

115TH CONGRESS
2D SESSION

S. 3468

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

SEPTEMBER 18, 2018

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 of 2018”.

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 inserting after para-
 6 graph (212) the following:

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

10 “(A) The following segments in the Com-
 11 monwealth of Massachusetts and State of 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 Mas-
 19 sachusetts-New Hampshire border, except
 20 as provided in subparagraph (B).

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

1 ua River in Shirley/Ayer, Massachusetts,
2 except as provided in subparagraph (B).

3 “(iii) The approximately 9.5-mile seg-
4 ment of the Nissitissit River from its head-
5 waters in Brookline, New Hampshire, to
6 the confluence of the river with the Nash-
7 ua River in Pepperell, Massachusetts.

8 “(B) EXCLUSION AREAS.—The designation
9 of the river segments in subparagraph (A) shall
10 exclude—

11 “(i) with respect to the Ice House hy-
12 droelectric project (FERC P–12769), from
13 700 feet upstream from the crest of the
14 dam to 500 feet downstream from the
15 crest of the dam;

16 “(ii) with respect to the Pepperell hy-
17 droelectric project (FERC P12721), from
18 9,240 feet upstream from the crest of the
19 dam to 1,000 feet downstream from the
20 crest of the dam; and

21 “(iii) with respect to the Hollings-
22 worth and Vose dam (non-FERC), from
23 1,200 feet upstream from the crest of the
24 dam to 2,665 feet downstream from the
25 crest of the dam.”.

1 (b) MANAGEMENT.—

2 (1) PROCESS.—

3 (A) IN GENERAL.—The river segments
4 designated by section 3(a)(213) of such Act (16
5 U.S.C. 1274(a)) shall be managed in accord-
6 ance with—

7 (i) the Nashua, Squannacook, and
8 Nissitissit Rivers Stewardship Plan devel-
9 oped pursuant to the study described in
10 section 5(b)(21) of such Act (16 U.S.C.
11 1276(b)(21)) (referred to in this sub-
12 section as the “management plan”), dated
13 February 15, 2018; and

14 (ii) such amendments to the manage-
15 ment plan as the Secretary of the Interior
16 determines are consistent with this section
17 and as are approved by the Nashua,
18 Squannacook, and Nissitissit Rivers Stew-
19 ardship Council (referred to in this sub-
20 section as the “Stewardship Council”).

21 (B) COMPREHENSIVE MANAGEMENT
22 PLAN.—The management plan shall be consid-
23 ered to satisfy the requirements for a com-
24 prehensive management plan under section 3(d)
25 of such Act (16 U.S.C. 1274(d)).

1 (2) COMMITTEE.—The Secretary of the Interior
 2 shall coordinate the management responsibilities of
 3 the Secretary of the Interior under this Act with the
 4 Stewardship Council, as specified in the manage-
 5 ment plan.

6 (3) COOPERATIVE AGREEMENTS.—

7 (A) IN GENERAL.—In order to provide for
 8 the long-term protection, preservation, and en-
 9 hancement of the river segments designated by
 10 section 3(a)(213) of such Act (16 U.S.C.
 11 1274(a)), the Secretary of the Interior may
 12 enter into cooperative agreements pursuant to
 13 sections 10(e) and 11(b)(1) (16 U.S.C. 1281(e),
 14 1282(b)(1)) of such Act with—

15 (i) the Commonwealth of Massachu-
 16 setts and the State of New Hampshire;

17 (ii) the municipalities of—

18 (I) Ayer, Bolton, Dunstable,
 19 Groton, Harvard, Lancaster, Pepper-
 20 ell, Shirley, and Townsend in Massa-
 21 chusetts; and

22 (II) Brookline and Hollis in New
 23 Hampshire; and

1 (iii) appropriate local, regional, State,
 2 or multistate, planning, environmental, or
 3 recreational organizations.

4 (B) CONSISTENCY.—Each cooperative
 5 agreement entered into under this paragraph
 6 shall be consistent with the management plan
 7 and may include provisions for financial or
 8 other assistance from the United States.

9 (4) EFFECT ON WORKING DAMS.—

10 (A) IN GENERAL.—The designation of the
 11 river segments by section 3(a)(213) of such Act
 12 (16 U.S.C. 1274(a)), does not—

13 (i) impact or alter the existing terms
 14 of permitting, licensing, or operation of—

15 (I) the Pepperell hydroelectric
 16 project (FERC Project P-12721,
 17 Nashua River, Pepperell, MA);

18 (II) the Ice House hydroelectric
 19 project (FERC Project P-12769,
 20 Nashua River, Ayer, MA); or

21 (III) the Hollingsworth and Vose
 22 Dam (non-FERC industrial facility,
 23 Squannacook River, West Groton,
 24 MA) as further described in the man-

1 agement plan (Appendix A, “Working
2 Dams”); or

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

11 (iii) limit actions taken to modernize,
12 upgrade, or carry out other changes to
13 such projects authorized pursuant to
14 clause (i), subject to written determination
15 by the Secretary of the Interior that the
16 changes are consistent with the purposes
17 of the designation.

18 (5) LAND MANAGEMENT.—

19 (A) ZONING ORDINANCES.—For the pur-
20 pose of the segments designated by section
21 3(a)(213) of such Act (16 U.S.C. 1274(a)), the
22 zoning ordinances adopted by the municipalities
23 named in subsection 3(A)(ii), including provi-
24 sions for conservation of floodplains, wetlands,
25 and watercourses associated with the segments,

1 shall be deemed to satisfy the standards and re-
 2 quirements of section 6(c) of such Act (16
 3 U.S.C. 1277(c)).

4 (B) ACQUISITIONS OF LANDS.—The au-
 5 thority of the Secretary to acquire land for the
 6 purposes of the segments designated by section
 7 3(a)(213) of such Act (16 U.S.C. 1274(a))
 8 shall be—

9 (i) limited to acquisition by donation
 10 or acquisition with the consent of the
 11 owner of the land; and

12 (ii) subject to the additional criteria
 13 set forth in the management plan.

14 (C) NO CONDEMNATION.—No land or in-
 15 terest in land within the boundary of the river
 16 segments designated by section 3(a)(213) of
 17 such Act (16 U.S.C. 1274(a)) may be acquired
 18 by condemnation.

19 (6) RELATION TO THE NATIONAL PARK SYS-
 20 TEM.—Notwithstanding section 10(c) of such Act
 21 (16 U.S.C. 1281(c)), each segment of the Nashua,
 22 Squannacook, and Nissitissit Rivers designated as a
 23 component of the Wild and Scenic Rivers System
 24 under this Act shall not—

1 (A) be administered as a unit of the Na-
2 tional Park System; or

3 (B) be subject to regulations that govern
4 the National Park System.

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