

Calendar No. 499

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
106-269

LAMPREY WILD AND SCENIC RIVER EXTENSION ACT

APRIL 12, 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 1615]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 1615) to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 1615 is to designate a 12-mile river segment of the Lamprey River in the State of New Hampshire as a component of the National Wild and Scenic Rivers System.

BACKGROUND AND NEED

The 1995 National Park Service study of the Lamprey River, in the State of New Hampshire, found that a total of 23.5 miles of the river qualified for designation as a component of the National Wild and Scenic Rivers System.

As part of the Omnibus Parks and Public lands Management Act of 1996 (Sec. 405 of Public Law 104-333), the Wild and Scenic Rivers Act was amended to designate an 11.5-mile segment of the river as a component of the system. The remaining 12-mile segment that runs through the Town of Epping, New Hampshire, was not included at that time because there was little local support for such action. The Town of Epping, however, has since voiced their support of the designation, and other locally based support has also been shown. H.R. 1615 would therefore complete the designation of

the entire Lamprey River segment found eligible for inclusion in the National Wild and Scenic River System.

LEGISLATIVE HISTORY

The House of Representatives passed H.R. 1615 on October 12, 1999. A similar bill, S. 972 was introduced by Senator Gregg on May 6, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 972 and H.R. 1615 on March 8, 2000. At its business meeting on April 5, 2000, the Committee on Energy and Natural Resources ordered H.R. 1615 to be favorably reported, without amendment.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on April 5, 2000, by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 1615 as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the Act's short title as the "Lamprey Wild and Scenic River Extension Act".

Section 2(a) amends the paragraph entitled "Lamprey River, New Hampshire" in section 3(a) of the Wild and Scenic Rivers Act by extending the 11.5-mile segment currently designated as a recreational river to a 23.5 mile segment from the Buniker Pond Dam to the confluence of the Piscassic River.

Subsection (b) amends section 405 of the Omnibus Parks and Public Lands Management Act of 1996 (P.L. 104-333) by including Epping, New Hampshire among the localities which have zoning ordinances that satisfy section 6(c) of the Wild and Scenic Rivers Act. The subsection also deletes the provision that authorizes the Secretary of the Interior to provide assistance to the town of Epping concerning potential future designation of the river as a component of the Wild and Scenic Rivers System.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 1615. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of H.R. 1615, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 1615, is set forth below:

U.S. DEPARTMENT OF INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC March 20, 2000.

Hon. FRANK MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter presents the Department's views on S. 972, a bill that adds a 12-mile segment of the Lamprey River in the Town of Epping, New Hampshire, to the portion of that river already designated as a recreational river under the National Wild and Scenic Rivers System. S. 972 also amends the text of the Wild and Scenic Rivers Act to include the specific management prescriptions that were enacted as freestanding provisions of the legislation that originally designated the Lamprey River.

The Department supports the purpose of this bill, however, it does not support the legislation as it is currently written. The Department prefers enactment of H.R. 1615, the House version of this legislation.

In 1991 the National Park Service, through Public Law 102-214, was directed to undertake a Wild and Scenic River study of a portion of New Hampshire's Lamprey River. In June of 1995, the NPS issued its findings in a draft study report. The NPS found the 23.5-mile segment of the Lamprey River, running from the Bunker Pond Dam in West Epping to the confluence of the Lamprey and Piscassic Rivers in the vicinity of the Newmarket-Durham town line, to be eligible for inclusion in the National Wild and Scenic Rivers System. Although 23.5 miles of the Lamprey River were found eligible for inclusion in the national system, there was then local support for designation of only the 11.5 miles running from the southern Lee Town line to the confluence with the Piscassic River. Due to the lack of local support for designation of the Epping Town segment, the NPS recommended that only the 11.5-mile segment of the Lamprey in Lee, Durham and Newmarket Towns be designated as a component of the Wild and Scenic Rivers System.

As part of the Omnibus Parks and Public Lands Management Act of 1996, that 11.5-mile segment of the Lamprey River was designated as a component of the National Wild and Scenic Rivers System. That act also recommended that the NPS continue to offer assistance to the Town of Epping regarding the potential future addition of the 12-mile eligible segment now contemplated for designation.

On March 16, 1999, the citizens of Epping voted overwhelmingly, at their annual Town Meeting to seek designation of their 12-mile segment of the Lamprey and to officially join with their downstream communities in Wild and Scenic designation. During Epping's deliberations, officials from Lee, Durham and Newmarket

strongly endorsed the wild and Scenic River designation and the program they are involved in to protect the Lamprey River. This support is based on the solid partnership that the designation has forged among local, state, and federal groups.

S. 972 completes the designation of the 23.5-mile Lamprey River segment found eligible for inclusion in the National Wild and Scenic Rivers System as presented in the NPS's draft study report of June 1995. The designation of this 12-mile segment, which now has strong local support, would more than double the mileage of the Lamprey included in the Wild and Scenic River System, and is an important step toward preserving this special resource.

The Wild and Scenic Rivers Act provides management rules for rivers that are to be units of the National Park System or managed as part of a national park or national forest. When a river that is designated as part of the Wild and Scenic Rivers System is to be managed differently than the management outlined in the Wild and Scenic Rivers Act, those particular management prescriptions consistently has been adopted as free-standing provisions of the designation legislation. This legislative drafting has been down so as to keep the Wild and Scenic Rivers Act focused on designations and not the exceptions to the law. Separate legislation is effective in ensuring that the river is managed under an exception to the usual management prescriptions. Keeping the special management provisions separate also prevents confusion between generally appropriate management requirements that are contained in the Wild and Scenic Rivers Act and those that are provided in the independent legislation.

S. 972 amends the Wild and Scenic Rivers Act so that it includes the management prescriptions for the Lamprey Wild and Scenic River. These management prescriptions are specific to the Lamprey River and should be retained in this legislation that is specific to the Lamprey. The language of H.R. 1615 accomplishes this goal by only amending the Wild and Scenic Rivers Act to include the additional river mileage to be added to the Lamprey Wild and Scenic River designation. H.R. 1615 leaves intact the Lamprey's unique management prescriptions enacted in Public Law 104-333, Division I, Section 405(b), keeping the specific management for the Lamprey independent from the Wild and Scenic Rivers Act. Thus, the Department supports enactment of H.R. 1615 instead of S. 972.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DON BARRY,
*Assistant Secretary for Fish
and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 1615, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) * * *

* * * * *

(158) LAMPREY RIVER, NEW HAMPSHIRE.—The ~~11.5-mile segment extending from the southern Lee town line~~ *23.5-mile segment extending from the Bunker Pond Dam in Epping* to the confluence with the Piscassic River in the vicinity of the Durham-Newmarket town line (hereinafter in this paragraph referred to as the “segment”) as a recreational river. The segment shall be administered by the Secretary of the Interior through cooperation agreements between the Secretary and the State of New Hampshire and its relevant political subdivisions, namely the ~~towns of~~ *towns of Epping*, Durham, Lee, and Newmarket, pursuant to section 10(e) of this Act. The segment shall be managed in accordance with the Lamprey River Management Plan dated January 10, 1995, and such amendments thereto as the Secretary of the Interior determines are consistent with this Act. Such plan shall be deemed to satisfy the requirements for a comprehensive management plan pursuant to section 3(d) of this Act.

* * * * *

SECTION 405 OF THE OMNIBUS PARKS AND PUBLIC LANDS
MANAGEMENT ACT OF 1996

SEC. 405. LAMPREY WILD AND SCENIC RIVER.

(a) * * *

(b) MANAGEMENT.—

(1) * * *

(2) LAND MANAGEMENT.—The zoning ordinances duly adopted by the towns of *Epping*, Durham, Lee, and Newmarket, New Hampshire, including provisions for conservation of shorelands, floodplains, and wetlands associated with the segment, shall be deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act, and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segment designated by subsection (a). The authority of the Secretary to acquire lands for the purposes of this paragraph shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Lamprey River Management Plan.

(c) UPSTREAM SEGMENT.—Upon request by the town of Epping, which abuts an additional 12 miles of river found eligible for designation as a recreational river, the Secretary of the Interior shall offer assistance regarding continued involvement of the town of Epping in the implementation of the Lamprey River Management Plan and in consideration of potential future addition of that por-

tion of the river within Epping as a component of the Wild and Scenic Rivers System.】

