

116TH CONGRESS  
2D SESSION

# S. 4938

To amend the Wild and Scenic Rivers Act to designate certain river segments in the York River watershed in the State of Maine as components of the National Wild and Scenic Rivers System, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2020

Mr. KING (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Wild and Scenic Rivers Act to designate certain river segments in the York River watershed in the State of Maine as components of the National 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 “York River Wild and  
5 Scenic River Act of 2020”.

1 **SEC. 2. DESIGNATION OF YORK WILD AND SCENIC RIVER,**  
2 **MAINE.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
4 U.S.C. 1274(a)) is amended by adding at the end the fol-  
5 lowing:

6 “(231) YORK RIVER, MAINE.—The following  
7 segments of the main stem and tributaries (includ-  
8 ing portions of Bass Cove Creek, Cider Hill Creek,  
9 Cutts Ridge Brook, Dolly Gordon Brook, Libby  
10 Brook, Rogers Brook, and Smelt Brook) in the  
11 State of Maine, totaling approximately 30.8 miles, to  
12 be administered by the Secretary of the Interior, as  
13 a recreational river:

14 “(A) The approximately 0.95-mile segment  
15 of Bass Cove Creek from the outlet of Boulter  
16 Pond in York, Maine, and extending down-  
17 stream to the confluence with the York River in  
18 York, Maine.

19 “(B) The approximately 3.77-mile segment  
20 of Cider Hill Creek from the Middle Pond dam  
21 in York, Maine, and extending downstream to  
22 the confluence with the York River in York,  
23 Maine.

24 “(C) The approximately 2.15-mile segment  
25 of Cutts Ridge Brook from the headwaters in  
26 Kittery, Maine, and extending downstream to

1 the confluence with the York River in York,  
2 Maine.

3 “(D) The approximately 3.17-mile segment  
4 of Dolly Gordon Brook from the headwaters in  
5 York, Maine, and extending downstream to the  
6 confluence with the York River in York, Maine.

7 “(E) The approximately 1.65-mile segment  
8 of Libby Brook from the headwaters in Kittery,  
9 Maine, and extending downstream to the con-  
10 fluence with Dolly Gordon Brook in York,  
11 Maine.

12 “(F) The approximately 2.43-mile segment  
13 of Rogers Brook from the headwaters in Eliot,  
14 Maine, and extending downstream to the con-  
15 fluence with the York River in York, Maine.

16 “(G) The approximately 4.54-mile segment  
17 of Smelt Brook from the Bell Marsh Reservoir  
18 dam in York, Maine, and extending downstream  
19 to the confluence with the York River in York,  
20 Maine.

21 “(H) The approximately 12.14-mile seg-  
22 ment of the York River from the outlet of York  
23 Pond in Eliot, Maine, and extending down-  
24 stream to the Route 103 Bridge in York,

1 Maine, including Barrell Mill Pond in York,  
2 Maine.”.

3 **SEC. 3. MANAGEMENT OF YORK WILD AND SCENIC RIVER,**  
4 **MAINE.**

5 (a) DEFINITIONS.—In this section:

6 (1) COVERED SEGMENT.—The term “covered  
7 segment” means a river segment designated by para-  
8 graph (231) of section 3(a) of the of the Wild and  
9 Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by  
10 section 2).

11 (2) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior.

13 (3) STATE.—The term “State” means the State  
14 of Maine.

15 (4) STEWARDSHIP COMMITTEE.—The term  
16 “Stewardship Committee” means the York River  
17 Stewardship Committee.

18 (5) STEWARDSHIP PLAN.—The term “steward-  
19 ship plan” means the plan entitled the “York River  
20 Watershed Stewardship Plan”, dated August 2018,  
21 and developed pursuant to the study described in  
22 section 5(b)(21) of the Wild and Scenic Rivers Act  
23 (16 U.S.C. 1276(b)(21)).

24 (b) STEWARDSHIP PLAN.—

1           (1) IN GENERAL.—The Secretary shall manage  
2 the covered segments in accordance with—

3                   (A) the stewardship plan; and

4                   (B) any amendments to the stewardship  
5 plan that—

6                           (i) the Secretary determines are con-  
7 sistent with this section; and

8                           (ii) are approved by the Stewardship  
9 Committee.

10           (2) COMPREHENSIVE MANAGEMENT PLAN.—

11 The stewardship plan shall be considered to satisfy  
12 the requirements for a comprehensive management  
13 plan under section 3(d) of the Wild and Scenic Riv-  
14 ers Act (16 U.S.C. 1274(d)).

15           (c) COORDINATION WITH COMMITTEE.—The Sec-  
16 retary shall coordinate the management responsibilities of  
17 the Secretary under this Act and the amendments made  
18 by this Act with the Stewardship Committee, as provided  
19 in the stewardship plan.

20           (d) COOPERATIVE AGREEMENTS.—

21                   (1) IN GENERAL.—To provide for the long-term  
22 protection, preservation, and enhancement of the  
23 covered segments, the Secretary may enter into co-  
24 operative agreements pursuant to sections 10(e) and

1 11(b)(1) of the Wild and Scenic Rivers Act (16  
2 U.S.C. 1281(e), 1282(b)(1)) with—

3 (A) the State;

4 (B) the towns of Eliot, Kittery, South Ber-  
5 wick, and York in the State; and

6 (C) appropriate local, regional, or State  
7 planning, environmental, or recreational organi-  
8 zations.

9 (2) CONSISTENCY.—Each cooperative agree-  
10 ment entered into under this subsection—

11 (A) shall be consistent with the steward-  
12 ship plan; and

13 (B) may include provisions for Federal fi-  
14 nancial or other assistance.

15 (e) LAND MANAGEMENT.—

16 (1) ZONING ORDINANCES.—For the purposes of  
17 the covered segments, the zoning ordinances adopted  
18 by the towns described in subsection (d)(1)(B), in-  
19 cluding any provisions for the conservation of  
20 floodplains, wetlands, and watercourses associated  
21 with the covered segments, shall be considered to  
22 satisfy the requirements of section 6(c) of the Wild  
23 and Scenic Rivers Act (16 U.S.C. 1277(c)).

1           (2) ACQUISITION OF LAND.—The authority of  
2 the Secretary to acquire land for the purposes of the  
3 covered segments shall be—

4           (A) limited to acquisition by donation or  
5 acquisition with the consent of the owner of the  
6 land; and

7           (B) subject to the additional criteria pro-  
8 vided in the stewardship plan.

9           (3) NO CONDEMNATION.—No land or interest  
10 in land within the watersheds of the covered seg-  
11 ments may be acquired by condemnation.

12          (f) RELATION TO THE NATIONAL PARK SYSTEM.—  
13 Notwithstanding section 10(c) of the Wild and Scenic Riv-  
14 ers Act (16 U.S.C. 1281(c)), the covered segments shall  
15 not be—

16           (1) administered as a unit of the National Park  
17 System; or

18           (2) subject to the laws (including regulations)  
19 applicable to the National Park System.

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