

We like the forthright language of H.R. 90—no Federal dams or other projects unless specifically authorized hereafter by Congress, it says. We like the provisions of H.R. 8416 in prohibiting loans, grants or other assistance by Federal agencies to others for the construction of water resources projects, and in requiring written notification to the Secretary of Interior before such are recommended for authorization or the subject of an appropriations request. The combining of these provisions of H.R. 90 and H.R. 8416 would come as close as possible to guaranteeing the free-flowing objective, with Congress alone having the authority to determine otherwise in the future.

Protection of the scenic river environment requires protection of the adjacent lands, and, as mentioned earlier, all the bills contain provisions to accomplish this objective.

One of the most knotty problems in protecting western streams in the scenic river system is the application of the mining laws to Federal public lands. It is self evident that a mining operation in the bed, on the banks or immediately adjacent to a scenic river, with its access roads, construction, tailings, pollution would be seriously damaging. Recognizing this fact:

*S. 119*, though affecting the applicability of the mining and mineral leasing laws not at all, provides for the Secretary of Interior (or Agriculture) to issue regulations to protect wild and scenic river values.

*H.R. 90*, provides the same and provides further that mining claims brought to patent shall convey title only to the mineral deposits, but granting the right to use the surface as reasonably required for the operation, subject to Secretarial regulations.

*H.R. 8416*, goes beyond this by providing that minerals located in the bed banks or within a quarter mile of any river designated in the "wild" river class shall be withdrawn from appropriation under the mining laws and from operation of the mineral leasing laws. It provides further that such minerals shall be withdrawn from appropriation under the mining laws for rivers in the "study" category. In the case of the "study" category rivers, the operation of the mineral leasing laws continue to operate subject to such regulations as the Secretary find appropriate to safeguard the area.

The implications of these sections of H.R. 8416 are important. First of all, the withdrawal of lands in the "wild" river category serves to make the policy abundantly clear that mining operations in the scenic river system, where permitted, shall be carried out so as to avoid entirely or minimize damage to the scenic river environment. It serves to make very precise the inviolability of "wild" rivers, in contrast with other categories. It should make it clear to mining and other development interests that the scenic river system legislation is not some great "lock up" of vast resource areas. If the criteria for "wild" river status are kept at a high and meaningful level, and they should be, there will not be a great many rivers in this class.

It would be tempting to urge that all classes of scenic rivers be withdrawn. I am confident that we could prove the desirability of this, particularly in portions of natural environment and historic and cultural rivers, and in unique natural and historic sites and high density-use sites. But, I would point out, that all rivers in the "study" category will in the future have to come before Congress for approval in legislation. These proposals, under H.R. 8416, will be presented in detail, at which time justifications can be presented for withdrawing portions of a river, or sites on a river, in terms of the specific program and development plans for that river. Each such instance can then be considered and debated on its individual merits.

This concept is applicable, actually, for all the provisions of H.R. 8416 with respect to rivers in the "study" category. We believe this flexibility adds strength to the scenic rivers objective. And this in turn leads to consideration of acquisition policies for the scenic rivers system.

*S. 119* provides that the Secretary shall establish the boundaries of each river, after its authorization, but that it may not include on both sides more than 320 acres per mile, or 100 acres per mile of acquired land, nor may condemnation of land or interests in land be used, without the owner's consent, when 50% or more of the land within the entire river area is governmentally owned.

We don't care for that kind of formula. It sounds good, but it gives no promise whatsoever that it will accomplish the objectives of the legislation with respect to an individual scenic river proposal.