

**STATEMENT OF CHRISTINA GOLDFUSS, DEPUTY DIRECTOR,
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SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE
SUBCOMMITTEE ON NATIONAL PARKS, COMMITTEE ON ENERGY AND
NATURAL RESOURCES, CONCERNING H.R. 412, TO AMEND THE WILD
AND SCENIC RIVERS ACT TO DESIGNATE A SEGMENT OF THE NASHUA
RIVER AND TRIBUTARIES IN THE COMMONWEALTH OF
MASSACHUSETTS FOR STUDY FOR POTENTIAL ADDITION TO THE
NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER
PURPOSES.**

JULY 23, 2014

Mr. Chairman, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 412, a bill to amend the Wild and Scenic Rivers Act to designate a segment of the Nashua River and its tributaries in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes. This bill passed the House on June 23, 2014.

The Department supports enactment of this legislation with amendments. The river segments and tributary areas proposed for study exhibit the types of qualities and resource values that would make it a worthy and important candidate for potential addition to the National Wild and Scenic Rivers System. However, we feel that priority should be given to the 24 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been transmitted to Congress.

H.R. 412 directs the Secretary of the Interior to study a 19-mile segment of the mainstem of the Nashua River, except for a 4.8-mile segment that is currently the subject of a Federal Energy Regulatory Commission (FERC) licensing proceeding for an existing hydroelectric facility (Pepperell Hydro Company, P-12721). It is the Department's understanding that this excepted segment would appropriately allow the FERC to complete the ongoing licensing proceeding without the delay that a Wild and Scenic River Study would otherwise impose. As specified in the bill, the study would include unnamed tributaries of the Nashua River along the segment designated for study, in addition to the two named tributaries, the Squannacook and Nissitissit Rivers. The bill requires the study to be completed and transmitted to Congress within three years after funding is made available for it. We estimate the cost of the study to be approximately \$300,000, based on similar studies recently conducted by the National Park Service (NPS).

The Nashua River, once severely polluted, played an important role in the nation's river conservation history by inspiring support for both the state and federal Clean Water Acts.

The transformation of the Nashua from a neglected and polluted waterway to one which now boasts the Oxbow National Wildlife Refuge, regionally significant paddling and fishing opportunities, a remarkable protected greenway system, and other important natural and cultural values, is a remarkable success story. The Squannacook and Nissitissit Rivers are two of eastern Massachusetts' most significant remaining cold-water trout fisheries.

The Northeast Regional Office of the NPS recently completed a reconnaissance survey of the Nashua River at the request of Representative Niki Tsongas, the sponsor of H.R. 412. The survey provided a preliminary evaluation of the approximately 27.5 miles of river that would be studied under H.R. 412 as a step toward a full Wild and Scenic River Study. The findings of the survey indicate that segments of the Nashua River exhibit the characteristics and resource values likely to meet eligibility criteria for inclusion in the National Wild and Scenic Rivers System. In addition, over the course of the past four years, the NPS has responded to interest and inquiries from local advocates and town officials regarding a potential Wild and Scenic Rivers study for the Nashua River, and there appears to be strong local support for protecting the river system.

If enacted, the National Park Service intends to undertake the study in close cooperation with the affected communities, the relevant agencies of the Commonwealth of Massachusetts, the U.S. Fish and Wildlife Service, and interest groups such as the Nashua River Watershed Association through a partnership-based study approach. The partnership-based approach is recognized in Section 10(e) of the Wild and Scenic Rivers Act as a means of encouraging state and local governmental participation in the administration of a component of the National Wild and Scenic Rivers System. The partnership-based approach also allows for development of a proposed river management plan as part of the study, which helps landowners and local jurisdictions understand their potential future roles in river management should Congress decide to designate part or all of the rivers being studied.

Although the Wild and Scenic Rivers Act requires the development of a comprehensive river management plan within three years of the date of designation, it has become the practice of the National Park Service to prepare this plan as part of a study of potential wild and scenic rivers when much of the river runs through private lands. This allows the National Park Service to consult widely with local landowners, federal and state land management agencies, local governments, river authorities, and other groups that have interests related to the river prior to determining if the river is suitable for designation. Early preparation of the plan also assures input from these entities as well as users of the river on the management strategies that would be needed to protect the river's resources.

As passed by the House, H.R. 412 includes certain requirements for the study which we recommend deleting. These requirements include determining the effect of the designation on existing commercial and recreational activities and on activities concerning energy production and transmission infrastructure, and on the authority of state and local governments to manage those activities. They also include requiring the identification of any authorities that would compel or permit the Secretary of the Interior

to include or participate in local land use decisions or place restriction on non-federal lands, or that could be used to condemn property. And, they include requiring the identification of all private property located in the study area. The purpose of conducting a study is to determine whether a river meets the established criteria for eligibility for the National Wild and Scenic Rivers System. We believe that the existing criteria used for making that determination result in a sufficient amount of information and analysis of the effects of a Wild and Scenic River designation. The additional requirements included in these bills could potentially increase the cost of the study and the time required to complete it.

This concludes my prepared remarks, Mr. Chairman. I would be happy to answer any questions you or other committee members may have regarding this bill.