

106TH CONGRESS
2^D SESSION

S. 1849

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2000

Referred to the Committee on Resources

AN ACT

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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

21 (3) after completion of the study described in
22 paragraph (1), Chester County, Pennsylvania, New
23 Castle County, Delaware, Newark, Delaware, and 12
24 Pennsylvania municipalities located within the wa-
25 tershed boundaries passed resolutions that—

1 (A) expressed support for the White Clay
2 Creek Watershed Management Plan;

3 (B) expressed agreement to take action to
4 implement the goals of the Plan; and

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

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

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

13 “(161) WHITE CLAY CREEK, DELAWARE AND PENN-
14 SYLVANIA.—

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

22 “(i) 30.8 miles of the east branch, includ-
23 ing Trout Run, beginning at the headwaters
24 within West Marlborough township downstream
25 to a point that is 500 feet north of the Borough

1 of Avondale wastewater treatment facility, as a
2 recreational river.

3 “(ii) 15.0 miles of the east branch begin-
4 ning at the southern boundary line of the Bor-
5 ough of Avondale to a point where the East
6 Branch enters New Garden Township at the
7 Franklin Township boundary line, including
8 Walnut Run and Broad Run outside the bound-
9 aries of the White Clay Creek Preserve, as a
10 recreational river.

11 “(iii) 4.0 miles of the east branch that flow
12 through the boundaries of the White Clay Creek
13 Preserve, Pennsylvania, beginning at the north-
14 ern boundary line of London Britain township
15 and downstream to the confluence of the middle
16 and east branches, as a scenic river.

17 “(iv) 20.9 miles of the middle branch, be-
18 ginning at the headwaters within Londonderry
19 township downstream to the boundary of the
20 White Clay Creek Preserve in London Britain
21 township, as a recreational river.

22 “(v) 2.1 miles of the west branch that flow
23 within the boundaries of the White Clay Creek
24 Preserve in London Britain township, as a sce-
25 nic river.

1 “(vi) 17.2 miles of the west branch, begin-
2 ning at the headwaters within Penn township
3 downstream to the confluence with the middle
4 branch, as a recreational river.

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

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

23 “(ix) 1.3 miles of Middle Run outside the
24 boundaries of the Middle Run Natural Area, as
25 a recreational river.

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

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

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

8 “(B) BOUNDARIES.—

9 “(i) IN GENERAL.—Except as provided in
10 clause (ii), in lieu of the boundaries provided
11 for in subsection (b), the boundaries of the seg-
12 ments shall be the greater of—

13 “(I) the 500-year floodplain; or

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

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

20 “(I) the areas described in section
21 4(a) of the White Clay Creek Wild and
22 Scenic Rivers Act; and

23 “(II) the properties, as generally de-
24 picted on the map entitled ‘White Clay
25 Creek Wild and Scenic River Study Area

1 Recommended Designated Area’, dated
2 June 1999, on which are located the sur-
3 face water intakes and water treatment
4 and wastewater treatment facilities of—

5 “(aa) the city of Newark, Dela-
6 ware;

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

9 “(cc) the borough of West Grove,
10 Pennsylvania.

11 “(C) ADMINISTRATION.—

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

22 **SEC. 4. SUBSEQUENT DESIGNATIONS.**

23 (a) IN GENERAL.—Churchman’s Marsh, Lamborn
24 Run, and the properties on which the intake structures
25 and pipelines for the proposed Thompson’s Station Res-

1 ervoir may be located shall be considered suitable for des-
2 igation as components of the National Wild and Scenic
3 Rivers System only at such time as those areas are re-
4 moved from consideration as locations for the reservoir
5 under the comprehensive plan of the Delaware River Basin
6 Commission.

7 (b) ASSISTANCE FOR SUBSEQUENT DESIGNA-
8 TIONS.—The Secretary of the Interior (hereinafter re-
9 ferred to as the “Secretary”) shall offer assistance to the
10 State of Delaware and New Castle County, Delaware, if
11 an area described in subsection (a) is designated a compo-
12 nent of the National Wild and Scenic Rivers System.

13 **SEC. 5. MANAGEMENT.**

14 (a) IN GENERAL.—In order to provide for the long-
15 term protection, preservation, and enhancement of White
16 Clay Creek and its tributaries, the Secretary shall offer
17 to enter into cooperative agreements pursuant to section
18 10(e) and section 11(b)(1) of the Wild and Scenic Rivers
19 Act (16 U.S.C. 1281(e) and 16 U.S.C. 1282(b)(1)) with
20 the White Clay Creek Watershed Management Committee
21 as provided for in the plan entitled “White Clay Creek
22 and its Tributaries Watershed Management Plan” and
23 dated May, 1998 (hereinafter referred to as the “manage-
24 ment plan”).

1 (b) FEDERAL ROLE.—(1) The Director of the Na-
2 tional Park Service (or a designee) shall represent the Sec-
3 retary in the implementation of the management plan and
4 this paragraph (including the review, required under sec-
5 tion 7(a) of the Wild and Scenic Rivers Act (16 U.S.C.
6 1278(a)), of proposed federally assisted water resources
7 projects that could have a direct and adverse effect on the
8 values for which the segments were designated and au-
9 thorized).

10 (2) To assist in the implementation of the manage-
11 ment plan and to carry out this Act, the Secretary may
12 provide technical assistance, staff support, and funding at
13 a cost to the Federal Government in an amount, in the
14 aggregate, of not to exceed \$150,000 for each fiscal year.

15 (c) COOPERATIVE AGREEMENTS.—Any cooperative
16 agreement entered into under section 10(e) of the Wild
17 and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any
18 of the segments designed by section 3—

19 (1) shall be consistent with the management
20 plan; and

21 (2) may include provisions for financial or other
22 assistance from the United States to facilitate the
23 long-term protection, conservation, and enhancement
24 of the segments.

1 (d) COMPREHENSIVE MANAGEMENT PLAN.—The
2 management plan shall be deemed to satisfy the require-
3 ments for a comprehensive management plan under sec-
4 tion 3(d) of the Wild and Scenic Rivers Act (16 U.S.C.
5 1274(d)).

6 (e) STATE REQUIREMENTS.—State and local zoning
7 laws and ordinances, as in effect on the date of enactment
8 of this Act, shall be considered to satisfy the standards
9 and requirements under section 6(c) of the Wild and Sce-
10 nic Rivers Act (16 U.S.C. 1277(c)).

11 (f) NATIONAL PARK SYSTEM.—Notwithstanding sec-
12 tion 10(c) of the Wild and Scenic Rivers Act (16 U.S.C.
13 1281(c)), any portion of a segment designated by section
14 3 that is not in the National Park System as of the date
15 of enactment of this Act shall not—

16 (1) be considered a part of the National Park
17 System;

18 (2) be managed by the National Park Service;

19 or

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

22 (g) NO LAND ACQUISITION.—The Federal Govern-
23 ment shall not acquire, by any means, any right or title

1 in or to land, any easement, or any other interest for the
2 purpose of carrying out this Act.

Passed the Senate April 13, 2000.

Attest:

GARY SISCO,
Secretary.