

Public Law 102-460
102d Congress

An Act

Oct. 23, 1992
[H.R. 6179]

To amend the Wild and Scenic Rivers Act.

Conservation.
New Jersey.
Pennsylvania.

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

SECTION 1. WILD AND SCENIC RIVER STUDY.

(a) **STUDY.**—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following new paragraph:

“() **DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.**—(A) The approximately 3.6-mile segment from the Erie Lackawanna Railroad Bridge to the southern tip of Dildine Island.

“(B) The approximately 2-mile segment from the southern tip of Mack Island to the northern border of the town of Belvidere, New Jersey.

“(C) The approximately 12.5-mile segment from the southern border of the town of Belvidere, New Jersey, to the northern border of the city of Easton, Pennsylvania, excluding river mile 196.0 to 193.8.

“(D) The approximately 9.5-mile segment from the southern border of the town of Phillipsburg, New Jersey, to a point just north of the Gilbert Generating Station.

“(E) The approximately 14.2-mile segment from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station.

“(F) The approximately 6.5-mile segment from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge.

“(G) The approximately 6-mile segment from the southern boundary of the town of New Hope, Pennsylvania, to the town of Washington Crossing, Pennsylvania.

“(H) The Cook’s Creek tributary.

“(I) The Tincum Creek tributary.

“(J) The Tohickon Creek tributary.”.

(b) **ELIGIBILITY STUDY AND REPORT.**—Section 5(b) of the Wild and Scenic Rivers Act, as amended, (16 U.S.C. 1276(b)) is amended by adding at the end the following new paragraph:

“(11)(A) The study of the Delaware River segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System pursuant to section 5(a)() of this Act shall be completed and the report submitted to Congress not later than one year after the date of enactment of this paragraph.

“(B) The Secretary shall—

“(i) prepare the study in cooperation and consultation with appropriate Federal, State, regional, and local agencies, including but not limited to, the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and

Lehigh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission; and

“(ii) consider previous plans for the protection of affected cultural, recreational, and natural resources (including water supply and water quality) and existing State and local regulations, so as to avoid unnecessary duplication.

“(C) Pursuant to section 11(b)(1) of this Act, the Secretary shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the Southern boundary of Bucks County, Pennsylvania.”

(c) EXISTING FACILITIES AND POSSIBLE ADDITIONS THERETO.—

The study of the river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System under subsection (a) shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the completion, continued or changed operation, maintenance, repair, construction, reconstruction, replacement, or modification of the Gilbert Generating Station and associated facilities, the Point Pleasant Pumping Station and associated facilities, the Portland Generating Station and associated facilities, the Martins Creek Steam Electric Station and associated facilities, or the Merrill Creek Reservoir Project and associated facilities, or with the licensing, permitting, relicensing, or repermitting of such projects, stations, and associated facilities. Such study designation shall not preclude or interfere with the licensing, permitting, construction, operation, maintenance, repair, relicensing, or repermitting of any additions to any such facilities, so long as such additions are outside the segments of the Delaware River designated for study by subsection (a) and impounded backwater from any such addition does not intrude on any such segment, and so long as the values present in such segments on the date of enactment of this Act are not unreasonably diminished thereby.

(d) TRANSMISSION AND DISTRIBUTION FACILITIES.—The study of the river segments and tributaries designated for potential addition to the National Wild and Scenic Rivers System under subsection (a) of this Act shall not be used in any proceeding or otherwise to preclude, prevent, restrict, or interfere with the present or future access to or operation, maintenance, repair, construction, reconstruction, replacement, or modification of electric or gas transmission or distribution lines across or adjacent to such segments, or with the licensing, permitting, relicensing, or repermitting of such lines across such segments: *Provided, however,* That during the study of such segments, each new electric or gas transmission

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or distribution line across any such segment shall be located no further than $\frac{1}{2}$ mile from the center line of any transmission or distribution line across any such segment in existence on the date of enactment of this Act.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

Approved October 23, 1992.

LEGISLATIVE HISTORY—H.R. 6179:

CONGRESSIONAL RECORD, Vol. 138 (1992):

Oct. 5, considered and passed House.

Oct. 8, considered and passed Senate.