

## Calendar No. 177

107TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
107-75

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### EIGHTMILE RIVER WILD AND SCENIC RIVER STUDY ACT OF 2001

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OCTOBER 1, 2001.—Ordered to be printed  
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Mr. BINGAMAN, from the Committee on Energy and Natural  
Resources, submitted the following

### REPORT

[To accompany H.R. 182]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 182) to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

#### PURPOSE

H.R. 182 amends the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in Connecticut for study for potential addition to the National Wild and Scenic Rivers System.

#### BACKGROUND AND NEED

The Eightmile River flows within the lower Connecticut River watershed in south central Connecticut. Fifteen miles of the river and its East Branch are included in the National Park Service's Nationwide Rivers Inventory of potential Wild and Scenic River segments. The Inventory has included this area for its outstanding scenery, geology, and fish and wildlife. Over 80 percent of the Connecticut River tract is still forested and provides habitat for a diverse assemblage of species, including bobcats, great horned owls, red foxes, and the cerulean warbler.

There appears to be strong local support for protecting the Eightmile River system. For example, the local communities of Lyme, East Haddam and Salem have signed an innovative

“Eightmile River Watershed Conservation Compact,” proclaiming their commitment to protect and enhance water resources, wildlife habitats, and rural landscapes in the watershed.

#### LEGISLATIVE HISTORY

H.R. 182, sponsored by Representative Simmons, passed the House of Representatives by a voice vote on May 1, 2001. S. 513, the Senate companion measure, was introduced by Senators Dodd and Lieberman on March 12, 2001. The Subcommittee on National Parks held a hearing on both bills on July 17, 2001. At its business meeting on August 2, 2001, the Committee on Energy and Natural Resources ordered H.R. 182 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in open business session on August 2, 2001, by a voice vote of a quorum present, recommends that the Senate pass H.R. 182 as described herein.

#### SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill’s short title as the “Eightmile River Wild and Scenic River Study Act of 2001.”

Section 2 contains congressional findings.

Section 3 amends section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) to designate a segment of the Eightmile River from its headwaters downstream to its confluence with the Connecticut River for study for potential addition to the Wild and Scenic Rivers System.

Section 4 amends section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) to direct the Secretary of the Interior to complete the study named in the previous section within 3 years after the date of the enactment and to submit to Congress a report describing the results of the study.

Section 5 authorizes the appropriation of such sums as may be necessary to carry out this Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of the costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 7, 2001.*

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 182, the Eightmile River Wild and Scenic River Study Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

##### *H.R. 182—Eightmile River Wild and Scenic River Study Act of 2001*

H.R. 182 would direct the Secretary of the Interior to study a segment of the Eightmile River in Connecticut for potential addition to the Wild and Scenic Rivers System. The legislation would require the Secretary to complete the study within three years of enactment. Based on information from the National Park Service, CBO estimates that carrying out the study would cost \$100,000 a year over the next three years, assuming availability of the necessary funding. Because enacting H.R. 182 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 182 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

On March 30, 2001, CBO transmitted a cost estimate for H.R. 182 as ordered reported by the House Committee on Resources on March 28, 2001. The two versions of the legislation are similar and the estimated costs are the same.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

#### 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. 182. The Act is not a regulatory measure in the sense of imposing government-established standards or significant 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 the enactment of H.R. 182.

#### EXECUTIVE COMMUNICATIONS

On July 27, 2001, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on H.R. 182. These reports had not been received at the time this report was filed. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JOHN G. PARSONS, ASSOCIATE REGIONAL DIRECTOR, LANDS, RESOURCES, AND PLANNING, NATIONAL CAPITAL REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to discuss the views of the Department of the Interior on S. 513 and H.R. 182 as passed by the House. These bills would amend the Wild and Scenic Rivers Act by designating segments of the Eightmile River for study and potential addition to the Wild and Scenic Rivers System.

Although the Department supports enactment of both pieces of legislation, we will not request funding for this study in this or the next fiscal year, so as to focus available time and resources on completing previously authorized studies. As of now, there are 41 authorized studies that are pending, and we only expect to complete a few of those this year. We caution that our support of this legislation authorizing a study does not necessarily mean that the Department will support designation of these segments as additions to the Wild and Scenic Rivers System. The Administration is determined to eliminate the deferred maintenance backlog in national parks, but the cost of new parks or other commitments, such as grants for Wild and Scenic Rivers, could divert funds from taking care of current responsibilities. Furthermore, in order to better plan for the future of our National Parks, we believe that any such studies should carefully examine the full life cycle operation and maintenance costs that would result from each alternative considered.

The Eightmile River is located in the lower Connecticut River watershed in south central Connecticut. Fifteen miles of the Eightmile River and its East Branch through the communities of Lyme, East Haddam, and Salem, Connecticut are included on the National Park Service's Nationwide Rivers Inventory of potential Wild and Scenic River segments. Both segments are included on the inventory for outstanding scenic, geologic, fish and wildlife values. Over eighty percent of the Connecticut River watershed is still forested, including large tracts of unfragmented hardwood forests that are home to a diverse assemblage of plants and animals including bobcats, great horned owls, red foxes, and the cerulean warbler.

Over the course of the past two years, the National Park Service has responded to interest and inquiries from local advocates and town officials regarding a potential Wild and Scenic River study for the Eightmile River. There appears to be strong local support for protecting the river system, as evidenced by the communities' formation of an intermunicipal watershed committee and the signing of an innovative "Eightmile River Watershed Conservation Compact." This compact, signed by the communities of East Haddam, Lyme and Salem, acknowledges their commit-

ment to protect and enhance water resources, wildlife habitats, and rural landscapes in the watershed.

A study of a river to determine if it meets the criteria for designation of a wild and scenic river is the necessary first step to designating a river or a portion of a river as a unit of the National Wild and Scenic Rivers System. The Department recognizes that any study of the Eightmile River should be evaluated in concert with all interested stakeholders at the local level. A study of the river from the confluence with the Connecticut to the headwaters of the mainstem and East Branch has strong local support.

The Eightmile River Watershed Committee has built a substantial foundation for the development of river management strategies that rely on state and local conservation measures to protect the river and its resources. Any National Park Service assistance would be contingent on the availability of funding and National Park Service priorities. The Department will work closely with local communities before any action is taken by the National Park Service on the two segments of the river.

This concludes my prepared remarks, Mr. Chairman. I will be happy to answer any questions you or other committee members may have regarding this bill.

#### 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 the Act H.R. 182, 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):

#### WILD AND SCENIC RIVERS ACT

(Public Law 90-542; 16 U.S.C. 1271 et seq.)

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That*

\* \* \* \* \*

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

(138) *EIGHTMILE RIVER, CONNECTICUT.*—*The segment from its headwaters downstream to its confluence with the Connecticut River.*

(b)(1) \* \* \*

\* \* \* \* \*

(18) *The study of the Eightmile River, Connecticut, named in paragraph (138) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress*

*not later than 3 years after the date of the enactment of this paragraph.*

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