

92^D CONGRESS
1ST SESSION

S. 36

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 1971

Referred to the Committee on Interior and Insular Affairs

AN ACT

To preserve and promote the resources of the Connecticut River Valley, 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

STATEMENT OF POLICY

4 SECTION 1. The Congress finds that the Connecticut
5 River and the first tier of towns bordering the river in the
6 States of Connecticut, Vermont, and New Hampshire, and
7 the Commonwealth of Massachusetts, as generally depicted
8 on the map entitled "Connecticut River Valley corridor",
9 numbered NSR-CON-91,000 and dated August 1970, which
10 is on file and available for public inspection in the offices of
11 the National Park Service, Department of the Interior, pos-

1 sess unusual scenic, ecological, scientific, historic, recrea-
2 tional, and other values contributing to public enjoyment,
3 inspiration, and scientific study. The Congress further finds
4 that it is in the best interests of the citizens of the United
5 States for the United States to take action to preserve and
6 promote such values for the enjoyment of present and future
7 generations, to preserve the natural ecological environment
8 and develop the recreational potential of the area, and to en-
9 courage maximum complementary action by State and local
10 governments and private individuals, groups, and associa-
11 tions.

12 CONNECTICUT HISTORIC RIVERWAY

13 SEC. 2. In order to provide for conservation of the
14 scenic, scientific, historic, ecological, and other values con-
15 tributing to public enjoyment, as well as the public outdoor
16 recreation use and enjoyment of the Connecticut River Val-
17 ley corridor, consistent with the well-being of present and
18 future residents of the area, there is hereby established the
19 Connecticut Historic Riverway (hereinafter referred to as
20 the "riverway"). The boundaries of such riverway shall be
21 as generally delineated on the map numbered NR-CON-
22 40,000, and dated July 1970. The Secretary of the Interior
23 (hereinafter referred to as the "Secretary") may revise the
24 boundaries of the riverway from time to time with a view to
25 carrying out the purposes of this Act, with the approval of

1 a majority of the Connecticut Historic Riverway Gateway
2 Committee for such unit, as established and described in sec-
3 tion 6 of this Act and hereinafter referred to as the "commit-
4 tee", but the total acreage within the revised boundaries of
5 the unit shall not exceed twenty-three thousand and five
6 hundred acres.

7 ACQUISITION OF PROPERTY FOR THE CONNECTICUT
8 HISTORIC RIVERWAY

9 SEC. 3. (a) Within the boundaries of the riverway, the
10 Secretary may acquire without the consent of the owner not
11 to exceed five thousand acres of privately owned lands,
12 waters, and interests therein which he shall designate as
13 being presently needed to carry out the purposes of this Act:
14 *Provided*, That the Secretary may acquire a fee title only
15 in cases where, in his judgment, the acquisition of scenic
16 easements or other less-than-fee interests would not be ade-
17 quate to carry out the purposes of this Act. The remaining
18 privately owned property not so designated may not
19 be acquired by the Secretary without the consent of the
20 owner or owners (hereinafter referred to as "owner") for
21 one year following the date of enactment of this Act, and
22 thereafter so long as an appropriate local zoning agency shall
23 have in force and applicable to such a property a duly
24 adopted, valid zoning ordinance approved by the Secretary.
25 In order to carry out the provisions of this section, and

1 following public hearings, the Secretary shall issue regula-
2 tions, specifying standards that are consistent with the pur-
3 poses of this Act. Such regulations and amendments thereto
4 must receive the approval of a majority of the committee
5 before issuance.

6 (b) The standards specified in such regulations shall
7 have the object of (i) regulating new commercial or indus-
8 trial uses of such property consistent with the purposes of
9 this Act, and (ii) promoting the protection and development
10 for purposes of this Act of such property by means of acre-
11 age, frontage, setback design, and subdivision controls and
12 by prohibiting the cutting of timber, burning of undergrowth,
13 removing soil or other landfill, and dumping or storing refuse
14 in such a manner that would detract from the natural or tra-
15 ditional riverway scene: *Provided*, That such standards shall
16 not discourage the constructive development and use of land
17 for industrial and commercial purposes which are consistent
18 with the purposes of this Act.

19 (c) Following issuance of such regulations the Secre-
20 tary shall approve any zoning ordinance or any amendment
21 to any approved zoning ordinance submitted to him that
22 conforms to the standards contained in the regulations in
23 effect at the time of adoption of the ordinance or amend-
24 ment. Such approval shall remain effective for so long as such
25 ordinance or amendment remains in effect as approved.

1 (d) No zoning ordinance or amendment thereof shall be
2 approved by the Secretary which (i) contains any provi-
3 sions that he considers adverse to the protection and develop-
4 ment of such property in accordance with the purposes of
5 this Act, or (ii) fails to have the effect of providing that
6 the Secretary shall receive notice of any variance granted
7 under, or any exception made to, the application of such
8 ordinance or amendment.

9 (e) If any property, with respect to which the Secre-
10 tary's authority to acquire by condemnation has been sus-
11 pended according to the provisions of this section, is made
12 the subject of a variance under, or becomes for any reason
13 an exception to, such zoning ordinance, or is subject to any
14 variance, exception, or use that fails to conform to any ap-
15 plicable standard contained in regulations of the Secretary
16 issued pursuant to this section and in effect at the time of
17 passage of such ordinance, the Secretary may terminate the
18 suspension of his authority to acquire such property by con-
19 demnation: *Provided*, That the owner of any such property
20 shall have ninety days after written notification from the
21 Secretary to discontinue the variance, exception, or use re-
22 ferred to in such notification.

23 (f) The Secretary shall furnish to any party in interest,
24 upon request, a certificate indicating the property with re-

1 spect to which the Secretary's authority to acquire by con-
2 demnation is suspended.

3 ADDITIONAL PROPERTY ACQUISITION PROVISIONS

4 SEC. 4. (a) The Secretary is authorized to acquire the
5 lands, waters, and interests therein (including scenic ease-
6 ments) within the riverway by donation, negotiated purchase
7 with donated or appropriated funds, transfer, exchange, or
8 condemnation except that such authority to acquire by con-
9 demnation shall be exercised only in the manner and to the
10 extent specifically provided in section 3 of this Act.

11 (b) With the exception of any lands which the Sec-
12 retary determines are presently needed for public use fa-
13 cilities to carry out the purposes of this Act, any owner of
14 improved property within the unit on the date of its ac-
15 quisition by the Secretary may elect, as a condition to such
16 acquisition to retain a right of use and occupancy of the im-
17 proved property for noncommercial residential and agricul-
18 tural purposes for a period ending at the death of the owner
19 or his spouse, whichever occurs later, or for a fixed term
20 not to exceed twenty-five years. The Secretary shall pay
21 to the owner the fair market value of the property on the
22 date of its acquisition less the fair market value on such date
23 of any right retained by the owner. Any retained right of use
24 and occupancy may be transferred or assigned. Whenever
25 the Secretary finds that the property or any portion thereof

1 has ceased to be used for noncommercial residential purposes,
2 he may terminate the right of use and occupancy upon ten-
3 dering to the holder thereof an amount equal to the fair
4 market value of the portion of said right which remains
5 unexpired on the date of termination.

6 (c) As used in this section, the term "improved prop-
7 erty" shall mean a one-family dwelling the construction of
8 which was begun before July 1, 1970, together with so
9 much of the land on which the dwelling is situated, the said
10 land being in the same ownership as the dwelling, as the
11 Secretary shall designate to be reasonably necessary for
12 the enjoyment of the dwelling and land for noncommercial
13 residential or agricultural purposes, together with any struc-
14 tures accessory to the dwelling which are situated on the
15 land so designated: *Provided*, That the Secretary may ex-
16 clude from the land so designated any water bodies together
17 with so much of the adjacent land as he deems necessary for
18 public access thereto.

19 (d) Any property or interests therein within the river-
20 way which are owned by a State or by any political sub-
21 division thereof may be acquired only by donation. Notwith-
22 standing any other provision of law, any Federal property
23 located within the riverway may, with the concurrence of
24 the agency having custody thereof, be transferred to the
25 administrative jurisdiction of the Secretary, without transfer

1 of funds, for administration by him as part of the recrea-
2 tion area.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 5. (a) The Secretary shall administer and pro-
5 tect the riverway with the primary aim of conserving the
6 natural resources located within it and preserving the area
7 in as nearly its natural state and condition as possible. No
8 development or plan for the convenience of visitors shall be
9 undertaken in the riverway which would be incompatible
10 with the overall lifestyle of residents of the area, accepted
11 ecological principles, the preservation of the physiographic
12 conditions now prevailing, or with the preservation of such
13 historic sites and structures as the Secretary may designate.

14 (b) The riverway shall be administered, protected, and
15 developed by the Secretary in accordance with the provisions
16 of this Act and the Act of August 25, 1916 (39 Stat. 535),
17 as amended and supplemented (16 U.S.C. 1 et seq.), ex-
18 cept that the Secretary may utilize any other statutory
19 authority available to him for the conservation and manage-
20 ment of natural resources to the extent he finds such au-
21 thority will further the purposes of this Act.

22 (c) The Secretary shall permit hunting, fishing, and
23 trapping on lands and waters under his jurisdiction within
24 the riverway in accordance with the applicable laws of the
25 States concerned and of the United States, except that the

1 Secretary may designate zones where, and establish periods
2 when, no hunting, no fishing, or trapping shall be permitted
3 for reasons of public safety, fish or wildlife management,
4 administration, or public use and enjoyment. Except in
5 emergencies, any regulations of the Secretary prescribing
6 any such restrictions shall be issued only after consultation
7 with the appropriate agency of the State concerned.

8 (d) The Federal Power Commission shall not authorize
9 the construction, operation, or maintenance within the river-
10 way of any dam, water conduit, reservoir, transmission line,
11 or other project works under the Federal Power Act (41
12 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Pro-*
13 *vided*, That the provisions of that Act shall continue to apply
14 to any project, as defined in that Act, already licensed.

15 (e) Designated National Park Service employees of the
16 riverway may make arrests for violations of any Federal
17 laws or regulations applicable to the area, and they may bring
18 the accused person before the nearest magistrate, judge, or
19 court of the United States having jurisdiction in the premises.

20 GATEWAY COMMITTEE

21 SEC. 6. (a) There is hereby established the Connecticut
22 Historic Riverway Gateway Committee.

23 (b) Such committee shall be composed of members
24 appointed for a term of two years by the Secretary as follows:

25 (1) a member appointed to represent the State of

1 Connecticut. Such appointments shall be made from rec-
2 commendations of the Governor of the State of
3 Connecticut;

4 (2) a member appointed to represent the appro-
5 priate regional planning commissions or agencies of
6 Connecticut. Such appointments shall be made from
7 recommendations of the heads of such commissions or
8 agencies;

9 (3) a member appointed to represent each town
10 referred to in section 1 of this Act that is directly
11 affected by the establishment of the riverway and such
12 appointments shall be made from recommendations of
13 the governing body of such towns; and

14 (4) a member to be designated by the Secretary;
15 and

16 (5) a member to be designated by the Admin-
17 istrator of the Environmental Protection Agency or
18 other such Federal agency which assumes the respon-
19 sibility for the protection of the environment by change
20 of law or by Executive order, unless that agency is
21 under the administrative jurisdiction of the Secretary of
22 the Interior;

23 (c) The chairman of the committee shall be elected by
24 the membership thereafter for a term of not to exceed two

1 years. Any vacancy in the committee shall be filled in the
2 same manner in which the original appointment was made.

3 (d) All members of the committee shall serve without
4 compensation as such. The Secretary is authorized to pay
5 the expenses reasonably incurred by the committee in carry-
6 ing out their responsibilities under this Act on the presenta-
7 tion of vouchers signed by the chairman.

8 (e) The Secretary or his delegate shall consult regu-
9 larly with the committee with respect to all matters relating
10 to the development and administration of the riverway,
11 and with respect to carrying out the provisions of this Act,
12 including but not limited to matters relating to the acqui-
13 sition of lands, the issuance of regulations specifying standards
14 for zoning ordinances, and the administration of the
15 riverway.

16 (f) The committee shall make available to the Secre-
17 tary an annual report reviewing matters relating to the
18 development of the riverway, including land acquisition and
19 the zoning standards policies, and shall make recommenda-
20 tions thereto.

21 CONNECTICUT RIVER VALLEY CORRIDOR

22 SEC. 7. (a) The Secretary, in accordance with author-
23 ity contained in the Act of May 28, 1963 (77 Stat. 49), and
24 in consultation with the New England River Basin Commis-

1 sion and the advisory committee established by section 6 of
2 this Act, shall encourage coordinated planning for the con-
3 servation and development of the scenic, ecological, scientific,
4 historic, and recreational resources of the Connecticut River
5 Valley corridor which is defined for the purpose of this sec-
6 tion as that part of the Connecticut River Valley corridor
7 depicted on the map referred to in section 1 of this Act which
8 is located within the State of Connecticut. The Secretary
9 shall give particular attention to encouraging and coordinat-
10 ing the conservation and development of the outdoor recrea-
11 tion resources of the corridor that are outside the boundaries
12 of the riverway, and he is authorized to provide technical
13 assistance to State and local governments and private indi-
14 viduals, groups, and associations with respect to the conser-
15 vation and development of such resources. The Secretary is
16 authorized to establish a regional office of the Bureau of Out-
17 door Recreation within the boundaries of the Connecticut
18 River Valley corridor in order to facilitate the planning and
19 coordination under this section.

20 (b) The Secretary shall encourage State, regional,
21 county, and municipal bodies to adopt and enforce adequate
22 master plans and zoning ordinances which will promote the
23 use and development of private owned lands within the
24 corridor in a manner consistent with the purposes of this
25 section, and he is authorized to provide technical assistance

1 to such bodies in the development of such plans and
2 ordinances.

3 (c) The Secretary shall cooperate with the appropriate
4 State and local agencies to provide safeguards against pollu-
5 tion of the Connecticut River and unnecessary impairment
6 to the scenery thereof.

7 (d) In order to avoid, insofar as possible, decisions or
8 actions by any department, agency, or instrumentality of
9 the United States which could have a direct or adverse effect
10 on the outdoor recreation resources of the corridor, all de-
11 partments, agencies, and instrumentalities of the United
12 States shall consult with the Secretary concerning any plans,
13 programs, projects, and grants under their jurisdiction within
14 the corridor. Any Federal department, agency, or instru-
15 mentality before which there is pending an application for
16 a license for any activity which could have such effect on
17 the outdoor recreation resources of the corridor shall notify
18 the Secretary, and, before taking final action on such appli-
19 cation, shall allow the Secretary ninety days to present his
20 views on the matter.

21 (e) The Secretary of Agriculture shall study means of
22 preserving the agricultural, forest, and rural open space
23 character of the corridor, and shall submit a report of his
24 findings and recommendations to the President and Congress
25 within one year after the date of this Act.

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