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### MUSCONETCONG WILD AND SCENIC RIVERS ACT

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DECEMBER 8, 2005.—Ordered to be printed

Filed under authority of the order of the Senate of November 18, 2005

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Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 1096]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1096) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

#### PURPOSE OF THE MEASURE

The purpose of S. 1096 is to amend the Wild and Scenic Rivers Act to designate approximately 24 miles of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System.

#### BACKGROUND AND NEED

The Musconetcong River Valley watershed is a 158 square mile area within the Highlands region province of New Jersey. The Highlands (a large area of relatively pristine forest) provides the water supply source for the State's major urban areas and the river's recreational and historic resources are important to the local economy. The Musconetcong River Valley features a diverse array of farms, hamlets, villages, and secluded natural areas. State, county, and local parklands within the river corridor provide opportunities for hiking, fishing, canoeing, camping, nature study, and other outdoor activities.

The Musconetcong River and its tributaries support wild trout populations and are regionally important trout fishing streams. This river corridor has been a priority for the Green Acres program of New Jersey for the last decade, with a specific goal of creating a greenway along the river.

Local support for this legislation has been widespread. The Musconetcong Watershed Association has provided assistance in the completion of two reports: The Musconetcong Wild and Scenic Rivers Eligibility Report and the Musconetcong River Management Plan. The reports determined that 28.5 miles of the Musconetcong River are suitable for designation as a Recreational and Scenic River as part of the Wild and Scenic Rivers System.

#### LEGISLATIVE HISTORY

S. 1096 was introduced by Senators Corzine and Lautenberg on May 23, 2005. The Subcommittee on National Parks held a hearing on S. 1096 on September 22, 2005.

At its business meeting on November 16, 2005, the Committee on Energy and Natural Resources ordered S. 1096 favorably reported without amendment.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on November 16, 2005, by a unanimous voice of a quorum present, recommends that the Senate pass S. 1096.

#### SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill "Musconetcong Wild and Scenic Rivers Act."

Section 2 sets forth congressional findings.

Section 3 defines key terms.

Section 4 amends the Wild and Scenic Rivers Act to designate a 3.5 mile segment from Saxton Falls to the Route 46 bridge of the Musconetcong River as a Scenic River, and a 20.7 mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, as a Recreational River, both to be administered by the Secretary of the Interior. The section provides that the segments shall not be administered as part of the National Park System.

Section 5(a) directs the Secretary of the Interior to manage the river segments in accordance with the river management plan. The satisfaction of requirements for the plan shall be a comprehensive management plan as defined under section 3 (d) of the Wild and Scenic Rivers Act. The Secretary shall consider water resource projects which may have a direct and adverse effect on the values of the rivers segments to the extent each project is consistent with the management plan. The Secretary may provide technical assistance, staff support and funding to assist in implementing the plan.

Subsection (b) lists the agencies and entities the Secretary shall cooperate with in management of the river segments and further clarifies specifics pertinent to cooperative agreements including consistency with the management plan and provisions for financial and other assistance for long-term protection, conservation and enhancement of the river segments.

Subsection (c) outlines the Secretary's role regarding land management. The Secretary may provide planning, financial, and technical assistance to local municipalities and nonprofit organizations to assist in the implementation of actions to protect natural and historic resources of the river segments.

Subsection (d) states that Congress finds an additional segment of the Musconetcong Rivers is suitable for designation as a recreational river if the Secretary determines that there is adequate local support for the designation based on preferences of local governments expressed in resolutions.

Subsection (e) authorizes appropriations as necessary to carry out this Act.

#### COST AND BUDGETARY CONSIDERATIONS

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

NOVEMBER 23, 2005.

Hon. PETE V. DOMENICI,  
*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 S. 1096, the Musconetcong Wild and Scenic Rivers Act.

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

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

#### *S. 1096—Musconetcong Wild and Scenic Rivers Act*

S. 1096 would designate 24.2 miles of segments of the Musconetcong River in New Jersey as scenic and recreational rivers under the Wild and Scenic Rivers Act. The bill would designate 4.3 additional miles of that river as a recreational river if the Secretary of the Interior finds sufficient local support for such a designation. Based on information from the Department of the Interior, CBO estimates that the proposed designations would not significantly affect the agency's administrative or land-management costs, which are subject to appropriation. Enacting S. 1096 would not affect direct spending or revenues.

The legislation 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.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy 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 S. 1096. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards or significant economic 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 S. 1096, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The views of the Administration on S. 1096 were included in testimony received by the Committee at a hearing on the bill on June 28, 2005 as follows:

STATEMENT OF JANET SNYDER MATTHEWS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before the Committee to present the Department of the Interior's position on S. 1096, a bill to amend the Wild and Scenic Rivers Act by designating portions of the Musconetcong River in New Jersey as a component of the National Wild and Scenic Rivers System. The Department supports enactment of S. 1096.

The Musconetcong River is the largest New Jersey tributary to the Delaware River. The area of the river, nestled in the heart of the New Jersey Highlands, contains a remarkably diverse array of natural and cultural resources. The limestone geologic features present in the Musconetcong River corridor are unique in the state, and the steep slopes and forested ridges in the upper segments of the river corridor contrast with the historic villages, pastures, and rolling agricultural lands at the middle and lower end of the river valley.

The impetus for the designation of the Musconetcong began in 1991, when residents in the Musconetcong River Valley organized a petition drive in support of efforts to protect the river. The petitions called for the protection of the Musconetcong River under both the National Wild and Scenic Rivers Act and New Jersey Wild and Scenic Rivers Program.

In 1992, Congress passed legislation authorizing the National Park Service to study the eligibility and suitability of the Lower Delaware River for addition to the National Wild and Scenic Rivers System. In 1997, 18 of 19 Musconetcong River municipalities voted to have the National Park Service determine the eligibility and suitability of the Musconetcong River for designation into the National Wild and Scenic Rivers System. As a part of the study effort, a Musconetcong Advisory Committee, comprised of residents representing each municipality, was formed. This committee, with assistance from the National Park Service through its authority to study the Lower Delaware River, completed a Resource Assessment and Eligibility and Classification Report (1999) as well as a Musconetcong River Management Plan (April, 2003). The

report found that approximately 24 miles of the river are eligible for inclusion into the National Wild and Scenic Rivers System because of their free-flowing nature and outstandingly remarkable recreational, scenic, cultural, and wildlife and habitat values.

The Musconetcong River Management Plan was developed cooperatively and calls for a management framework that acknowledges the importance and preference for local leadership, and the additional protections afforded by national wild and scenic river designation. A key principle of the management framework as proposed in the plan is that existing institutions will continue to play primary roles in the long-term protection of the Musconetcong River. With respect to facilitating and coordinating potentially diverse interests among residents, landowners, municipalities, counties, states and non-governmental organizations (NGOs), the plan proposes the formation of a Musconetcong River Management Committee.

The bill provides that the administration for the 24.2-mile designated river segment is to be consistent with the cooperatively developed Musconetcong River Management Plan (2003) and is to be undertaken in cooperation with federal, state, county and municipal governments. The bill also identifies an additional river segment that would be suitable for designation by the Secretary of the Interior only at such time as it can be demonstrated that adequate local support for such designation exists within the affected local jurisdictions. The costs associated with a designated wild and scenic river in the Northeast Region of the National Park Service average \$150,000 annually (for cooperative agreements with river partner organizations), and we would expect the costs to be similar for this river, although the expenditures per river will likely decline as more designated rivers have to share limited resources. The region will handle the work associated with the newly designated river with existing staff. Any funding for cooperative agreements with the river's partner organizations will be dependent upon annual appropriations and departmental funding priorities.

This completes my prepared statement. I would be happy to answer any questions you 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 are made by the bill S. 1096, 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; Approved October 2, 1968)

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

\* \* \* \* \*

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the National Wild and Scenic Rivers System:

\* \* \* \* \*

(167) *MUSCONETCONG RIVER, NEW JERSEY.*—

(A) *DESIGNATION.*—*The 24.2 miles of river segments in New Jersey, consisting of—*

*(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and*

*(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.*

(B) *ADMINISTRATION.*—*Notwithstanding section 10(c), the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.*

