

The Bureau of the Budget advises us that there would be no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

LEE O. WHITE, *Chairman.*

FEDERAL POWER COMMISSION REPORT ON H.R. 8416, 90TH CONGRESS

A bill "to provide for a national scenic rivers system, and for other purposes"

H.R. 8416 would be known as the "National Scenic Rivers Act of 1967". As set out in Section 1 of the bill, it is designed to implement a national policy of preserving selected rivers¹ in their free-flowing condition for the purpose of protecting "outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values" of such rivers and their immediate environments for the benefit and enjoyment of present and future generations.

Section 2 of the bill describes the various types of rivers that may qualify for inclusion as components of the projected National Scenic Rivers System. They include (1) river areas in which a true wilderness environment should be preserved; (2) those in which natural values should be preserved compatibly with permitting other resource uses; (3) those in which the continuation of predominantly agricultural and other forms of dispensed human activities should be permitted consistently with enjoyment of scenic river values; and (4) those rivers which should be protected because of their unusual historical or cultural significance. In addition, rivers in areas having unique natural beauty, archeological or historic remains, value for scientific study, or high-use for outdoor recreational needs may be considered.

Section 3 of the bill would designate four segments of rivers for initial inclusion in the Scenic Rivers System, and Section 5(a) names 20 additional rivers for future study as possible additions to the System in accordance with the procedures set out in the bill. The Secretary of the Interior would be responsible for submitting recommendations to the President and the Congress with respect to the inclusion of these rivers as Federally or partially Federally administered components of the National Scenic Rivers System. Before submitting any such proposal to the President and the Congress, the Secretary would be required to submit his proposed report to the Federal Power Commission and other interested Federal agencies for comment. All agency recommendations or comments thus furnished to the Secretary must be transmitted by him to the President and the Congress with any report which he submits. Consequently, the recommended addition of a Federally administered area to the Scenic Rivers System could be effectuated only by an Act of the Congress which would have the benefit of the views and recommendations of all concerned Federal agencies before it acted on the particular proposal.

Under Section 2(a) (ii), scenic rivers could also be designated by acts of the legislatures of the State or States through which the streams flow, provided the proposals are approved by the Secretary of the Interior. Such an area would be permanently administered as a scenic river by the State or States concerned, and before giving his approval to such an arrangement, the Secretary would be required to submit the proposal for comments to the interested Federal agencies, including the Federal Power Commission. This section of the bill further directs him to "evaluate and give due weight" to any recommendations or comments furnished by such agencies. If the Secretary approves the proposal, he would be required to publish a notice thereof in the Federal Register, but no Act of Congress would be needed in order for the proposal to become effective.

Section 7(a) provides that the Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, power house, transmission line, or other project works under the Federal Power Act, on or directly affecting any river designated or hereafter designated for inclusion in the Scenic Rivers System. This licensing prohibition would be applicable to all components of the System, including any State-administered areas added with the Secretary of the Interior's approval.

¹ The term "river" is defined in the bill as meaning a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, small lakes, and man-made waterways.