

Public Law 103-162
103d Congress

An Act

Dec. 1, 1993
[H.R. 2650]

To designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers Systems.

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

SECTION 1. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

(1) the Maurice River and its tributaries, Menantico Creek, the Manumuskin River, and Muskee Creek, are eligible for inclusion into the National Wild and Scenic Rivers System, the segments and their classifications being as follows—

(A) the Maurice River, lower segment, from the United States Geological Survey Station at Shellpile to Route 670 Bridge at Mauricetown, approximately 7.0 miles, as a recreational river;

(B) the Maurice River, middle segment, from Route 670 Bridge at Mauricetown to 3.6 miles upstream (at drainage ditch just upstream of Fralinger Farm), approximately 3.8 miles as a scenic river;

(C) the Maurice River, middle segment, from the drainage ditch just upstream of Fralinger Farm to one-half mile upstream from the United States Geological Survey Station at Burcham Farm, approximately 3.1 miles, as a recreational river;

(D) the Maurice River, upper segment, from one-half mile upstream from the United States Geological Survey Station at Burcham Farm to the south side of the Millville sewage treatment plant, approximately 3.6 miles, as a scenic river;

(E) the Menantico Creek, lower segment, from its confluence with the Maurice River to the Route 55 Bridge, approximately 1.4 miles, as a recreational river;

(F) the Menantico Creek, upper segment, from the Route 55 Bridge to the base of the Impoundment at Menantico Lake, approximately 6.5 miles, as a scenic river;

(G) the Manumuskin River, lower segment, from its confluence with the Maurice River to 2.0 miles upstream, as a recreational river;

(H) the Manumuskin River, upper segment, from 2.0 miles upstream from its confluence with the Maurice River to headwaters near Route 557, approximately 12.3 miles, as a scenic river; and

(I) the Muskee Creek from its confluence to the Pennsylvania Reading Seashore Line Railroad bridge, approximately 2.7 miles, as a scenic river;

(2) a resource assessment of the Maurice River and its tributaries, Menantico Creek, the Manumuskin River, and the Muskee Creek shows that the area possesses numerous outstandingly remarkable natural, cultural, scenic, and recreational resources that are significant at the local, regional, and international levels, including rare plant and animal species and critical habitats for birds migrating to and from the north and south hemispheres; and

(3) a river management plan for the river system has been developed by the Cumberland County Department of Planning and Development and adopted by the Maurice River Township, Commercial Township, and the City of Millville that would meet the requirements of section 6(c) of the Wild and Scenic Rivers Act, the City of Vineland has adopted a master plan which calls for river planning and management and is in the process of adopting zoning ordinances to implement their plan, and Buena Vista Township in Atlantic County has adopted a land use plan consistent with the Pinelands Comprehensive Plan which is more restrictive than the Cumberland County local river management plan.

(b) PURPOSES.—The purposes of this Act are to—

(1) declare the importance and irreplaceable resource values of the Maurice River and its tributaries to water quality, human health, traditional economic activities, ecosystem integrity, biotic diversity, fish and wildlife, scenic open space and recreation and protect such values through designation of the segments as components of the National Wild and Scenic Rivers System;

(2) recognize that the Maurice River System will continue to be threatened by major development and that land use regulations of the individual local political jurisdictions through which the river segments pass cannot alone provide for an adequate balance between conservation of the river's resources and commercial and industrial development; and

(3) recognize that segments of the Maurice River and its tributaries additional to those designated under this Act are eligible for potential designation at some point in the near future.

SEC. 2. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end thereof:

“() THE MAURICE RIVER, MIDDLE SEGMENT.—From Route 670 Bridge at Mauricetown to 3.6 miles upstream (at drainage ditch just upstream of Fralinger Farm), approximately 3.8 miles to be administered by the Secretary of the Interior as a scenic river.

“() THE MAURICE RIVER, MIDDLE SEGMENT.—From the drainage ditch just upstream of Fralinger Farm to one-half mile upstream from the United States Geological Survey Station at Burcham Farm, approximately 3.1 miles, to be administered by the Secretary of the Interior as a recreational river.

“() THE MAURICE RIVER, UPPER SEGMENT.—From one-half mile upstream from the United States Geological Survey Station at Burcham Farm to the south side of the Millville sewage treatment plant, approximately 3.6 miles, to be administered by the Secretary of the Interior as a scenic river.

“() THE MENANTICO CREEK, LOWER SEGMENT.—From its confluence with the Maurice River to the Route 55 Bridge, approximately 1.4 miles, to be administered by the Secretary of the Interior as a recreational river.

“() THE MENANTICO CREEK, UPPER SEGMENT.—From the Route 55 Bridge to the base of the impoundment at Menantico Lake, approximately 6.5 miles, to be administered by the Secretary of the Interior as a scenic river.

“() MANUMUSKIN RIVER, LOWER SEGMENT.—From its confluence with the Maurice River to a point 2.0 miles upstream, to be administered by the Secretary of the Interior as a recreational river.

“() MANUMUSKIN RIVER, UPPER SEGMENT.—From a point 2.0 miles upstream from its confluence with the Maurice River to its headwaters near Route 557, approximately 12.3 miles, to be administered by the Secretary of the Interior as a scenic river.

“() MUSKEE CREEK, NEW JERSEY.—From its confluence with the Maurice River to the Pennsylvania Seashore Line Railroad Bridge, approximately 2.7 miles, to be administered by the Secretary of the Interior as a scenic river.”

16 USC 1274
note.

SEC. 3. MANAGEMENT.

(a) DUTIES OF SECRETARY.—The Secretary of the Interior shall manage the river segments designated as components of the National Wild and Scenic Rivers System by this Act through cooperative agreements with the political jurisdictions within which such segments pass, pursuant to section 10(e) of the Wild and Scenic Rivers Act, and in consultation with such jurisdictions, except that publicly-owned lands within the boundaries of such segments shall continue to be managed by the agency having jurisdiction over such lands.

(b) AGREEMENTS.—(1) Cooperative agreements for management of the river segments referred to in subsection (a) shall provide for the long-term protection, preservation, and enhancement of such segments and shall be consistent with the comprehensive management plan for such segments to be prepared by the Secretary of the Interior pursuant to section 3(d) of the Wild and Scenic Rivers Act and with the local river management plans prepared by appropriate local political jurisdictions in conjunction with the Secretary of the Interior.

(2) The Secretary of the Interior, in consultation with appropriate representatives of local political jurisdictions and the State of New Jersey, shall review local river management plans described in paragraph (1) to assure that their proper implementation will protect the values for which the river segments described in section 2 were designated as components of the National Wild and Scenic Rivers System. If after such review the Secretary determines that

such plans and their implementing local zoning ordinances meet the protection standards specified in section 6(c) of the Wild and Scenic Rivers Act, then such plans shall be deemed to constitute "local zoning ordinances" and each township and other incorporated local jurisdiction covered by such plans shall be deemed to constitute a "village" for the purposes of section 6(c) (prohibiting the acquisition of lands by condemnation) of the Wild and Scenic Rivers Act.

(3) The Secretary of the Interior shall biennially review compliance with the local river management plans described in paragraph (1) and shall promptly report to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate any deviation from such which would result in any diminution of the values for which the river segment concerned was designated as a component of the National Wild and Scenic Rivers System.

(c) **PLANNING ASSISTANCE.**—The Secretary of the Interior may provide planning assistance to local political subdivisions of the State of New Jersey through which flow river segments that are designated as components of the National Wild and Scenic Rivers System, and may enter into memoranda of understanding or cooperative agreements with officials or agencies of the United States or the State of New Jersey to ensure that Federal and State programs that could affect such segments are carried out in a manner consistent with the Wild and Scenic Rivers Act and applicable river management plans.

(d) **SEGMENT ADDITIONS.**—The Secretary of the Interior is encouraged to continue to work with the local municipalities to negotiate agreement and support for designating those segments of the Maurice River and its tributaries which were found eligible for designation pursuant to Public Law 100-33 and were not designated pursuant to this Act (hereinafter referred to as "additional eligible segments"). For a period of 3 years after the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to segments included in section 5 of that Act shall apply to the additional eligible segments. The Secretary of the Interior is directed to report to the appropriate congressional committees within 3 years after the date of enactment of this Act on the status of discussions and negotiations with the local municipalities and on recommendations toward inclusion of additional river segments into the National Wild and Scenic Rivers System.

(e) **APPROPRIATIONS.**—For the purposes of the segment described by subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Approved December 1, 1993.

LEGISLATIVE HISTORY—H.R. 2650:

HOUSE REPORTS: No. 103-282 (Comm. on Natural Resources).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Oct. 12, considered and passed House.

Nov. 18, considered and passed Senate.