

Amendment 2. (Section 3, pages 5 and 6 of H.R. 8416)—Bill provides that four designated rivers be classified according to types, i.e., wild, natural environment, pastoral, historic and cultural.

Department report states it to be premature for bill to make classifications in absence of more detailed knowledge of rivers. Thus the report, while expressing no objection to the proposed classification, does not recommend that the rivers not be classified in this legislation but on the contrary, the administering agency be directed to classify according to the specific classification as soon as practical after they are included in the system.

Amendment 4. (Section 6, page 12 of H.R. 8416)—Section 6(a) prevents the Secretary from acquiring lands (public or private) within the boundaries of any political subdivision of a State without consent of the political subdivision.

Since all lands would be within county boundaries, the Bill could preclude acquisition of any lands, public or private, by the administering agency and defeat the purposes of the bill. The Department recommends that private lands be subject to eminent domain but not State-owned lands, or lands owned by a political subdivision of the State if it is following a plan of management and protection that the Secretary finds consonant with the purposes of the Act. It also recommends a clarifying amendment that Land and Water Conservation Fund Act moneys be allowed to be utilized for Federal acquisition of lands for scenic river purposes under the bill.

Amendment 6. (Section 7, pages 14, 15, and 16)—Bill would preclude all Federally assisted water resource projects constructed on or directly affecting a river included in the System by this bill or a subsequent Act.

Because certain "water resource projects" are not adverse or necessarily detrimental to a scenic rivers program, the Department's report recommended the bill be amended to preclude water resource projects that would have a direct and adverse effect on the values for which any such river was established as determined by the Secretary.

Amendment 17. (Section 11, pages 21 and 22 of H.R. 8416)—The Bill is silent with respect to any special provisions for the Allagash or for that portion of the Wolf River administered by the State with Federal financial assistance.

The Department report recommends the addition of language to afford the States of Maine and Wisconsin protection in acquiring lands along the Allagash and Wolf Rivers respectively for scenic river purposes.

The recommended amendment provides that upon application by the Governor of the State for designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin as part of the national scenic rivers system, the Secretary may make such designation if the State or local administering agency agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project works on or directly affecting such rivers.

There are six major differences between H.R. 8416 as the Department proposed it be amended and Senate-passed S. 119, as follows:

1. CLASSIFICATION OF RIVERS

H.R. 8416 as proposed to be amended provides that the administering agency will classify rivers as soon as practicable after they are included in the system as to their type into wild, natural environment, pastoral, and historic and cultural rivers, and provides further for the designation of high density use areas and unique natural and historic river areas. The Senate-passed S. 119 provides at time of designation for only two general types of rivers for inclusion in the system, namely, wild and scenic.

2. RESTRICTIONS ON ACQUISITION OF LANDS BY CONDEMNATION PROCEEDINGS

Senate-passed S. 119 precludes condemnation of lands or interests therein (other than "scenic easements"), without the owner's consent, where 50 percent or more of the wild or scenic river area is in public ownership. H.R. 8416 contains no such provision. Where less than 50 percent of the area is in public ownership, S. 119 precludes the condemnation of (1) State-owned lands; (2) county-owned lands as long as the county is following a management plan in accordance with the purposes of the Act; and (3) lands within incorporated city, village, or borough when such lands have been zoned in accordance with purposes of the Act.