

Calendar No. 52

106TH CONGRESS  
1ST SESSION

**H. R. 193**

[Report No. 106-25]

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 1999

Received; read twice and referred to the Committee on Energy and Natural  
Resources

MARCH 17, 1999

Reported by Mr. MURKOWSKI, without amendment

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**AN ACT**

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 River Act”.

1 **SEC. 2. DESIGNATION OF SUDBURY, ASSABET, AND CON-**  
2 **CORD SCENIC AND RECREATIONAL RIVERS,**  
3 **MASSACHUSETTS.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The Sudbury, Assabet, and Concord Wild  
6 and Scenic River Study Act (title VII of Public Law  
7 101–628; 104 Stat. 4497)—

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

13 (B) directed the Secretary of the Interior  
14 to establish the Sudbury, Assabet, and Concord  
15 Rivers Study Committee (in this section re-  
16 ferred to as the “Study Committee”) to advise  
17 the Secretary in conducting the study and in  
18 the consideration of management alternatives  
19 should the rivers be included in the National  
20 Wild and Scenic Rivers System.

21 (2) The study determined the following river  
22 segments are eligible for inclusion in the National  
23 Wild and Scenic Rivers System based on their free-  
24 flowing condition and outstanding scenic, recreation,  
25 wildlife, cultural, and historic values:

1           (A) The 16.6-mile segment of the Sudbury  
2 River beginning at the Danforth Street Bridge  
3 in the town of Framingham, to its confluence  
4 with the Assabet River.

5           (B) The 4.4-mile segment of the Assabet  
6 River from 1,000 feet downstream from the  
7 Damon Mill Dam in the town of Concord to the  
8 confluence with the Sudbury River at Egg Rock  
9 in Concord.

10          (C) The 8-mile segment of the Concord  
11 River from Egg Rock at the confluence of the  
12 Sudbury and Assabet Rivers to the Route 3  
13 bridge in the town of Billerica.

14          (3) The towns that directly abut the segments,  
15 including Framingham, Sudbury, Wayland, Lincoln,  
16 Concord, Bedford, Carlisle, and Billerica, Massachu-  
17 setts, have each demonstrated their desire for Na-  
18 tional Wild and Scenic River designation through  
19 town meeting votes endorsing designation.

20          (4) During the study, the Study Committee and  
21 the National Park Service prepared a comprehensive  
22 management plan for the segment, entitled “Sud-  
23 bury, Assabet and Concord Wild and Scenic River  
24 Study, River Conservation Plan” and dated March  
25 16, 1995 (in this section referred to as the “plan”),

1 which establishes objectives, standards, and action  
2 programs that will ensure long-term protection of  
3 the rivers' outstanding values and compatible man-  
4 agement of their land and water resources.

5 (5) The Study Committee voted unanimously on  
6 February 23, 1995, to recommend that the Congress  
7 include these segments in the National Wild and  
8 Scenic Rivers System for management in accordance  
9 with the plan.

10 (b) DESIGNATION.—Section 3(a) of the Wild and  
11 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by add-  
12 ing at the end the following new paragraph:

13 “(160) SUDBURY, ASSABET, AND CONCORD RIVERS,  
14 MASSACHUSETTS.—(A) The 29 miles of river segments in  
15 Massachusetts, as follows:

16 “(i) The 14.9-mile segment of the Sudbury  
17 River beginning at the Danforth Street Bridge in  
18 the town of Framingham, downstream to the Route  
19 2 Bridge in Concord, as a scenic river.

20 “(ii) The 1.7-mile segment of the Sudbury  
21 River from the Route 2 Bridge downstream to its  
22 confluence with the Assabet River at Egg Rock, as  
23 a recreational river.

24 “(iii) The 4.4-mile segment of the Assabet  
25 River beginning 1,000 feet downstream from the

1       Damon Mill Dam in the town of Concord, to its con-  
2       fluence with the Sudbury River at Egg Rock in Con-  
3       cord; as a recreational river.

4             “(iv) The 8-mile segment of the Concord River  
5       from Egg Rock at the confluence of the Sudbury  
6       and Assabet Rivers downstream to the Route 3  
7       Bridge in the town of Billerica, as a recreational  
8       river.

9             “(B) The segments referred to in subparagraph (A)  
10      shall be administered by the Secretary of the Interior in  
11      cooperation with the SUASCO River Stewardship Council  
12      provided for in the plan referred to in subparagraph (C)  
13      through cooperative agreements under section 10(e) be-  
14      tween the Secretary and the Commonwealth of Massachu-  
15      setts and its relevant political subdivisions (including the  
16      towns of Framingham, Wayland, Sudbury, Lincoln, Con-  
17      cord, Carlisle, Bedford, and Billerica).

18            “(C) The segments referred to in subparagraph (A)  
19      shall be managed in accordance with the plan entitled  
20      ‘Sudbury, Assabet and Concord Wild and Scenic River  
21      Study, River Conservation Plan’, dated March 16, 1995.  
22      The plan is deemed to satisfy the requirement for a com-  
23      prehensive management plan under subsection (d) of this  
24      section.”.

1           (c) FEDERAL ROLE IN MANAGEMENT.—(1) The Di-  
2   rector of the National Park Service or the Director’s des-  
3   ignee shall represent the Secretary of the Interior in the  
4   implementation of the plan, this section, and the Wild and  
5   Scenic Rivers Act with respect to each of the segments  
6   designated by the amendment made by subsection (b), in-  
7   cluding the review of proposed federally assisted water re-  
8   sources projects that could have a direct and adverse effect  
9   on the values for which the segment is established, as au-  
10  thorized under section 7(a) of the Wild and Scenic Rivers  
11  Act (16 U.S.C. 1278(a)).

12           (2) Pursuant to sections 10(e) and section 11(b)(1)  
13  of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e),  
14  1282(b)(1)), the Director shall offer to enter into coopera-  
15  tive agreements with the Commonwealth of Massachu-  
16  setts, its relevant political subdivisions, the Sudbury Val-  
17  ley Trustees, and the Organization for the Assabet River.  
18  Such cooperative agreements shall be consistent with the  
19  plan and may include provisions for financial or other as-  
20  sistance from the United States to facilitate the long-term  
21  protection, conservation, and enhancement of each of the  
22  segments designated by the amendment made by sub-  
23  section (b).

24           (3) The Director may provide technical assistance,  
25  staff support, and funding to assist in the implementation

1 of the plan, except that the total cost to the Federal Gov-  
2 ernment of activities to implement the plan may not ex-  
3 ceed \$100,000 each fiscal year.

4 (4) Notwithstanding section 10(c) of the Wild and  
5 Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a  
6 segment designated by the amendment made by subsection  
7 (b) that is not already within the National Park System  
8 shall not under this section—

9 (A) become a part of the National Park Sys-  
10 tem;

11 (B) be managed by the National Park Service;  
12 or

13 (C) be subject to regulations which govern the  
14 National Park System.

15 (d) WATER RESOURCES PROJECTS.—(1) In deter-  
16 mining whether a proposed water resources project would  
17 have a direct and adverse effect on the values for which  
18 the segments designated by the amendment made by sub-  
19 section (b) were included in the National Wild and Scenic  
20 Rivers System, the Secretary of the Interior shall specifi-  
21 cally consider the extent to which the project is consistent  
22 with the plan.

23 (2) The plan, including the detailed Water Resources  
24 Study incorporated by reference in the plan and such addi-  
25 tional analysis as may be incorporated in the future, shall

1 serve as the primary source of information regarding the  
2 flows needed to maintain instream resources and potential  
3 compatibility between resource protection and possible ad-  
4 ditional water withdrawals.

5 (e) LAND MANAGEMENT.—(1) The zoning bylaws of  
6 the towns of Framingham, Sudbury, Wayland, Lincoln,  
7 Concord, Carlisle, Bedford, and Billerica, Massachusetts,  
8 as in effect on the date of enactment of this Act, are  
9 deemed to satisfy the standards and requirements under  
10 section 6(c) of the Wild and Scenic rivers Act (16 U.S.C.  
11 1277(c)). For the purpose of that section, the towns are  
12 deemed to be “villages” and the provisions of that section  
13 which prohibit Federal acquisition of lands through con-  
14 demnation shall apply.

15 (2) The United States Government shall not acquire  
16 by any means title to land, easements, or other interests  
17 in land along the segments designated by the amendment  
18 made by subsection (b) or their tributaries for the pur-  
19 poses of designation of the segments under the amend-  
20 ment. Nothing in this section shall prohibit Federal acqui-  
21 sition of interests in land along those segments or tribu-  
22 taries under other laws for other purposes.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the Secretary of the

1 Interior to carry out this section not to exceed \$100,000  
2 for each fiscal year.

3 (g) EXISTING UNDESIGNATED PARAGRAPHS; RE-  
4 MOVAL OF DUPLICATION.—Section 3(a) of the Wild and  
5 Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

6 (1) by striking the first undesignated paragraph  
7 after paragraph (156), relating to Elkhorn Creek,  
8 Oregon; and

9 (2) by designating the three remaining undesign-  
10 nated paragraphs after paragraph (156) as para-  
11 graphs (157), (158), and (159), respectively.

Passed the House of Representatives February 23,  
1999.

Attest:

JEFF TRANDAHL,

*Clerk.*

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