

One of the most knotty problems in protecting Western streams on the scenic river system is the application of the mining laws to Federal public lands. It is almost self-evident that a mining operation in the bed, or the banks, or immediately adjacent to a scenic river with the appurtenant roads, construction, tailings, pollution, and so forth, would be seriously damaging.

S. 119 and H.R. 90 provide no limitations on the operation of the mining laws except that they be carried out under general regulations of the Secretary to protect the scenic qualities.

But 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minerals located in the bed, banks or within a quarter mile of any river designated in the wild river class shall be withdrawn from appropriation under the mining laws, and from operation of the mineral leasing laws.

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 policy abundantly clear that mining operations in the scenic river system, where permitted, shall indeed 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, which should make it clear to mining and other development interests that the scenic river system legislation is not some great lockup of vast resource areas.

If the criteria for wild river status are kept at a high and meaningful level, and we think they should be, there will not be very many rivers in this class.

It would be tempting to urge that all classes of scenic rivers be withdrawn, but I would point out that all rivers in the study category will in the future have to come before Congress for approval and legislation. These proposals under H.R. 8416 will be presented in great detail, at which time justification can be prepared 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 then can 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, and we believe, Mr. Chairman, that this flexibility really adds strength to the scenic river objective.

On a matter of acquisition I point out that S. 119, the Senate bill, provides that the Secretary shall establish the boundaries of each river after its authorization, and that it may not include on both sides more than 320 acres per mile and 100 acres per mile of acquired land nor may condemnation of lands and so forth be used, without the owner's consent.

Frankly, we don't care very much for that kind of a formula. It sounds good, but it doesn't give promise that it will actually accomplish the objectives of the legislation with respect to any individual scenic river proposal.

H.R. 90 takes a somewhat different approach, and H.R. 8416 provides in far more detail for the submission of plans, maps, acquisition needs, costs, administration, eventual alternative use, and other information which Congress and the public should have available at the time a study river is ready to be included for inclusion in the system.