

systems. Wisconsin enacted a scenic rivers bill in 1965. Maine voters approved a bond issue in 1966 to establish the Allagash Wilderness Waterway. The California legislature in 1967 adopted a resolution asking Congress to include the Middle Fork of the Feather River in the National Scenic Rivers System. This year, the pace has accelerated: bills to authorize scenic river systems are being considered in Ohio (reportedly near passage), Tennessee, Missouri, and Maryland, and studies are asked in West Virginia (bill approved) and Virginia.

These efforts have generally been made in anticipation of a Federal program for scenic rivers. Thus, authorization of a National System will probably lead to greater State involvement in scenic river protection. The bill written in this committee should encourage as much State participation as possible. Some points to consider in providing such encouragement are—

Extending the prohibition against dam construction to State scenic rivers. H.R. 90 makes this provision explicitly in section 6(a). H.R. 8416 points in the same direction by providing for addition of State-maintained scenic rivers to the National System. H.R. 90 would provide a more direct and guaranteed protection to the States. It is also broader in coverage—some free-flowing rivers might not have national significance sufficient to warrant addition to the National System, yet if the States wished to protect them, the rivers should be protected.

Assisting State planning. All bills direct the Secretary of the Interior to assist State planning efforts with Land and Water Conservation Fund grants and technical assistance and advice. The Secretary has sufficient authority in existing statutes to handle these duties, and to the extent permitted by the size of the staff, these activities are being carried on by B.O.R. The proposed language would strengthen these activities.

Involving the States in the "study" category rivers. Many rivers are in that category because the States involved are generating their own ideas and approaches to preservation techniques. National legislation should encourage the best meshing of Federal and State study and planning activities on the "study" category rivers.

H.R. 8416, Sec. 5(b), provides that when the Governor of a State in which a "study" river is located certifies that the State will study the stream to determine whether it should be added to the National System, then the Secretary of the Interior will not undertake the study. Assistance, however, may be furnished the States acting in this capacity, and the Secretary may step in if the State does not in fact pursue the study with diligence.

The other bills direct the appropriate Secretary to consult with the Governors and State officials to determine whether a joint Federal-State plan is desirable and feasible to conserve segments of the listed rivers. Recommendations developed by the appropriate Secretary are to be accompanied by the comments of State and other Federal agencies consulted during the studies.

On at least some of the "study" rivers, local sentiment can be expected to favor State or local control of the rivers. Placing primary planning responsibility upon the Federal agencies would not allow sufficient flexibility. However, if the study procedure of H.R. 8416 is adopted, the agencies will be able to work with the States on a basis tailored to individual situations. We favor the H.R. 8416 approach, adding that it should apply with equal force to the Secretary of Agriculture. We also prefer secs. 4(a) and 4(b) of H.R. 8416, which provide for the printing of detailed study reports and comments thereon as House or Senate documents.

All bills recognize that the scenic river system would become a new factor, a new alternative in the river basin planning process. The Secretary of the Interior is given general, ongoing authority to study rivers outside the "study" category and to submit scenic river recommendations from time to time to the President and Congress.

In the future, the committee can anticipate receiving bills from Members of Congress to authorize the Secretary to study particular rivers—much as study authorizations for Army Engineer projects are now submitted on an individual project basis to the Committees on Public Works. The Hudson River was the subject of such bills in the 89th Congress. This committee may wish to set up a procedure for handling such requests. For example, the authorization could be contained in a simple House Resolution as recommended by the committee. Such a resolution should temporarily suspend, from application to the named river, the Federal Power Act and the public land entry and mineral laws for