is 500 feet north of the
19 Borough of West Grove wastewater treatment facility,
20 as a recreational river.

21 “(E) 14 miles of the middle branch, beginning at
22 a point that is 500 feet south of the Borough of West
23 Grove wastewater treatment facility downstream to
24 the boundary of the White Clay Creek Preserve in
25 London Britain township, as a recreational river.

1 “(F) 2.1 miles of the middle branch that flow
2 within the boundaries of the White Clay Creek Pre-
3 serve in London Britain township, as a scenic river.

4 “(G) 17.2 miles of the west branch, beginning at
5 the headwaters within Penn township downstream to
6 the confluence with the middle branch, as a rec-
7 reational river.

8 “(H) 12.7 miles of the main stem, excluding
9 Lamborn Run, that flow through the boundaries of
10 the White Clay Creek Preserve, Pennsylvania and
11 Delaware, and White Clay Creek State Park, Dela-
12 ware, beginning at the confluence of the east and mid-
13 dle branches in London Britain township, Pennsyl-
14 vania, downstream to the northern boundary line of
15 the city of Newark, Delaware, as a scenic river.

16 “(I) 5.4 miles of the main stem (including all
17 second order tributaries outside the boundaries of the
18 White Clay Creek Preserve and White Clay Creek
19 State Park), beginning at the confluence of the east
20 and middle branches in London Britain township,
21 Pennsylvania, downstream to the northern boundary
22 of the city of Newark, Delaware, as a recreational
23 river.

1 “(J) 16.8 miles of the main stem beginning at
2 *Paper Mill Road* downstream to the *Old Route 4*
3 *bridge*, as a recreational river.

4 “(K) 4.4 miles of the main stem beginning at the
5 *southern boundary of the property of the corporation*
6 *known as United Water Delaware* downstream to the
7 *confluence of White Clay Creek with the Christina*
8 *River*, as a recreational river.

9 “(L) 1.3 miles of *Middle Run* outside the bound-
10 *aries of the Middle Run Natural Area*, as a rec-
11 *reational river*.

12 “(M) 5.2 miles of *Middle Run* that flow within
13 *the boundaries of the Middle Run Natural Area*, as a
14 *scenic river*.

15 “(N) 15.6 miles of *Pike Creek*, as a recreational
16 *river*.

17 “(O) 38.7 miles of *Mill Creek*, as a recreational
18 *river*.”.

19 **SEC. 4. BOUNDARIES.**

20 *With respect to each of the segments of White Clay*
21 *Creek and its tributaries designated by the amendment*
22 *made by section 3, in lieu of the boundaries provided for*
23 *in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C.*
24 *1274(b)), the boundaries of the segment shall be 250 feet*

1 *as measured from the ordinary high water mark on both*
2 *sides of the segment.*

3 **SEC. 5. ADMINISTRATION.**

4 (a) *BY SECRETARY OF THE INTERIOR.*—*The segments*
5 *designated by the amendment made by section 3 shall be*
6 *administered by the Secretary of the Interior (referred to*
7 *in this Act as the “Secretary”), in cooperation with the*
8 *White Clay Creek Watershed Management Committee as*
9 *provided for in the plan prepared by the White Clay Creek*
10 *Wild and Scenic Study Task Force and the National Park*
11 *Service, entitled “White Clay Creek and Its Tributaries Wa-*
12 *tershed Management Plan” and dated May 1998 (referred*
13 *to in this Act as the “Management Plan”).*

14 (b) *REQUIREMENT FOR COMPREHENSIVE MANAGE-*
15 *MENT PLAN.*—*The Management Plan shall be considered to*
16 *satisfy the requirements for a comprehensive management*
17 *plan under section 3(d) of the Wild and Scenic Rivers Act*
18 *(16 U.S.C. 1274(d)).*

19 (c) *COOPERATIVE AGREEMENTS.*—*In order to provide*
20 *for the long-term protection, preservation, and enhancement*
21 *of the segments designated by the amendment made by sec-*
22 *tion 3, the Secretary shall offer to enter into a cooperative*
23 *agreement pursuant to sections 10(e) and 11(b)(1) of the*
24 *Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1))*

1 *with the White Clay Creek Watershed Management Com-*
2 *mittee as provided for in the Management Plan.*

3 **SEC. 6. FEDERAL ROLE IN MANAGEMENT.**

4 (a) *IN GENERAL.*—*The Director of the National Park*
5 *Service (or a designee) shall represent the Secretary in the*
6 *implementation of the Management Plan, this Act, and the*
7 *Wild and Scenic Rivers Act with respect to each of the seg-*
8 *ments designated by the amendment made by section 3, in-*
9 *cluding the review, required under section 7(a) of the Wild*
10 *and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed fed-*
11 *erally-assisted water resources projects that could have a di-*
12 *rect and adverse effect on the values for which the segment*
13 *is designated.*

14 (b) *ASSISTANCE.*—*To assist in the implementation of*
15 *the Management Plan, this Act, and the Wild and Scenic*
16 *Rivers Act with respect to each of the segments designated*
17 *by the amendment made by section 3, the Secretary may*
18 *provide technical assistance, staff support, and funding at*
19 *a cost to the Federal Government in an amount, in the ag-*
20 *gregate, of not to exceed \$150,000 for each fiscal year.*

21 (c) *COOPERATIVE AGREEMENTS.*—*Any cooperative*
22 *agreement entered into under section 10(e) of the Wild and*
23 *Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of*
24 *the segments designated by the amendment made by section*
25 *3—*

1 (1) shall be consistent with the Management
2 Plan; and

3 (2) may include provisions for financial or other
4 assistance from the United States to facilitate the
5 long-term protection, conservation, and enhancement
6 of the segments.

7 (d) NATIONAL PARK SYSTEM.—Notwithstanding sec-
8 tion 10(c) of the Wild and Scenic Rivers Act (16 U.S.C.
9 1281(c)), any portion of a segment designated by the
10 amendment made by section 3 that is not in the National
11 Park System as of the date of the enactment of this Act
12 shall not, under this Act—

13 (1) be considered a part of the National Park
14 System;

15 (2) be managed by the National Park Service; or

16 (3) be subject to laws (including regulations)
17 that govern the National Park System.

18 **SEC. 7. STATE REQUIREMENTS.**

19 State and local zoning laws and ordinances, as in ef-
20 fect on the date of the enactment of this Act, shall be consid-
21 ered to satisfy the standards and requirements under section
22 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c))
23 with respect to the segment designated by the amendment
24 made by section 3.

1 **SEC. 8. NO LAND ACQUISITION.**

2 *The Federal Government shall not acquire, by any*
3 *means, any right or title in or to land, any easement, or*
4 *any other interest along the segments designated by the*
5 *amendment made by section 3 for the purpose of carrying*
6 *out the amendment or this Act.*

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