

109TH CONGRESS
2^D SESSION

S. 3723

To amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2006

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

A BILL

To amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes.

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 “Eightmile Wild and
5 Scenic River Act”.

6 **SEC. 2. WILD AND SCENIC RIVER DESIGNATION,**
7 **EIGHTMILE RIVER, CONNECTICUT.**

8 (a) FINDINGS.—Congress finds that—

1 (1) the Eightmile River Wild and Scenic River
2 Study Act of 2001 (Public Law 107–65; 115 Stat.
3 484) required the Secretary to complete a study of
4 the Eightmile River in the State of Connecticut from
5 its headwaters downstream to its confluence with the
6 Connecticut River for potential inclusion in the Na-
7 tional Wild and Scenic Rivers System;

8 (2) the segments of the Eightmile River that
9 were assessed in the study continue to be in a free-
10 flowing condition;

11 (3) the segments of the Eightmile River contain
12 outstanding resource values relating to—

13 (A) cultural landscapes;

14 (B) water quality;

15 (C) watershed hydrology;

16 (D) unique species;

17 (E) natural communities;

18 (F) geology; and

19 (G) watershed ecosystems;

20 (4) the Eightmile River Wild and Scenic Study
21 Committee has determined that—

22 (A) the outstanding resource values of
23 those segments of the Eightmile River depend
24 on the continued integrity and quality of the
25 Eightmile River watershed;

1 (B) those resource values that are mani-
2 fested throughout the entire watershed; and

3 (C) the continued protection of the entire
4 watershed is intrinsically important to the des-
5 ignation of the Eightmile River under this Act;

6 (5) the Eightmile River Wild and Scenic Study
7 Committee took a watershed approach in studying
8 and recommending management options for the river
9 segments and the Eightmile River watershed as a
10 whole;

11 (6) during the study, the Eightmile River Wild
12 and Scenic Study Committee prepared the Eightmile
13 River Management Plan to establish objectives,
14 standards, and action programs to ensure long-term
15 protection of the outstanding values of the river, and
16 compatible management of the land and water re-
17 sources of the Eightmile River and its watershed,
18 without Federal management of affected land not
19 owned by the United States;

20 (7) the Eightmile River Wild and Scenic Study
21 Committee—

22 (A) voted in favor of including the
23 Eightmile River in the National Wild and Sce-
24 nic Rivers System; and

1 (B) included that recommendation as an
2 integral part of the Eightmile River Watershed
3 Management Plan;

4 (8) the residents of the towns located adjacent
5 to the Eightmile River and comprising most of its
6 watershed, including Salem, East Haddam, and
7 Lyme, Connecticut, as well as the boards of select-
8 men and land use commissions of those towns,
9 voted—

10 (A) to endorse the Eightmile River Water-
11 shed Management Plan; and

12 (B) to seek designation of the river as a
13 component of the National Wild and Scenic
14 Rivers System.

15 (9) the General Assembly of the State of Con-
16 necticut enacted Public Act 05–18—

17 (A) to endorse the Eightmile River Water-
18 shed Management Plan; and

19 (B) to seek the designation of the
20 Eightmile River as a component of the National
21 Wild and Scenic Rivers System.

22 (b) DEFINITIONS.—In this Act:

23 (1) EIGHTMILE RIVER.—The term “Eightmile
24 River” means segments of the main stem and cer-
25 tain tributaries of the Eightmile River in the State

1 of Connecticut that are designated as components of
2 the National Wild and Scenic Rivers System by the
3 amendment made by subsection (c).

4 (2) MANAGEMENT PLAN.—The term “Manage-
5 ment Plan” means the plan prepared by the
6 Eightmile River Wild and Scenic Study Committee,
7 with assistance from the National Park Service,
8 known as the “Eightmile River Watershed Manage-
9 ment Plan”, and dated December 8, 2005.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (c) DESIGNATION.—Section 3(a) of the Wild and Sce-
13 nic Rivers Act (16 U.S.C. 1274(a)) is amended—

14 (1) by designating the undesignated paragraph
15 relating to the White Salmon River, Washington, fol-
16 lowing paragraph (166) as paragraph (167); and

17 (2) by adding at the end the following:

18 “(168) EIGHTMILE RIVER, CONNECTICUT.—The fol-
19 lowing segments in the Eightmile River in the State of
20 Connecticut, totaling approximately 25.3 miles, to be ad-
21 ministered by the Secretary of the Interior:

22 “(A) The 10.8-mile segment of the main stem
23 of the Eightmile River, from Lake Hayward Brook
24 to the Connecticut River at the mouth of Hamburg
25 Cove, as a scenic river.

1 “(B) The 8.0-mile segment of the East Branch
2 of the Eightmile River from Witch Meadow Road to
3 the main stem of the Eightmile River, as a scenic
4 river.

5 “(C) The 3.9-mile segment of Harris Brook
6 from the confluence of an unnamed stream lying
7 0.74 miles due east of the intersection of Hartford
8 Road (State Route 85) and Round Hill Road to the
9 East Branch of the Eightmile River, as a scenic
10 river.

11 “(D) The 1.9-mile segment of Beaver Brook
12 from Cedar Pond Brook to the main stem of the
13 Eightmile River, as a scenic river.

14 “(E) The 0.7-mile segment of Falls Brook from
15 Tisdale Brook to the main stem of the Eightmile
16 River at Hamburg Cove, as a scenic river.”.

17 (d) MANAGEMENT.—

18 (1) IN GENERAL.—The Secretary shall manage
19 the Eightmile River in accordance with the Manage-
20 ment Plan and such amendments to the Plan as the
21 Secretary determines to be consistent with this sec-
22 tion.

23 (2) MANAGEMENT PLAN.—The Management
24 Plan shall be considered to satisfy each requirement
25 for a comprehensive management plan that is re-

1 quired by section 3(d) of the Wild and Scenic Rivers
2 Act (16 U.S.C. 1274(d)).

3 (e) COMMITTEE.—The Secretary shall coordinate the
4 management responsibilities of the Secretary relating to
5 the Eightmile River with the Eightmile River Coordinating
6 Committee, as described in the Management Plan.

7 (f) COOPERATIVE AGREEMENTS.—

8 (1) IN GENERAL.—Pursuant to sections 10(e)
9 and 11(b)(1) of the Wild and Scenic Rivers Act (16
10 U.S.C. 1281(e), 1282(b)(1)), the Secretary may
11 enter into a cooperative agreement with—

12 (A) the State of Connecticut;

13 (B) the towns of—

14 (i) Salem, Connecticut;

15 (ii) Lyme, Connecticut; and

16 (iii) East Haddam, Connecticut; and

17 (C) appropriate local planning and environ-
18 mental organizations.

19 (2) CONSISTENCY WITH MANAGEMENT PLAN.—

20 Each cooperative agreement authorized by this sub-
21 section—

22 (A) shall be consistent with the Manage-
23 ment Plan; and

24 (B) may include provisions for financial or
25 other assistance from the United States.

1 (g) RELATION TO NATIONAL PARK SYSTEM.—Not-
2 withstanding section 10(c) of the Wild and Scenic Rivers
3 Act (16 U.S.C. 1281(c)), the Eightmile River shall not—

4 (1) be administered as part of the National
5 Park System; or

6 (2) be subject to laws (including regulations)
7 that govern the National Park System.

8 (h) LAND MANAGEMENT.—

9 (1) ZONING ORDINANCES.—With respect to the
10 Eightmile River, each zoning ordinance adopted by
11 the towns of Salem, East Haddam, and Lyme, Con-
12 necticut, in effect as of December 8, 2005 (including
13 provisions for conservation of floodplains, wetland
14 and watercourses associated with the segments),
15 shall be considered to satisfy each standard and re-
16 quirement under section 6(c) of the Wild and Scenic
17 Rivers Act (16 U.S.C. 1277(c)).

18 (2) ACQUISITION OF LAND.—The authority of
19 the Secretary to acquire land for the purpose of
20 managing the Eightmile River as a component of the
21 National Wild and Scenic Rivers System shall be—

22 (A) limited to acquisition—

23 (i) by donation; or

24 (ii) with the consent of the owner of
25 the land; and

1 (B) subject to the additional criteria set
2 forth in the Management Plan.

3 (i) WATERSHED APPROACH.—

4 (1) STATEMENT OF POLICY.—In furtherance of
5 the watershed approach to resource preservation and
6 enhancement articulated in the Management Plan,
7 the tributaries of the Eightmile River watershed
8 specified in paragraph (2) are recognized as integral
9 to the protection and enhancement of the Eightmile
10 River and that watershed.

11 (2) COVERED TRIBUTARIES.—The tributaries
12 referred to in paragraph (1) include—

13 (A) Beaver Brook;

14 (B) Big Brook;

15 (C) Burnhams Brook;

16 (D) Cedar Pond Brook;

17 (E) Cranberry Meadow Brook;

18 (F) Early Brook;

19 (G) Falls Brook;

20 (H) Fraser Brook;

21 (I) Harris Brook;

22 (J) Hedge Brook Lake Hayward Brook;

23 (K) Malt House Brook;

24 (L) Muddy Brook;

25 (M) Ransom Brook;

- 1 (N) Rattlesnake Ledge Brook;
2 (O) Shingle Mill Brook;
3 (P) Strongs Brook;
4 (Q) Tisdale Brook;
5 (R) Witch Meadow Brook; and
6 (S) all other perennial streams within the
7 Eightmile River watershed.

8 (j) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as are nec-
10 essary to carry out this Act.

