

for mining purposes is one that this committee is going to have to carefully review. I think that you were privy yesterday to the testimony of Ed Cliff, and you have set out that particular interpretation of the law into your discussion here, and have raised very serious objections to it. I think the committee needs to look at that point very carefully, and so your testimony has been helpful. Before we pass judgment on this case, I think this is a question that needs to be probed.

Senator Hansen, do you have any questions?

Senator HANSEN. I have no questions, Mr. Chairman. I would like to say that there are a number of us who have been concerned with the desirability of continuing legislative oversight, in seeing that the executive agencies of Government do indeed carry out the intent of the Congress, and I think you have touched upon that, and indicated our serious concern about it. I share your feeling that we will indeed want to look very closely at this.

Senator CHURCH. Yes; there is a gray area here that I am not certain enough specific attention was given to at the time the Wilderness Act was passed. That gray area is the difference between hard rock mineral interests, governed by the provisions of the earlier mineral laws, and oil and gas leases.

I think it is true that in the case of the latter, there has always been administrative discretion. In the case of the former, that is not true, except in places where public lands have been withdrawn from entry, but otherwise, the locator had certain rights that came to him by force of law.

In the case of leases, on the other hand, there has been, from the beginning, a discretionary authority vested in the administrative agencies, with jurisdiction over the land concerned. So I think we just need to take another look at the two interpretations that have developed since the passage of the Wilderness Act and discuss this in the committee.

Mr. LOEB. We would appreciate your consideration of our points.

Senator CHURCH. Yes; thank you, Mr. Loeb.

At this time I would like to include in the hearing record some letters I have received concerning the Washakie Wilderness proposal. (The letters referred to follow:)

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., February 16, 1968.

Senator FRANK CHURCH,
Chairman, Subcommittee of Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: I am writing to you as the Regional Director of the National Wildlife Federation for Region 13 which includes the states of Montana, Idaho, and Wyoming.

I wish to support in general the Forest Service's recommendation relative to the reclassification of the Washakie Wilderness Area. There are two additions which the Wyoming Federation is most desirous of having included in addition to the recommendations of the Forest Service. These are the Bear Creek Basin Area and the East and West Forks of the DuNoir River. It is my understanding that these two areas have a great deal of significance for wildlife and their inclusion in the Washakie Wilderness is essential to the continued well being of the wildlife of this area. The Bear Creek area is utilized by summer elk herds and is excellent as a spring and fall range for elk. Roads in this area would reduce the use of this area by resident elk herds.

The East and West Fork of the DuNoir River is an important area for big horn sheep, moose, elk and deer and is important to patterns of migrating elk.