

116TH CONGRESS
1ST SESSION

S. 339

To amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers as components of the Wild and Scenic Rivers System, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2019

Mr. MARKEY (for himself, Ms. WARREN, Ms. HASSAN, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers as components of the Wild and Scenic Rivers System, and for other purposes.

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 “Nashua River Wild
5 and Scenic River Act”.

1 **SEC. 2. NASHUA WILD AND SCENIC RIVERS, MASSACHU-**
 2 **SETTS AND NEW HAMPSHIRE.**

3 (a) DESIGNATION OF WILD AND SCENIC RIVER SEG-
 4 MENTS.—Section 3(a) of the Wild and Scenic Rivers Act
 5 (16 U.S.C. 1274(a)) is amended by adding at the end the
 6 following:

7 “(214) NASHUA, SQUANNACOOK, AND
 8 NISSITISSIT WILD AND SCENIC RIVERS, MASSACHU-
 9 SETTS AND NEW HAMPSHIRE.—

10 “(A) IN GENERAL.—The following seg-
 11 ments in the States of Massachusetts and New
 12 Hampshire, to be administered by the Secretary
 13 of the Interior as a scenic river:

14 “(i) The approximately 27-mile seg-
 15 ment of the mainstem of the Nashua River
 16 from the confluence of the North and
 17 South Nashua Rivers in Lancaster, Massa-
 18 chusetts, and extending north to the bor-
 19 der between the States of Massachusetts
 20 and New Hampshire, except as provided in
 21 subparagraph (B).

22 “(ii) The approximately 16.3-mile seg-
 23 ment of the Squannacook River from its
 24 headwaters in Ash Swamp, Townsend,
 25 Massachusetts, extending downstream to
 26 the confluence of the river with the Nash-

ua River in Shirley and Ayer, Massachusetts, except as provided in subparagraph (B).

“(iii) The approximately 9.5-mile segment of the Nissitissit River from its headwaters in Brookline, New Hampshire, to the confluence of the river with the Nashua River in Pepperell, Massachusetts.

“(B) EXCLUDED AREAS.—The designation of the river segments by subparagraph (A) shall not include—

“(i) with respect to the Ice House hydroelectric project (Federal Energy Regulatory Commission Project P-12769), the area from 700 feet upstream from the crest of the dam to 500 feet downstream from the crest of the dam;

“(ii) with respect to the Pepperell hydroelectric project (Federal Energy Regulatory Commission Project P-12721), the area from 9,240 feet upstream from the crest of the dam to 1,000 feet downstream from the crest of the dam; and

“(iii) with respect to the Hollingsworth and Vose dam (a project not li-

censed by the Federal Energy Regulatory Commission), the area from 1,200 feet upstream from the crest of the dam to 2,665 feet downstream from the crest of the dam.”.

(b) MANAGEMENT.—

(1) DEFINITIONS.—In this subsection:

(A) MANAGEMENT PLAN.—The term “management plan” means the Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan dated February 15, 2018 and developed pursuant to a study required under section 5(b)(21) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)(21)).

(B) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(C) STEWARDSHIP COUNCIL.—The term “Stewardship Council” means the Nashua, Squannacook, and Nissitissit Rivers Stewardship Council.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—The river segments designated by paragraph (214) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.

1274(a)) (as added by subsection (a)) shall be managed in accordance with—

(i) the management plan; and

(ii) any amendments to the management plan that—

(I) the Secretary determine are consistent with this subsection; and

(II) are approved by the Stewardship Council.

(B) 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)).

(3) COORDINATION WITH STEWARDSHIP COUNCIL.—The Secretary shall coordinate the management responsibilities of the Secretary with respect to the river segments designated by paragraph (214) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)) with the Stewardship Council, as described in the management plan.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—To provide for the long-term protection, preservation, and enhancement of the segments designated by paragraph (214) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the Secretary may enter into cooperative agreements under sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with—

(i) the States of Massachusetts and New Hampshire;

(ii) the towns of—

(I) Ayer, Bolton, Dunstable, Groton, Harvard, Lancaster, Pepperell, Shirley, and Townsend in the State of Massachusetts; and

(II) Brookline and Hollis in the State of New Hampshire; and

(iii) any appropriate local, regional, State, or multistate planning, environmental, or recreational organization.

(B) CONSISTENCY.—Each cooperative agreement entered into under this paragraph—

1 (i) shall be consistent with the man-
2 agement plan; and

3 (ii) may include provisions for finan-
4 cial or other assistance from the Federal
5 Government.

6 (5) EFFECT ON WORKING DAMS.—

7 (A) IN GENERAL.—The designation of the
8 segments by paragraph (214) of section 3(a) of
9 the Wild and Scenic Rivers Act (16 U.S.C.
10 1274(a)) (as added by subsection (a)) shall
11 not—

12 (i) affect or alter the terms of permit-
13 ting, licensing, or operation in existence on
14 the date of enactment of this Act of—

15 (I) the Pepperell hydroelectric
16 project (Federal Energy Regulatory
17 Commission Project P-12721, Nash-
18 ua River, Pepperell, Massachusetts);

19 (II) the Ice House hydroelectric
20 project (Federal Energy Regulatory
21 Commission Project P-12769, Nash-
22 ua River, Ayer, Massachusetts); or

23 (III) the Hollingsworth and Vose
24 Dam, which is an industrial facility
25 that is not licensed by the Federal

1 Energy Regulatory Commission,
 2 Squannacook River, West Groton,
 3 Massachusetts, as described in appen-
 4 dix A of the management plan entitled
 5 “Working Dams”;

6 (ii) preclude the Federal Energy Reg-
 7 ulatory Commission from licensing, reli-
 8 censing, or otherwise authorizing the oper-
 9 ation or continued operation of the
 10 Pepperell or Ice House hydroelectric
 11 project under the terms of licenses or ex-
 12 emptions in effect on the date of enact-
 13 ment of this Act; or

14 (iii) limit actions taken to modernize,
 15 upgrade, or carry out other changes to a
 16 project described in clause (i), subject to a
 17 written determination by the Secretary
 18 that the changes are consistent with the
 19 purposes of the designation.

20 (6) LAND MANAGEMENT.—

21 (A) ZONING ORDINANCES.—For the pur-
 22 pose of the segments designated by paragraph
 23 (214) of section 3(a) of the Wild and Scenic
 24 Rivers Act (16 U.S.C. 1274(a)) (as added by
 25 subsection (a)), a zoning ordinance adopted by

1 a town described in paragraph (4)(A)(ii), in-
 2 cluding provisions for conservation of
 3 floodplains, wetlands, and watercourses associ-
 4 ated with the segments, shall be considered to
 5 satisfy the requirements of section 6(c) of the
 6 Wild and Scenic Rivers Act (16 U.S.C.
 7 1277(c)).

8 (B) ACQUISITION OF LAND.—The author-
 9 ity of the Secretary to acquire land or an inter-
 10 est in land for the purposes of the segments
 11 designated by paragraph (214) of section 3(a)
 12 of the Wild and Scenic Rivers Act (16 U.S.C.
 13 1274(a)) (as added by subsection (a)) shall
 14 be—

15 (i) limited to acquisition—

16 (I) by donation; or

17 (II) with the consent of the
 18 owner of the land; and

19 (ii) subject to the additional criteria
 20 described in the management plan.

21 (C) NO CONDEMNATION.—No land or in-
 22 terest in land within the boundary of the seg-
 23 ments designated by paragraph (214) of section
 24 3(a) of the Wild and Scenic Rivers Act (16

1 U.S.C. 1274(a)) (as added by subsection (a))
2 may be acquired by condemnation.

3 (7) RELATION TO THE NATIONAL PARK SYS-
4 TEM.—Notwithstanding section 10(c) of the Wild
5 and Scenic Rivers Act (16 U.S.C. 1281(c)), each
6 segment designated by paragraph (214) of section
7 3(a) of the Wild and Scenic Rivers Act (16 U.S.C.
8 1274(a)) (as added by subsection (a)) shall not be—
9 (A) administered as a unit of the National
10 Park System; or
11 (B) subject to regulations that apply to
12 units of the National Park System.

○