

Calendar No. 561

105TH CONGRESS
2^D SESSION

S. 469

[Report No. 105-320]

To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1997

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

SEPTEMBER 9, 1998

Reported by Mr. MURKOWSKI, with an amendment
[Omit the part struck through and insert the part printed in *italie*]

A BILL

To designate a portion of the Sudbury, Assabet, and Concord Rivers 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 “Sudbury, Assabet, and
5 Concord Wild and Scenic Rivers Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Title VII of Public Law 101–628—

4 (A) designated segments of the Sudbury,
5 Assabet, and Concord Rivers in the Common-
6 wealth of Massachusetts, totaling 29 river
7 miles, for study and potential addition to the
8 National Wild and Scenic Rivers System; and

9 (B) directed the Secretary of the Interior
10 to establish the Sudbury, Assabet, and Concord
11 River Study Committee to advise the Secretary
12 of the Interior in conducting the study and the
13 consideration of management alternatives
14 should the river be included in the National
15 Wild and Scenic Rivers System.

16 (2) The study determined the following river
17 segments are eligible for inclusion in the National
18 Wild and Scenic Rivers System based on their free-
19 flowing condition and outstanding scenic, recreation,
20 wildlife, cultural, and historic values:

21 (A) The 16.6-mile segment of the Sudbury
22 River beginning at the Danforth Street Bridge
23 in the town of Framingham, to its confluence
24 with the Assabet River.

25 (B) The 4.4-mile segment of the Assabet
26 River from 1,000 feet downstream from the

1 Damon Mill Dam in the town of Concord to the
2 confluence with the Sudbury River at Egg Rock
3 in Concord.

4 (C) The 8-mile segment of the Concord
5 River from Egg Rock at the confluence of the
6 Sudbury and Assabet Rivers to the Route 3
7 bridge in the town of Billerica.

8 (3) The towns that directly abut the segments,
9 including Framingham, Sudbury, Wayland, Lincoln,
10 Concord, Bedford, Carlisle, and Billerica, Massachu-
11 setts, have each demonstrated their desire for Na-
12 tional Wild and Scenic River Designation through
13 town meeting votes endorsing designation.

14 (4) During the study, the Study Committee and
15 the National Park Service prepared a comprehensive
16 management plan for the segment, entitled “Sud-
17 bury, Assabet and Concord Wild and Scenic River
18 Study, River Conservation Plan”, dated March 16,
19 1995, which establishes objectives, standards, and
20 action programs that will ensure long-term protec-
21 tion of the rivers’ outstanding values and compatible
22 management of their land and water resources.

23 (5) The Study Committee voted unanimously on
24 February 23, 1995, to recommend that the Congress
25 include these segments in the National Wild and

1 Scenic Rivers System for management in accordance
2 with the River Conservation Plan.

3 **SEC. 3. DESIGNATION.**

4 Section 3(a) of the Wild and Scenic Rivers Act (16
5 U.S.C. 1274(a)) is amended by adding at the end the fol-
6 lowing new paragraph:

7 “() SUDBURY, ASSABET, AND CONCORD RIV-
8 ERS, MASSACHUSETTS.—The 29 miles of river seg-
9 ments in Massachusetts consisting of the Sudbury
10 River from the Danforth Street Bridge in Fra-
11 mingham downstream to its confluence with the
12 Assabet River at Egg Rock; the Assabet River from
13 a point 1,000 feet downstream of the Damondale
14 Dam in Concord to its confluence with the Sudbury
15 River at Egg Rock; and the Concord River from its
16 origin at Egg Rock in Concord downstream to the
17 Route 3 bridge in Billerica (in this paragraph re-
18 ferred to as the ‘segments’), as scenic and rec-
19 reational river segments. The segments shall be ad-
20 ministered by the Secretary of the Interior in co-
21 operation with the SUASCO River Stewardship

1 “() *SUDBURY, ASSABET AND CONCORD RIVERS,*
2 *MASSACHUSETTS.—The 29 miles of river segments in*
3 *Massachusetts, as follows—*

4 “(A) *the 14.9-mile segment of the Sudbury*
5 *River beginning at the Danforth Street Bridge in*
6 *the town of Framingham, downstream to the*
7 *Route 2 Bridge in Concord, as a scenic river;*

8 “(B) *the 1.7-mile segment of the Sudbury*
9 *River from the Route 2 Bridge downstream to its*
10 *confluence with the Assabet River at Egg Rock,*
11 *as a recreational river;*

12 “(C) *the 4.4-mile segment of the Assabet*
13 *River beginning 1,000 feet downstream from the*
14 *Damon Mill Dam in the town of Concord, to its*
15 *confluence with the Sudbury River at Egg Rock*
16 *in Concord; as a recreational river; and*

17 “(D) *the 8-mile segment of the Concord*
18 *River from Egg Rock at the confluence of the*
19 *Sudbury and Assabet Rivers downstream to the*
20 *Route 3 Bridge in the town of Billerica, as a rec-*
21 *reational river.*

22 *The segments shall be administered by the Secretary*
23 *of the Interior in cooperation with the SUASCO*
24 *River Stewardship Council provided for in the plan*
25 *through cooperative agreements under section 10(e)*

1 between the Secretary and the Commonwealth of
2 Massachusetts and its relevant political subdivisions
3 (including the towns of Framingham, Wayland, Sud-
4 bury, Lincoln, Concord, Carlisle, Bedford, and Bil-
5 lERICA). The segments shall be managed in accord-
6 ance with the plan entitled ‘Sudbury, Assabet and
7 Concord Wild and Scenic River Study, River Con-
8 servation Plan’ dated March 16, 1995. The plan is
9 deemed to satisfy the requirement for a comprehen-
10 sive management plan under section 3(d).”.

11 **SEC. 4. MANAGEMENT.**

12 (a) FEDERAL ROLE.—(1) The Director of the Na-
13 tional Park Service or his or her designee shall represent
14 the Secretary in the implementation of the Plan and the
15 provisions of this Act and the Wild and Scenic Rivers Act
16 with respect to each of the segments designated by section
17 3, including the review of proposed federally assisted water
18 resources projects that could have a direct and adverse
19 effect on the values for which the segment is established,
20 as authorized under section 7(a) of the Wild and Scenic
21 Rivers Act (16 U.S.C. 1278(a)).

22 (2) Pursuant to sections 10(e) and section 11(b)(1)
23 of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e),
24 1282(b)(1)), the Director shall offer to enter into coopera-
25 tive agreements with the Commonwealth of Massachu-

1 setts, its relevant political subdivisions, the Sudbury Val-
2 ley Trustees, and the Organization for the Assabet River.
3 Such cooperative agreements shall be consistent with the
4 Plan and may include provisions for financial or other as-
5 sistance from the United States to facilitate the long-term
6 protection, conservation, and enhancement of each of the
7 segments designated by section 3 of this Act.

8 (3) The Director may provide technical assistance,
9 staff support, and funding to assist in the implementation
10 of the Plan, except that the total cost to the Federal Gov-
11 ernment of activities to implement the Plan may not ex-
12 ceed \$100,000 each fiscal year.

13 (4) Notwithstanding section 10(c) of the Wild and
14 Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a
15 segment not already within the National Park System
16 shall not under this Act—

17 (A) become a part of the National Park Sys-
18 tem;

19 (B) be managed by the National Park Service;
20 or

21 (C) be subject to regulations which govern the
22 National Park System.

23 (b) WATER RESOURCES PROJECTS.—(1) In deter-
24 mining whether a proposed water resources project would
25 have a direct and adverse effect on the values for which

1 the segments designated under section 3 were included in
2 the National Wild and Scenic Rivers System, the Sec-
3 retary shall specifically consider the extent to which the
4 project is consistent with the Plan.

5 (2) The Plan, including the detailed Water Resources
6 Study incorporated by reference therein and such addi-
7 tional analysis as may be incorporated in the future, shall
8 serve as the primary source of information regarding the
9 flows needed to maintain instream resources and potential
10 compatibility between resource protection and possible ad-
11 ditional water withdrawals.

12 (c) LAND MANAGEMENT.—(1) The zoning bylaws of
13 the towns in Framingham, Sudbury, Wayland, Lincoln,
14 Concord, Carlisle, Bedford, and Billerica, Massachusetts,
15 as in effect on the date of enactment of this Act, are
16 deemed to satisfy the standards and requirements under
17 section 6(c) of the Wild and Scenic rivers Act (16 U.S.C.
18 1277(c)). For the purpose of that section, the towns are
19 deemed to be “villages” and the provisions of that section
20 which prohibit Federal acquisition of lands through con-
21 demnation shall apply.

22 (2) The United States Government shall not acquire
23 by any means title to land, easements, or other interests
24 in land along the segments designated under section 3 or
25 their tributaries for the purposes of designation of the seg-

1 ments under section 3. Nothing in this Act shall prohibit
2 Federal acquisition of interests in land along those seg-
3 ments or tributaries under other laws for other purposes.

4 **SEC. 5. DEFINITIONS.**

5 In this Act:

6 (1) DIRECTOR.—The term “Director” means
7 the Director of the National Park Service.

8 (2) PLAN.—The term “Plan” means the plan
9 prepared by the Study Committee and the National
10 Park Service entitled “Sudbury, Assabet and Con-
11 cord Wild and Scenic River Study, River Conserva-
12 tion Plan” and dated March 16, 1995.

13 (3) STUDY COMMITTEE.—The term “Study
14 Committee” means the Sudbury, Assabet, and Con-
15 cord River Study Committee established by the Sec-
16 retary of the Interior under title VII of Public Law
17 101–628.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-
20 retary of the Interior to carry out this Act not to exceed
21 \$100,000 for each fiscal year.

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