

provide public use facilities and public access, and to avoid the payment of severance costs. The bill contemplates that the acquisition of scenic easements or other interests in land will be adequate to protect the remaining lands included in the boundaries of a national scenic river area.

Sections 4 (c), (e), and (f) provide that the appropriate Secretary may not acquire (1) lands owned by a State without its consent; (2) lands owned by an Indian tribe without the consent of the tribal governing body; (3) lands within an incorporated city, village, or borough by condemnation proceedings as long as satisfactory zoning ordinances are in effect with respect to such lands; and (4) county-owned lands by any method, without the consent of the county, as long as it is following a satisfactory management plan for such lands.

Section 5(a) sets forth the purposes for which the national scenic river areas are to be administered. It directs the two Secretaries to give primary management emphasis to protecting the aesthetic and scenic features of such areas. This section recognizes that management plans for national scenic river areas may vary, depending upon the special attributes of each such area. The intention of this section is to maintain the status quo with respect to the character of the river and related adjacent lands at the time of its designation as a national scenic river area. It is recognized, however, that additional highways may unavoidably be routed across national scenic river areas.

Section 5(b) provides that the States will be encouraged to cooperate in the administration of a national scenic river area where it includes State-owned or country-owned lands. This section also authorizes the transfer of any Federal land located within a national scenic river area, with the consent of the agency having jurisdiction thereof, to the appropriate Secretary for administration as part of the national scenic river area.

Section 6(a) restricts the authority of the Federal Power Commission to license the building of any new dam or any project work unrelated to an existing project within a segment of a river designated as a national scenic river area. It provides that the Federal Power Commission may not issue such licenses unless the Congress enacts legislation approving their issuance. The purposes of designating an area as a national scenic river area are to maintain the free-flowing character of the stream and the natural character of the related adjacent lands. The building of dams or other structures would destroy these conditions.

Section 6(b) expressly continues the applicability of the United States mining and mineral leasing laws to the areas designated as national scenic river areas. All mining operations, however, will be subject to regulations needed to safeguard the national scenic river values. In addition, after the effective date of this Act, a mining claim perfected within a national scenic river area will give the mining claimant title only to the mineral deposits in the claim, together with the right to make any use of the land surface of such a claim as is reasonably required for his mining operations.

We believe that mineral activity within a national scenic river area should not be precluded, but that it should be subject to sufficient controls to prevent mining from defeating the purpose of this bill. This section provides such controls.

Sections 6 (c) and (d) provide that when a portion of a national scenic river area is also located within the National Wilderness Preservation System, the National Park System, or the National Wildlife Refuge System, the provisions of this bill and the Act or Acts governing the respective system will apply to such area, and if there should be a conflict the more restrictive provisions will apply.

The provisions of the Wilderness Act governing mining in the national forest areas designated by that Act as wilderness areas are, for example, more restrictive than the comparable provisions of this bill. When a portion of a scenic river area, therefore, is also within a portion of a national forest designated by the Wilderness Act as a wilderness area, it would be withdrawn on January 1, 1984, from further appropriation under the mining laws and from further disposition under all laws pertaining to mineral leasing.

Section 6(e) requires the Federal or State agency which has responsibility for a national scenic river area to cooperate with the Secretary of the Interior and with appropriate State water pollution control agencies for the purpose of controlling the pollution of waters in such area.