

cluded for study, without the consent of the Governor or legislation of the State or States wherein the rivers flow.

We question a 5-year statutory moratorium in effect for the studies on any local development unless the States concur in such a delay.

We also call attention to the inclusion of the term "free flowing" and the intention to preserve free flowing conditions. If that intention relates to designated boundaries the term would be easier understood. But, as written, the intent could be construed as governing conditions outside of the boundaries established by the Congress for the wild and scenic rivers system if a modification outside would affect flows inside of the boundaries. We hope that the House committee will safeguard against any wording which would, in effect, extend the controls of an act outside of designated boundaries.

We call attention to uncertainties which may arise in connection with the limitations on actions by non-Federal agencies and individuals regarding the phrase "impair the purposes of the act," used in some bills. This appears to be a restriction which might limit access to any existing facilities. We know of problems with such restrictions in the case of primitive areas in Utah. Water storage facilities constructed about 50 years ago are currently unusable because of an inability of the owners properly to maintain the facilities due to the restrictions imposed by the Forest Service. As the works need repairs, petition to make the repairs and to bring in equipment must be made to the Forest Service. Restrictions imposed by the Forest Service on equipment have induced excessive costs; in fact, in some cases the estimates of cost have escalated the work beyond the means of the farmers.

We are glad to furnish for the committee copies of information on this specific problem.

To move from general to specific provisions, we note with approval the inclusion of the following safeguards in some of the bills now being heard.

1. Consultation with States for additions to the wild and scenic rivers system (subsec. 4(b) of H.R. 8416).
2. Jurisdiction of States with respect to fish and wildlife (subsec. 14(a) H.R. 8416).
3. State water laws (subsec. 14(b) of H.R. 8416).
4. Rights of access by States to river beds (subsec. 14(c) H.R. 8416).
5. Just compensation for taking water rights (subsec. 6(f) of S. 119).
6. A national wild and scenic river review board and related provisions (sec. 8 of S. 119).
7. Limiting the extent of acquisition and of easements (sec. 5 of S. 119).
8. Permitting roads and bridges and certain activities (subsec. 5(c) of S. 119).

Wild or scenic rivers systems, or related features, may require the use of water. Such amounts and the purposes anticipated should be made known within a certain period of time, in a manner as required by the States.