

Committee on Resources

Subcommittee on National Parks & Public Lands

Witness Statement

STATEMENT OF KATHERINE H. STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE HOUSE COMMITTEE ON RESOURCES CONCERNING H.R. 2317, A BILL TO DESIGNATE A PORTION OF THE DELAWARE RIVER AND ASSOCIATED TRIBUTARIES AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

July 18, 2000

Mr. Chairman, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 2317, a bill to designate a portion of the Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System. The bill provides for administration of the designated river segments as a component of the National Park System consistent with the cooperatively developed Lower Delaware River Management Plan (August 1997) and in cooperation with federal, state, regional and local agencies. The bill also identifies additional segments that would be eligible for designation by the Secretary of the Interior through a notice published in the Federal Register, if adequate local support for the designation exists.

The Department supports the designation of the segments of the Lower Delaware River identified in H.R. 2317 as a component of the Wild and Scenic Rivers System. We do recommend, however, one change in the bill, so that these segments of the Lower Delaware River are not made a unit of the National Park System, since that would lead to federal regulation of activities along the river in a manner that is not necessary here and would not be supported locally.

In October of 1992, the Congress directed the National Park Service to undertake a study of several segments of the Lower Delaware River to determine their eligibility for inclusion in the National Wild and Scenic Rivers System. The study was to be done in cooperation and consultation with various federal, state, regional, and local agencies. In addition, a river management plan was to be prepared for a section of the Lower Delaware.

In 1997 a river management plan was prepared that contained six goals that are the guiding principles for management of the Lower Delaware River. The plan was done cooperatively and calls for a cooperative management framework for the Lower Delaware that relies heavily on local land use decisions and zoning as protection measures for the river.

In 1998 the National Park Service issued the "Lower Delaware National Wild and Scenic River Study Draft Report." In the study report the National Park Service found that the majority of the river segments

identified in the study legislation qualified for designation as a component of the Wild and Scenic River System. Those segments found to qualify for designation are reflected in H.R. 2317.

Because of land ownership patterns along the Lower Delaware River, the National Park Service categorizes the Lower Delaware as a "private lands" river. Based upon this view and upon the legislative directives regarding the study of the Lower Delaware River, there were five principles that guided the study of the river segments. These were:

1. There needed to be a strong emphasis on grass roots involvement and consensus-building in determining whether the river segments were suitable for designation and how they should be managed.
2. The river management plan would be prepared during the study rather than after designation and would be a collaborative effort of NPS, the study task force and state and local governments.
3. Designation of river segments would only occur if strong local support for designation existed and was expressed through passage of support resolutions by the affected communities.
4. Existing land use patterns would be maintained and local land use control and home rule would not be usurped.
5. The laws and regulations that affect the Lower Delaware River are complex, involving two states, fifty-seven municipalities, six counties, the Delaware River Basin Commission, and several federal agencies. Coordination is limited, and the recommended management strategy for the Wild and Scenic River segments must enhance cooperation and communication.

With these principles in mind, the study was undertaken and a preferred alternative for designation and management developed. The preferred alternative recommends designation of eight river segments of the Lower Delaware River as a unit of the National Wild and Scenic Rivers System and recommends that the designated river segments be cooperatively managed by a river management committee. Protection of the river's outstanding resources would be based upon private, state and local conservation measures and would not rely on federal land acquisition or direct federal management. Strong local support for the designation and management plan has been demonstrated through resolutions of support adopted by the adjoining local governments in New Jersey and Pennsylvania.

With that in mind, we recommend that the section in H.R. 2317 (page 7, line 20) regarding administration be revised. We recommend that the section be rewritten to read:

"(B) Administration.--The segments shall be administered by the Secretary of the Interior but shall not be a unit of the National Park System."

Such a revision would make it very clear that the Secretary of the Interior has the administrative responsibility for oversight on the Lower Delaware River as a component of the National Wild and Scenic. However, the often restrictive laws and regulations that govern the planning, management and use of units of the National Park System would not apply to the Lower Delaware River as a National Wild and Scenic River. This is how Congress in other cases has acted to designate as wild and scenic those rivers that are "private lands" rivers.

The Department has no objection to the additional provisions of the bill that authorize the Secretary to

provide technical assistance, staff support, and funding to assist in the implementation of the management plan, and provide for cooperative agreements to facilitate the long-term protection, conservation, and enhancement of the segments. We also support the provision that would restrict, consistent with the National Wild and Scenic Rivers Act, water resource projects that would have a direct and adverse effect on the value for which the segments have been designated.

In 1978 both the Upper Delaware and the Middle Delaware River were designated as components of the Wild and Scenic Rivers System. With this legislation, the entire length of the Delaware River, from the city of Trenton north, with the exception of a few short sections, would be included as components of the Wild and Scenic Rivers system. The portion of the Delaware River from Trenton south to the Delaware Bay and the Atlantic Ocean is part of the National Estuary Program. Passage of this legislation would make the Delaware River the only river system in the eastern United States to be federally designated and protected for recreational, scenic, cultural and wildlife values while remaining an economic resource. Local governments overwhelmingly support this designation and have endorsed the management plan that relies heavily on local land-use regulations as the means to ensure the long-term protection of the Lower Delaware River's outstanding values.

This completes my prepared statement. I would be happy to answer any questions you may have regarding this bill.

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