

## Calendar No. 592

111TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ 111-306

### UPPER CONNECTICUT RIVER PARTNERSHIP ACT

SEPTEMBER 27, 2010.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 1117]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1117) to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Upper Connecticut River Partnership Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONS.—The term “Commissions” means the Connecticut River Joint Commissions of New Hampshire and Vermont.

(2) MANAGEMENT PLAN.—

(A) IN GENERAL.—The term “management plan” means the management plan developed by the Commissions entitled “Connecticut River Corridor Management Plan” and dated May 1997.

(B) INCLUSIONS.—The term “management plan” includes any updates to the management plan described in subparagraph (A).

(3) PROGRAM.—The term “program” means the Connecticut River Grants and Technical Assistance Program established by section 3(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means each of the States of New Hampshire and Vermont.

(6) WATERSHED.—The term “watershed” means the upper Connecticut River watershed.

**SEC. 3. CONNECTICUT RIVER GRANTS AND TECHNICAL ASSISTANCE PROGRAM.**

(a) **IN GENERAL.**—There is established in the Department of the Interior the Connecticut River Grants and Technical Assistance Program.

(b) **PURPOSE.**—The purpose of the program is to provide financial and technical assistance to the States, through the Commissions, to improve management of the watershed in accordance with the management plan.

(c) **FINANCIAL AND TECHNICAL ASSISTANCE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may provide financial and technical assistance to the Commissions in furtherance of the purposes of this Act.

(2) **LIMITATION.**—No financial assistance shall be provided under this Act until the date on which the Secretary has approved criteria for financial assistance in accordance with subsection (d).

(d) **CRITERIA.**—

(1) **DEVELOPMENT.**—The Commissions shall develop criteria for—

(A) prioritizing and determining the eligibility of applicants for financial and technical assistance under the program; and

(B) reviewing and prioritizing applications for financial and technical assistance under the program.

(2) **REVIEW; APPROVAL.**—

(A) **SUBMISSION.**—The Commissions shall submit the criteria developed under paragraph (1) to the Secretary for review.

(B) **APPROVAL OR DISAPPROVAL.**—

(i) **IN GENERAL.**—Not later than 180 days after the date on which the Commissions submit the criteria under subparagraph (A), the Secretary shall approve or disapprove the criteria.

(ii) **DISAPPROVAL.**—If the Secretary disapproves the criteria under clause (i), the Secretary shall—

(I) advise the Commissions of the reasons for disapproval;

(II) make recommendations for revisions to the criteria; and

(III) not later than 180 days after the date on which the Commissions submit revised criteria to the Secretary, approve or disapprove the revised criteria.

(C) **CONSIDERATIONS.**—In reviewing the criteria submitted under this paragraph, the Secretary shall consider the extent to which the criteria—

(i) are consistent with the purposes and goals of the management plan; and

(ii) provide for protection of the watershed, including the natural, cultural, historic, and recreational resources within the watershed.

(e) **AUTHORITIES OF THE COMMISSIONS.**—The Commissions may use funds made available under this Act to provide financial and technical assistance to State and local governments, nonprofit organizations, and other public and private entities to protect the watershed in accordance with the approved criteria and consistent with the management plan.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any 1 fiscal year.

(b) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The Federal share of the total cost of any activity under this Act shall be not more than 50 percent of the total cost.

(2) **FORM.**—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

**SEC. 5. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 10 years after the date of enactment of this Act.

**PURPOSE**

The purpose of S. 1117 is to authorize the Secretary of the Interior to provide financial and technical assistance to carry out projects for conservation and protection of the natural, cultural, historic, and recreational resources of the upper Connecticut River watershed.

## BACKGROUND AND NEED

The upper Connecticut River forms the border between Vermont and New Hampshire, and the watershed encompasses roughly 35 percent of the States' total combined land area. The watershed and several sites located within it have been recognized as containing significant cultural, natural, and scenic resources, including Marsh-Billings-Rockefeller National Historical Park, Saint-Gaudens National Historic Site, and sections of the Appalachian Trail. It also includes the Silvio O. Conte National Fish and Wildlife Refuge and the Connecticut River Byway, which was recognized as a National Scenic Byway in 2005.

The upper Connecticut River watershed provides many opportunities for river-based recreation, such as swimming, boating, camping, fishing, bicycling, and hiking. There has been sustained local interest in developing and managing the area to support outdoor recreation while protecting the watershed's scenic and natural value. The loss of private land to development, erosion along river-front land, and mercury and other toxins in fish threaten the watershed's recreational value as well as its natural resources.

The Connecticut River Joint Commissions were formed in 1989, uniting separate commissions that had been formed by the States of Vermont and New Hampshire, to serve as a catalyst to preserve and protect the resources of the Connecticut River Valley, and to guide its growth and development. In 1997, the Commissions completed the Connecticut River Corridor Management Plan. The management plan identifies several focus areas for protecting the Connecticut River, including river quality, flow management and dams, sustaining habitat for fish and wildlife, and economic opportunities. The management plan encourages the Connecticut River Joint Commissions to work with state and federal agencies to meet the Plan's goals for restoring, conserving, and preserving the Connecticut River. The Connecticut River Joint Commissions have secured funding from federal agencies in the past, but the Commissions are seeking a dedicated individualized grant program that would address a backlog of projects that would benefit the river and the region. Legislation is needed to establish a grant and technical assistance program to award grants to local communities and organizations that seek to achieve the management plan's goals of preserving, conserving and restoring the upper Connecticut River watershed and its resources.

## LEGISLATIVE HISTORY

S. 1117 was introduced by Senators Leahy, Shaheen, Sanders, and Gregg on May 21, 2009. The Subcommittee on National Parks held a hearing on the bill on July 15, 2009. The Committee on Energy and Natural Resources considered the bill and adopted an amendment in the nature of a substitute at its business meeting on July 21, 2010. The Committee ordered S. 1117 favorably reported, as amended, at its business meeting on August 5, 2010.

## COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on August 5, 2010, by a voice vote of a quorum

present, recommends that the Senate pass S. 1117, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of S. 1117, the Committee adopted an amendment in the nature of a substitute. The amendment makes the authorization consistent with authorities provided for National Heritage Areas. In particular, the amendment deletes the Congressional finding and purpose section, and expands the definitions section to clarify several terms used in the bill. It clarifies that financial and technical assistance for the Connecticut River Grants and Technical Assistance Program will not be provided by the Secretary of the Interior until he has approved criteria developed by the Commissions. The amendment includes requirements detailing how the Secretary will review the criteria and the process for approving or disapproving the criteria. The amendment also changes the Federal cost share from 75 percent to 50 percent, and adds a sunset clause that terminates the Secretary's authority to provide financial assistance after 10 years. The Committee amendment is further explained in detail in the section-by-section analysis below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* provides the short title, the "Upper Connecticut River Partnership Act."

*Section 2* defines key terms used in the bill.

*Section 3(a)* establishes the Connecticut River Grants and Technical Assistance Program.

Subsection (b) describes the purpose of the program, which is to provide financial and technical assistance to improve management of the watershed in accordance with the management plan developed by the Connecticut River Joint Commissions of New Hampshire and Vermont (the "Commissions").

Subsection (c) clarifies that the Secretary of the Interior may provide financial and technical assistance to the Commissions, but not until the Secretary has approved criteria for financial assistance in accordance with this Act.

Subsection (d) instructs the Commissions to develop criteria for determining the eligibility of applicants for financial and technical assistance and for reviewing their applications. The Secretary must approve or disapprove the Commissions' criteria within six months after they are submitted for review, considering the extent to which the criteria are consistent with the purposes and goals of the Commissions' management plan. If the Secretary disapproves the criteria he must make recommendations for revisions to the criteria and approve or disapprove the revised criteria within six months after they are submitted.

Subsection (e) authorizes the Commissions to use Federal funds to make grants, enter into cooperative agreements or provide technical assistance, hire staff, obtain funds or services from any source, contract for goods or services, and support activities of partners and any other activities that further the purposes of the heritage area and are consistent with the management plan.

*Section 4(a)* authorizes total appropriations of \$10 million, of which not more than \$1 million may be appropriated for any fiscal year.

Subsection (b) requires Federal funding to be matched on a 50:50 basis by funds from non-Federal sources, including in the form of in-kind contributions of goods or services.

*Section 5* provides that the authority of the Secretary to provide assistance under this Act terminates 10 years after the date of enactment.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

##### *S. 1117—Upper Connecticut River Partnership Act*

S. 1117 would establish the Connecticut River Grants and Technical Assistance Program to help New Hampshire and Vermont manage the upper Connecticut River watershed. For that purpose, the bill would authorize the appropriation of \$10 million, up to \$1 million annually. Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1117 would cost the National Park Service, which would manage the program, \$5 million over the 2011–2015 period and \$5 million after 2015. Enacting the legislation would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

S. 1117 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The states of New Hampshire and Vermont and local governments in those states would benefit from assistance authorized in the bill. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1117.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1117, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
4	Authorization of Appropriations	Senator Leahy

## EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the July 15, 2009 Subcommittee hearing on S. 1117 follows:

STATEMENT OF KATHERINE H. STEVENSON, DEPUTY DIRECTOR, SUPPORT SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before you today to discuss the views of the Department of the Interior on S. 1117, the Upper Connecticut River Partnership Act, which would authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont.

The Department appreciates the efforts of the Connecticut River Joint Commissions and their exemplary work in the upper Connecticut River watershed. Many local, state, regional and federal organizations have worked in partnership with the Commissions for many years to support numerous efforts to improve water quality, promote sustainable tourism, protect unique natural and rural resources, and improve recreational opportunities.

While we support activities that conserve and enhance the cultural, environmental and recreational resources of the upper Connecticut River watershed, the Department cannot support S. 1117. There are existing funding mechanisms within the National Park Service, U.S. Fish and Wildlife Service, and possibly other federal agencies that can foster the type of partnership efforts envisioned in this bill. For example, technical assistance is available through the National Park Service's Rivers, Trails, and Conservation Assistance Program, while grants are available through the U.S. Fish and Wildlife Service's North American Wetlands Conservation Act Grants Program.

The upper Connecticut River watershed encompasses 41 percent of the state of Vermont's total area and 33 percent of the state of New Hampshire's. It has been the subject of many past studies, including National Park Service (NPS) studies, which document its natural and cultural resources. The upper Connecticut River watershed was recognized by Congress in 1991 as part of the Silvio O. Conte National Fish and Wildlife Refuge; the refuge manages the Nulhegan Basin unit and sponsors education centers at the Montshire Museum in Norwich, Vermont as well as in Colebrook, New Hampshire and Turner's Falls, Massachusetts. The watershed also contains units of the National Park System including Marsh-Billings-Rockefeller National Historical Park, Saint Gaudens National Historic Site, and sections of the Appalachian Trail. The NPS Rivers, Trails and Conservation Assistance Program field office in Woodstock, Vermont has projects in the watershed, and the Hydropower Relicensing and Wild & Scenic River

programs serve the region from the Northeast Region's office. The Connecticut River was designated an American Heritage River in 1998, and is home to the Connecticut River Scenic Byway, designated by the States of Vermont and New Hampshire in 1999. In 2005, it was also designated as a National Scenic Byway.

The Connecticut River Joint Commissions was formed in 1989, uniting separate commissions that had been formed by the States of Vermont and New Hampshire previously. In 1997, working with 5 bi-state local subcommittees, they produced the Connecticut River Corridor Management Plan. From 1992 to 1999 the NPS provided \$1.325 million to the Connecticut River Joint Commissions, as well as technical assistance, for work in the upper Connecticut River watershed. The NPS will continue to support and work with the Joint Commissions.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks. I will be happy to answer any questions you or other committee members may have regarding this bill.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1117, as ordered reported.

