

Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

S. 1849

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "White Clay Creek Wild and Scenic Rivers System Act".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) Public Law 102-215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled "White Clay Creek and Its Tributaries Watershed Management Plan", dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

**SEC. 3. DESIGNATION OF WHITE CLAY CREEK.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(162) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

"(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

"(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

"(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

"(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

"(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

"(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

"(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

"(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

"(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

"(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

"(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

"(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

"(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

"(N) 15.6 miles of Pike Creek, as a recreational river.

"(O) 38.7 miles of Mill Creek, as a recreational river."

**SEC. 4. BOUNDARIES.**

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

**SEC. 5. ADMINISTRATION.**

(a) BY SECRETARY OF THE INTERIOR.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the "Secretary"), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled "White Clay Creek and Its Tributaries Watershed Management Plan" and dated May 1998 (referred to in this Act as the "Management Plan").

(b) REQUIREMENT FOR COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall

be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

**SEC. 6. FEDERAL ROLE IN MANAGEMENT.**

(a) IN GENERAL.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) ASSISTANCE.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed \$150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

**SEC. 7. STATE REQUIREMENTS.**

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

**SEC. 8. NO LAND ACQUISITION.**

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Maryland (Mr. GILCHREST) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1849, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1849, introduced by Senator JOE BIDEN from Delaware, designates approximately 190 miles of segments and tributaries of White Clay Creek in Delaware and Pennsylvania as a component of the National Wild and Scenic Rivers System. Companion legislation was also introduced by the gentleman from Pennsylvania (Mr. PITTS) who deserves major credit for crafting this bill.

White Clay Creek is the watershed for more than 69,000 acres in southeastern Pennsylvania and northwestern Delaware. White Clay Creek is an important source of drinking water and also contains recreational, cultural, and scenic resources. Although much of the land around these segments is privately owned, surveys by private property owners have indicated general support for this legislation.

In 1991, Congress authorized the White Clay Creek Study Act, which directed the National Park Service to prepare a study of the eligibility and suitability of White Clay Creek as a Wild and Scenic River. This law also directed the National Park Service and White Clay Creek Study Task Force to develop a watershed management plan for the area. The study indicated the segments identified in this bill as both suitable and feasible to be designated into the Wild and Scenic Rivers System.

Mr. Speaker, during the committee proceedings on this bill, an amendment was passed which excluded some smaller segments that are not yet suitable for designation and established the width of the river segments for the wild and scenic designation at 250 feet. We believe that these changes are necessary and, hence, have amended the Senate bill to include them.

Mr. Speaker, all of the 15 local governmental entities within the watershed have passed resolutions supporting the designation and implementation of the management plan. This bill has the additional support of the minority and the administration. I urge all my colleagues to support S. 1849, with an amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 102nd Congress commissioned a study of White Clay Creek, from its headwaters in Delaware to its confluence with the Christina River in Pennsylvania, to determine if the creek and any of its tributaries might be eligible for designation as part of the Wild and Scenic Rivers Program. Ultimately, the study supported such designation.

As part of the study, the National Park Service, working with a local task force, developed a cooperative management plan which was approved in 1998. Since completion of the study, three counties and 13 municipalities in Delaware and Pennsylvania have adopted resolutions endorsing designation of the creek.

S. 1849 would amend the Wild and Scenic Rivers Act to add several segments of White Clay Creek and its tributaries to the program. Under the legislation, the river will be managed cooperatively between the Secretary and State and local governments, consistent with the 1998 management plan. The bill prohibits any Federal land acquisition for the purpose of carrying out this act.

Mr. Speaker, we join the administration and the local communities in supporting passage of S. 1849, as amended.

I commend the gentleman from Maryland (Mr. GILCHREST) and other members of the committee for their work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS) the author of this legislation.

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the White Clay Creek Wild and Scenic Rivers Systems Act.

This bill represents a community-driven effort to preserve the White Clay Creek watershed, which is located in southeastern Pennsylvania and northwestern Delaware. The watershed is one of only a few relatively unspoiled river systems remaining in the highly developed corridor between Philadelphia, Pennsylvania and the Wilmington-Newark Delaware corridor. It is a valuable natural, ecological, and historic resource, as well as an important water resource for millions of families in the surrounding regions.

My personal desire to see this watershed preserved goes back almost 30 years. In fact, my son and I used to fish for trout there when he was a boy.

The White Clay Creek, however, is being threatened by rapid development in the region. To preserve the creek, to protect its water quality and conserve the wildlife in the watershed, it is important that we designate the creek as a Wild and Scenic River.

This bill is the culmination of more than 8 years of hard work by the local community. I have worked closely with farmers, landowners, concerned citizens, State and local officials, and the National Park Service to draft the amended language contained in this bill. It has been encouraging to me to see all interested parties work together toward the common goal of preserving this watershed.

This effort provides us with an excellent model of how to succeed in protecting our environment and natural resources. It has been a grassroots, a bi-state, and bipartisan effort from the beginning.

The Wild and Scenic designation will bring the resources that the Federal Government has to offer without ceding local control. Townships and boroughs, which historically have controlled development, will retain the power they have always had. This designation will simply give us another tool to make sure that this important natural resource is not lost to future generations.

The White Clay Creek Wild and Scenic Rivers System Act has the overwhelming support of everyone involved in the process.

I especially want to thank the gentleman from Alaska (Chairman YOUNG) from the Committee on Resources and the gentleman from Utah (Chairman HANSEN) of the Subcommittee on National Parks and Public Lands for their support of this legislation and their leadership in bringing this bill to the House floor.

I urge Members to support preserving the environment and to vote yes on this bill.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of S. 1849, the "White Clay Creek Wild and Scenic Rivers Act." I am proud to be an original cosponsor of this legislation to designate officially White Clay Creek and its tributaries as part of the National Park Service's National Wild and Scenic Rivers System.

This bill is the culmination of over 30 years of grassroots efforts to bring attention to the unique qualities of White Clay Creek and to build consensus to protecting its beauty from the adverse consequences of urban sprawl. White Clay Creek is located in the densely populated area between Philadelphia, Pennsylvania and Newark, Delaware.

White Clay Creek is well worth protecting. There are 38 properties in the watershed that have been listed on the National Register of Historic Places.

In addition, the watershed is home to three endangered plant species and 100 more plant species of "special concern" to the State of Delaware.

With regards to wildlife, the endangered bog turtle is found in the watershed along with 38 "rare" animal species on Delaware's list of "special concern."

Because the watershed is located in the middle of the Atlantic flyway, it is the northern boundary for many southern species of birds

and the southern boundary for many northern species of birds. In total, there are about 200 bird species in the watershed, including the American bald eagle.

In addition, White Clay Creek serves as a vital source of drinking water for New Castle County, Delaware and Chester County, Pennsylvania.

Finally, White Clay Creek watershed is a popular location for fishing (particularly trout fishing), hiking, jogging, swimming, bird-watching, horseback riding, skating, sledding, cross-country skiing, photography, and limited deer hunting.

In September 1999, the National Parks Service released its final report, as ordered by Congress in 1991, recommending the size and scope of the wild and scenic designation for White Clay Creek. The study confirmed the beliefs of the citizens living in the watershed that there was popular support for protecting the watershed's natural, historic, and recreational resources. In fact, 89 percent of the landowners surveyed agreed to support land use regulations and programs to conserve and protect the watershed. At the same time a majority believed that there must be room for planned residential, commercial, and industrial growth.

Therefore, a White Clay Creek Task Force of private landowners, river-related organizations, and all levels of government developed the White Clay Creek Management Plan to designate a total of 191 miles, 24 miles as scenic and 167 miles as recreational, or White Clay Creek as suitable for the National Wild and Scenic River System.

All fifteen of the local governments in the watershed, including the city of Newark and New Castle County, passed resolutions supporting the management plan. The designated scenic areas flow through the White Clay Creek Preserve and the White Clay Creek State Park.

Mr. Speaker, I would like to take this opportunity to describe exactly what it means and what it does not mean for White Clay Creek to be designated wild and scenic. This bill means that the river receives permanent protection from federally-licensed or assisted water resource projects (dams, diversions, channelization, etc.) that would have a direct and adverse effect on its free-flowing condition or outstanding remarkable resources.

It does not mean that existing wastewater treatment plants or potential reservoir sites cannot be expanded to accommodate carefully planned residential, commercial, and industrial growth. New Castle County is actively seeking solutions to water shortage problems, and this bill does not limit options that are in the best interests of the citizens of Delaware.

This legislation does not replace the authority of state, county, and municipal governments to regulate land use in the watershed.

It simply prohibits Federal funds from being used to interfere with the free-flowing nature of the river or its unique resources. In doing so, it elevates the status of the river in competing for Federal preservation grants. Finally, it mobilizes the states, local governments, and communities in the watershed to work together to preserve this unique, free flowing river.

Mr. Speaker, I would like to take a moment to acknowledge House Resources Committee

Chairman, DON YOUNG; Parks Subcommittee Chairman, JIM HANSEN; Resources Committee Staff, Tod Hull; my colleague, JOE PITTS; National Parks Staff, Chuck Barscz; and all the citizens in Delaware and Pennsylvania who have worked for over 30 years to protect White Clay Creek.

Mr. Speaker, I believe the combination of White Clay Creek Watershed's unique features and the strong local support for protecting the watershed justify its designation as a wild and scenic river. The Senate passed companion legislation by unanimous consent on April 13, 2000. I urge my colleagues to give their strong support to this bill.

Mr. GILCHREST. Mr. Speaker, I urge support for the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the Senate bill, S. 1849, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1515

#### DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5010) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5010

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

#### SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACE-MENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of 1 of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the chief executive of the District of Columbia or the territory being commemorated, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.