NATIONAL SCENIC RIVERS SYSTEM

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION

OF THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

ON

H.R. 8416, H.R. 90, S. 119 AND RELATED BILLS

TO ESTABLISH A NATIONAL SCENIC RIVERS SYSTEM

MARCH 7, 8, 18, AND 19, 1968

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Note: The chairman, Hon. Wayne N. Aspinall, and the ranking minority member, Hon. John P. Saylor, are ex officio members of each subcommittee.

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NATIONAL SCENIC RIVERS SYSTEM

THURSDAY, MARCH 7, 1967

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Hon. Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. TAYLOR. The Subcommittee on National Parks and Recreation will now come to order.

We convene for the purpose of conducting a hearing on bills to establish a national scenic rivers system, the bills being H.R. 90 by Congressman Saylor, H.R. 493 by Congressman Dingell, H.R. 3996 by Congressman Reuss, H.R. 6166 by Congressman Reuss, H.R. 6588 by Congressman Anderson, H.R. 8416 by Congressman Aspinall, H.R. 15429 by Congressman Fulton, H.R. 15690 by Congressman Fraser, S. 119 which has passed the Senate, H.R. 752 by Congressman Karth, H.R. 753 by Congressman Kastenmeier, H.R. 3389 by Congressman Reuss, H.R. 3983 by Congressman O'Konski, H.R. 6289 by Congressman Quie, H.R. 6373 by Congressman Laird, and H.R. 14180 by Congressman Kyl.

In the absence of objection, a copy of H.R. 8416 will be made a part of the record at this point.

In the absence of objection, copy of H.R. 90 by Congressman Saylor will be made a part of the record at this point.

In the absence of objection, S. 119 the Senate bill, will be made a part of the record at this point.

(H.R. 8416, H.R. 90 and S. 119 follow:)

[H.R. 8416, 90th Cong., first sess.]

A BILL To provide for a national scenic rivers system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Scenic Rivers Act of 1967".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values shall be preserved in free-flowing condition, and that they and their immediate envinronments shall be protected for the benefit and enjoyment of present and future generations.

(c) The purpose of this Act is to implement this policy by instituting a national scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national scenic rivers system shall comprise rivers (i) that

are authorized for inclusion therein by Act of Congress, or (ii) that are designated as scenic rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanenly administered as scenic rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system.

The following types of rivers are eligible for inclusion in the national scenic rivers system if they and the lands adjacent to them can and will be administered in general accord with the criteria hereinafter set forth:

(i) WILD RIVERS.—Free-flowing rivers located within designated units of the national wilderness preservation system or within de facto wilderness areas. Lands adjacent to any such rivers, and all interests therein, should be acquired by the administering agency to the full extent necessary to preserve a true wilderness environment and should be managed as wilderness in accordance with the concepts embodied in the Wilderness Act (78 Stat. 890; 16 U.S.C. ch. 23).

(ii) NATURAL ENVIRONMENT RIVERS.—Free-flowing rivers the valleys of which have been little changed by man but to which public access is facilitated and along which compatible resources uses may be permitted. Lands adjacent to any such river should be so controlled and managed as to give priority to preservation of natural values.

(iii) PASTORAL RIVERS.—Free-flowing rivers the valleys of which are predominantly used for agriculture and other dispersed human activities which do not substantially interfere with public use of the rivers and enjoyment of their surroundings. Lands adjacent to any such river should remain primarily in the type of use existing at the time it is designated a national scenic river, and its value as a pastoral river should be preserved primarily through acquisition of conservation easements and, in the case of a river administered by a State or political subdivision, by zoning, tax incentives, and similar means: *Provided*, That this shall not preclude acquisition of fee title if the cost of other methods of land use control is excessive compared with the cost of acquiring the fee with lease-back or other comparable arrangements.

(iv) HISTORIC AND CULTURAL RIVERS.—Rivers, including reservoirs, canals, and other manmade structures, which have great historic or cultural significance. Lands adjacent to any such river, and the use thereof, should be subject to public control sufficient to realize the purposes for which such river is designated a national scenic river.

(c) The following types of areas are also recognized as eligible for inclusion in the national scenic rivers system ordinarily, but not necessarily, as supplements to scenic rivers of the types described in subsection (b) of this section:

(i) UNIQUE NATURAL AND HISTORIC RIVER AREAS.—Specific sites along rivers which should be preserved intact because of their particular value for scientific study, for the enjoyment of natural beauty, or for the preservation of archeological or historic remains. The lands involved in such areas should be acquired in fee by the administering agency and managed to serve the purpose for which they are acquired.

(ii) HIGH-DENSITY-USE AREAS.—Sites along or not far removed from rivers which, in order to serve the needs of the people for outdoor recreation (including access for this purpose), may involve substantial alteration of the environment. The lands involved in such areas should be acquired in fee by the administering agency unless, in the judgment of the Secretary of the Interior, other methods of public control are sufficient to assure their use for the purpose for which they are created.

SEC. 3. The following rivers and the lands adjacent thereto as depicted on the maps hereinafter identified, and according to plans hereinafter set forth, are hereby designated as components of the national scenic rivers system:

(1) Rogue River, Oregon: The segment between the mouth of the Applegate River and Lobster Creek Bridge (map numbered), to be preserved as a wild river from the mouth of Graves Creek to thirty-eight river-miles below Flea Creek and as a scenic river above and below said reach; to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(2) Rio Grande, New Mexico: The segment between the New Mexico-Colorado

State line and State Highway Number 96; and the lower four miles of the Red River (map numbered), to be preserved as a natural environment river; to be administered by the Secretary of the Interior.

(3) Salmon River, Idaho: The segment between the town of North Fork and the town of Riggins and the entire Middle Fork (map numbered), to be preserved as a wild river; to be administered by an agency of the Department of the Interior or the Department of Agriculture as agreed upon by the Secretaries of said Departments, or as directed by the President.

(4) The following tributaries of the Clearwater, Idaho: The Selway from its origin to the town of Lowell, the Lochsa from the Powell Ranger Station to the town of Lowell, and the Middle Fork from the town of Lowell to the town of Kooskia (map numbered), to be preserved as a wild river; to be administered by the Secretary of Agriculture.

SEC. 4. (a) The Secretary of the Interior shall study and from time to time submit to the President and the Congress proposals for the addition to the national scenic rivers system of rivers and sites which, in his judgment, fall within one or more of the categories set out in section 2, subsections (c) and (d) of this Act and which are proposed to be administered, wholly or partially, by an agency of the United States. Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which, in the judgment of the Secretary, make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land which would be enhanced, foreclosed, or curtailed if the area were included in the national scenic rivers system; the Federal agency (which in the case of a river or site which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, the Secretary shall submit copies of his proposed report to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency, and unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary within ninety days of the date on which the report is submitted to them, together with the Secretary's comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national scenic rivers system any river designated as a scenic river by or pursuant to an act of a State legislature, the Secretary shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5. (a) The following rivers are, without prejudice to other eligible candidates for inclusion in the national scenic rivers system, hereby designated for potential addition to that system:

(1) Cacapon, West Virginia: The entire river and its tributaries, the Lost River and North River.

(2) Chattooga, North Carolina, South Carolina, Georgia: The entire river.

(3) Delaware, Pennsylvania, and New York: The segment from Hancock, New York, to Matamora, Pennsylvania.

(4) Eleven Point, Arkansas and Missouri: The segment between the Black River and Thomasville, Missouri.

(5) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its head-

waters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(6) Gasconade, Missouri: The entire river.

(7) Green, Wyoming: The segment from its origin in the Bridger Wilderness Area to its confluence with Horse Creek.

(8) Guadalupe, Texas: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Klamath, California: The segment from Scott River to Klamath Falls.

(11) Niobrara, Nebraska: The mainstem segment from the confluence of Antelope Creek to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its tributary, the Snake River.

(12) Penobscot, Maine: Its east and west branches.

(13) Pere Marquette, Michigan: The entire river.

(14) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.

(15) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon; the segment between the dam near Taylors Falls, and its confluence with the Mississippi River.

(16) Shenandoah, West Virginia: The segment in the State of West Virginia.

(17) Skagit, Washington: The segment between the town of Sedro Woolley and the Gorge powerhouse near the town of Newhalem; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(18) Susquehanna, New York and Pennsylvania: The segment between a dam at Cooperstown, New York, and the town of Pittston, Pennsylvania; the segment of the West Branch Susquehanna between Clearfield and Lock Haven, Pennsylvania.

(19) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

(20) Upper Iowa, Iowa: The entire river.

(b) The Secretary of the Interior shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national scenic rivers system: *Provided*, (i) That the Secretary shall pursue his study of any of said rivers in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible and such study shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national scenic rivers system, and (ii) that no study otherwise required by this subsection shall be undertaken or pursued by the Secretary in the case of any stream or section of a stream which the Governor of the State in which it is located certifies the State or one of its agencies or political subdivisions is prepared to study for the purpose of determining whether it should be proposed for inclusion in the national scenic rivers system so long as the State or one of its agencies or political subdivisions does in fact pursue said study with diligence. Nothing contained in this clause (ii), however, shall be taken to forbid the Secretary to cooperate with the State, the agency, or the political subdivision in undertaking and carrying out the study.

SEC. 6. (a) The Secretary of the Interior is authorized to acquire lands and interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by act of Congress. Such lands and interests in land, however, if they are owned by or are within the boundaries of any political subdivision of a State, or are held by or for an Indian tribe, or are owned by a State may be acquired only with the consent of the political subdivision, tribe, or State, as the case may be, unless, in the case of lands within the boundaries of a political subdivision, there are not in effect, with respect to such lands, valid zoning laws or ordinances which are approved by the Secretary as adequate to protect the land and to assure its use for purposes consistent with this Act or unless, in the case of lands owned by the subdivision, the subdivision

is not following a plan for the management and protection of the lands that the Secretary finds protects the land and assures its use for purposes consistent with this Act.

(b) The Secretary of the Interior is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national scenic rivers system designed in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State or States in which the component lies and which he classifies as suitable for exchange or other disposal. If the properties exchanged are not of approximately equal fair market value, the Secretary may accept cash from or, subject to the availability of appropriations therefor, pay cash to the grantor to the extent of the difference in the values involved in the transaction.

(c) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the Secretary of the Interior jurisdiction over such lands for administration in accordance with the provisions of this Act.

(d) The Secretary of the Interior is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national scenic rivers system.

(e) Subsections (a), (b), (c), and (d) of this section shall apply with equal force to the Secretary of Agriculture in the case of any component of the national scenic rivers system which is within his administrative jurisdiction.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (49 Stat. 863), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, or otherwise in the construction of any water resources project on or directly affecting any such river. No department or agency of the United States shall recommend authorization of any water resources project on or directly affecting any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior in writing of its intention to do at least days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request that construction of such project would be in conflict with the purposes of this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, or otherwise in the construction of any water resources project on or directly affecting any such river—

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior, on the basis of study, concludes that such river should not be included in the national scenic rivers system and publishes notice to that effect in the Federal Register, and

(ii) during such additional period thereafter as, in the case of any river which the Secretary recommends to the President and the Congress for inclusion in the national scenic rivers system, is necessary for congressional consideration thereof, or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system, under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any

such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior in writing of its intention so to do at least days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request that construction of such project would be in conflict with the purposes of this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 16 U.S.C. 4601–5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national scenic rivers system except that—

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore, been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to existing vested rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank or any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the period specified in section 7, subsection (b), of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find ap-

propriate to safeguard the area in the event it is subsequently included within the system.

SEC. 10. (a) Each component of the national scenic river system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national scenic rivers system that is within the national wilderness preservation system, as established by the Act of September 3, 1964 (78 Stat. 890, 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 12. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

SEC. 13. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national scenic rivers system. Particular attention shall be given a scheduled timber harvest, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 14. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife.

(b) Nothing in this Act shall constitute an express or implied claim or denial on the part of the United States with respect to the applicability to it of, or to its exemption from, State water laws, and nothing in this Act shall be construed to alter, amend, or repeal any interstate water compact which has heretofore been entered into by States which contain any portion of the national scenic rivers system and to which the consent or approval of the Congress has been given.

(c) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable rivers which are vested in the State, in case such beds are located in a national scenic river: *Provided*, That no river, the bed of which is vested in a State, shall be included in the national scenic rivers system pursuant to section 2, subsection (a)((ii), of this Act without certification by the State that it will not permit mining or similar disruption of its bed.

SEC. 15. The claim and allowance of the value of a conservation easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 16. As used in this Act, the term—

(a) "River" means o flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, small lakes, and, as provided in this Act, manmade waterways.

(b) "Free flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national scenic rivers systems.

(c) As used in this Act, the term "conservation easement" means a perpetual interest in land, however, created or expressed which interest (i) is held by or for the benefit of the United States or the people of the United States, a State or the people of a State, or another public body or the people of such body, (ii) is specifically enforcible by its holder or beneficiaries, and (iii) limits or obligates the holder of the servient estate, his heirs, and assigns with respect o their use and management of the land and activities conducted thereon, the disturbance or modification of the surface or subsurface thereof, the structures placed or maintained thereon, or the growth, planting, removal, destruction, or damaging of vegetation thereon, or in other respects in connection therewith, all as more specifically spelled out in the document by which such interest in land is created, the object of such limtations and obligations being the maintenance or enhancement of the natural beauty of the land in question or of areas affected by it and of flora, fauna, and archeological or historic remains on it or them and the preservation of the values thereof for scientific study and for public enjoyment by present and future generations.

SEC. 17. There are hereby authorized to be appropriated such sums as may be necessary, but not more than $6,500,000, for the acquisition of lands and interests in land under the provisions of this Act.

[H.R. 90, 90th Cong., first sess.]

A BILL To reserve certain public lands for a National Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTON 1. This Act may be cited as the "Scenic Rivers Act."

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States possess unique water conservation, scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a a policy that would preserve other selected rivers or sections thereof in their natural and free-flowing condition, to protect the water quality and shore environment of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress to preserve, reclaim, and make available for the benefit of all of the American people selected parts of the Nation's diminishing resources of free-flowing rivers. For this purpose there is hereby established a National Scenic Rivers System to be composed of the areas that are designated as "scenic river areas" in this Act, and the additional areas that may be designated in subsequent Acts of Congress. It is not the intent of this Act to require or to authorize acquisition of all lands within the exterior boundaries of scenic river areas but to assure preservation and proper management of the land, water, wildlife, outdoor recreational values, and scenic resources. Areas designated as "scenic river areas" by subsequent Acts of Congress shall be classified and administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

CLASSES OF SCENIC RIVER AREAS

(b) A scenic river area eligible to be included in the system is a free-flowing stream, tributary, river, or section thereof and the related adjacent land area that possesses unique water conservation, scenic, fish, wildlife, and outdoor recreation values. Every scenic river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national scenic rivers system and shall be classified, designated, and administered as one of the following:

(1) Class I scenic river areas—Those rivers or sections of rivers that are free of impoundments and inaccessible except by trail, with watersheds or shorelines essentially primitive, and waters unpolluted. These would represent vestiges of primitive America.

(2) Class II scenic river areas—Those rivers or sections of rivers free of impoundments, with shorelines or watershed still largely primitive, and shorlines largely undeveloped, but accessible to places by roads.

(3) Class III scenic river areas—Those rivers or sections of rivers which are readily accessible by road, or railroad, with some development along shorelines and which may have undergone some impoundment or diversion in the past.

NATIONAL SCENIC RIVERS SYSTEM

SEC. 3. (a) The following rivers, or segments thereof, and related, adjacent lands, most of which are public lands, as depicted in maps numbered "NSR–SAL–1000, NSR–CLE–1000, NSR–ROG–1000, NSR–RIO–1000, NSR–ELE–1000, NSR–CAP–1000, NSR–SHE–1000, NSR–GRE–1000, NSR–KLA–1000, NSR–MIS–1000, NSR–SKA–1000, NSR–FLA–1000, NSR–HUD–1000, NSR–WOL–1000, NSR–StC–1000, NSR–SUW–1000,'" are hereby designated as "scenic river areas":

(1) Salmon, Idaho, the Salmon from town of North Fork downstream to its confluence with the Snake River and the entire Middle Fork.

(2) Clearwater, Middle Fork, Idaho, the Middle Fork from the town of Kooshia upstream to the town of Lowell; the Lochsa River from its junction with the Sel-

way at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rogue, Oregon, the segment extending from the Applegate River to the Route 101 highway bridge above Gold Beach.

(4) Rio Grande, New Mexico, the segment extending from the Colorado State line downstream to near the town of Pilar, and the lower four miles of the Red River.

(5) Eleven Point, Missouri, the segment of the river extending from a point near Greer Spring downstream to State Highway 142.

(6) Cacapon, West Virginia, entire river and its tributary, the Lost River.

(7) Shenandoah, West Virginia, the segment of the river located in the State of West Virginia.

(8) Green, Wyoming, the segment extending from its origin in the Bridger Wilderness Area south to its confluence with Horse Creek.

(9) Klamath, California, the segment extending from the Scott River downstream to near the town of Klamath Falls.

(10) Missouri, Montana, the segment extending from Fort Peck Reservoir upstream to near the town of Fort Benton.

(11) Skagit, Washington, the Skagit River from near the town of Sedro Woolley upstream to the Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the junction with its north and south forks and up the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to the junction with Elliott Creek, and the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

(12) Flathead, Montana, North Fork from the Canadian Border downstream to confluence with Middle Fork; Middle Fork from headwaters to confluence with South Fork; and South Fork from its origin to the Hungry Horse Reservoir.

(13) Hudson, New York, the Hudson River from mouth to source, including tributaries.

(14) Wolf, Wisconsin, the segment reaching from the confluence of the Hunting River downstream to the town of Keshena.

(15) Saint Croix, Minnesota and Wisconsin, beginning at the dam near Taylors Falls, Minnesota, and extending upstream to the dam near Gordon, Wisconsin, and its Namekagon tributary.

(16) Suwannee, Georgia and Florida, entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.

Said maps shall be on file and available for public inspection in the appropriate offices of the Department of the Interior and the Department of Agriculture. Following further study, the Secretary of the Interior and the Secretary of Agriculture shall, within one year after enactment of this Act, classify these scenic rivers and sections thereof into one or more of the three classes designated in this Act as Class I scenic river areas, Class II scenic river areas, or Class III scenic river areas.

FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

(b) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. They shall submit to the President, within three years of the effective date of this Act, their recommendations for inclusion of any or all of them in the National Scenic Rivers System, and the President shall submit to the Congress his recommendations for such legislation as he deems appropriate:

(1) Buffalo, Tennessee, the entire river from its beginning in Lawrence County to its confluence with the Duck River.

(2) Saint Croix, Minnesota, St. Croix River downstream from the dam near Taylors Falls, Minnesota, to its confluence with the Mississippi River.

(3) At Niobrara, Nebraska, the mainstem segment lying between the confluence of Antelope Creek downstream to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its Snake River tributary.

(4) Susquehanna, New York and Pennsylvania, the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(5) Allegheny, Pennsylvania and New York, the segment extending from the Allegheny Reservoir upstream to its source.

(6) Big Blue, Indiana, the segment extending from its confluence with the Ohio River east of the town of Leavenworth upstream to near the town of Salem.

(7) Little Miami, Ohio, the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(8) Little Beaver, Ohio, the segment of the north and middle forks of the Litle Beaver River, in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(9) Pine Creek, Pennsylvania, the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(10) Delaware, Pennsylvania and New York, the segment from Hancock, New York, to Matamoras, Pennsylvania.

(11) Clarion, Pennsylvania, the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(12) West Branch Susequehanna, Pennsylvania, the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

(13) Little Tennesee, Tennessee, the segment from Chilhowee Dam to its confluence with the Tennessee River near Lenoir City.

(14) Buffalo, Arkansas, the entire river from its source in Newton County to its confluence with the White River.

(15) Colorado, Utah, Colorado, Arizona, Nevada, California, the entire river from its headwaters to its outlet in the Pacific Ocean.

(16) Columbia, Montana, Washington, Idaho and Oregon, the segment of river from the Canadian River to its outlet in the Pacific Ocean.

RIVER BASIN PLANNING FOR ADDITIONS TO SYSTEM

(c) Similar reviews and recommendations for preservation of the following rivers shall be made to the President within ten years of enactment of this Act. Recommendations on one-third of these rivers shall be made within five years of the enactment of this Act; recommendations shall be made on not less than two-thirds of these rivers within seven years after the enactment of this Act, and on the remaining rivers within ten years after the enactment of this Act.

Animas, Colorado.
Ausable, New York.
Big Fork, Minnesota.
Big Hole, Montana.
Black Warrior, Alabama.
Blackfoot, Montana.
Cache la Poudre, Colorado.
Cheat, West Virginia.
Connecticut, New Hampshire.
Cumberland, Tennesee and Kentucky.
Deschutes, Oregon.
Feather, middle fork, California.
French Broad, North Carolina and Tennessee.
Gasconade, Missouri.
Gila, New Mexico.
Greenbrier, West Virginia.
Gros Ventre, Wyoming.
Guadalupe, Texas.
Hoh, Washington.
James, Virginia.
Kern, north fork, California.
Linville, North Carolina.
Little Wabash, Illinois.
Madison, Montana.

Manistee, Michigan.
Methow, Washington.
Mullica, New Jersey.
Namekagon, Wisconsin.
Oklawaha, Florida.
Penobscott, east and west branches, Maine.
Pere Marquette, Michigan.
Potomac, Maryland, Pennsylvania, West Virginia, and Virginia.
Quetts, Washington.
Sacramento, California.
Saint Joe, Idaho.
Salt, Arizona.
San Juan, Utah and New Mexico.
Savannah headwaters, Georgia and North Carolina.
Shenandoah, Virginia.
Smith, California.
Snake, north fork, Idaho.
Tangipahoa, Louisiana.
Teton, Idaho and Wyoming.
Upper Iowa, Iowa.
Wacissa, Florida.
Wapsipinicon, Iowa.
White, north and south forks, Colorado.
Wind, Wyoming.
Yellowstone, Montana and Wyoming.
Youghiogheny, Maryland and Pennsylvania.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential scenic river areas, and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigation to determine which additional scenic river areas within the United States shall be evaluated in planning reports as potential additions to the scenic rivers system.

OTHER ADDITIONS TO THE SYSTEM

(e) The Secretary of the Interior and the Secretary of Agriculture shall submit to the President from time to time their recommendations for inclusion in the national scenic rivers system of any other river or segment thereof. The President shall submit to the Congress his recommendations for such legislation as he deems appropriate.

(f) Recommendations made under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated scenic river area would be located.

Each such recommendation shall be accompanied by (1) expressions of any views which the Federal agencies and States and interstate commissions consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

(g) Whenever it is proposed to add a river or segment hereof to the National Scenic Rivers System, and the river or segment runs through non-Federal land, recommendations with respect to its addition and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority shall be made to the President by the Governor of each State concerned. Such recommendation to the President shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall submit to the Congress

his recommendations with respect to the designation of such river or segment thereof as a part of the National Scenic Rivers System and the administration of such area by State authority, together with such draft legislation that he deems appropriate.

NEED FOR LAND ACQUISITION

(h) Any recommendation for an addition to the National Scenic Rivers System shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be an adequate substitute for the acquisition of a fee title.

ADMINISTRATION OF SYSTEM

SEC. 4. (a) After classification and designation of the scenic river areas described in section 3(a) and (b), they shall be administered in a manner agreed upon between the Secretary of the Interior and the Secretary of Agriculture, or as determined by the President.

(b) Scenic river areas designated by subsequent Acts of Congress shall be classified and administered by the Secretary of the Interior, except that when the scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be classified and administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the scenic river area shall be classified and administered in such manner as may be agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President. The Secretary charged with the administration of a scenic river area or portion thereof designated by this Act or by subsequent Acts may agree with the Governor of the State for State or local governmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and to assume the administration of such scenic river areas where they include State-owned or county-owned lands. Any Federal land located within a scenic river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary for administration as part of the scenic river area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a scenic river area in connection with the national forest system shall become national forest land.

(c) Within the exterior boundaries of a scenic river area or portion thereof under his administration the Secretary of the Interior or the Secretay of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise: *Provided*, That lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. In the exercise of his exchange authority the Secretary of the Interior may accept title to any non-Federal property within a scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State in which the river or segment thereof flows, except lands within the national park system, or the national wildlife refuge system, which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the Secretary of the Interior may accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Any such lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal or State purposes from the land and water conservation fund shall be available for the acquisition of property for the purposes of this Act. As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting and preserving the scenic view from the river and the shore environment for the purposes of this Act.

(d) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any scenic river area, if such lands are located within any incorporated city, village, or borough within such area, when such entities shall have in force

and applicable to such lands a duly adopted, valid zoning ordinance that is satisfactory to the Secretary.

(e) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any scenic river area without the consent of said county as long as the county is following a plan for the management, zoning, and protection of such lands that is satisfactory to the Secretary.

(f) Wherever the power of condemnation has been conferred by this Act, the Secretary of the Interior and the Secretary of Agriculture may acquire lands in fee title by condemnation within an area which may not extend more than one mile on either side of the stream, tributary, or river, and only such lands as are essential to the purposes of this Act. Either Secretary may acquire by condemnation for scenic easements, or other interests in land other than fee title, an area which extends no more than two miles from either side of the stream, tributary, or river.

(g) A scenic river area shall be administered for the purposes of water conservation, scenic, fish, wildlife, and outdoor recreation values contributing to public enjoyment. Lands acquired within each scenic river area shall be classified by the administering Secretary according to the present or desired type of land use to be allowed there: As class I, class II, or class III scenic river areas—

(1) Commercial timber harvesting shall not be allowed within class I scenic river areas; commercial timber harvesting shall be permitted within one-half mile of class II and class III areas where it is found to be compatible with the maintenance of scenic vistas from the stream and its banks.

(2) No new roads shall be constructed within class I scenic river areas; no new roads paralleling the stream shall be constructed closer than one thousand three hundred and twenty feet of rivers within class II scenic river areas.

(3) Public road access through new road construction shall be allowed only within class II and class III scenic river areas, as well as landings and other structures related to recreational use of these scenic river areas.

(4) Grazing shall not be allowed within class I scenic river areas; grazing and improvements necessarily related to it, shall be allowed, subject to regulation by the administering agency, in class II and class III scenic river areas.

The Secretary of the Interior, in administering such areas, may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for recreation and preservation purposes, and the conservation and management of natural resources, as he deems appropriate to carry out the purposes of this Act. The Secretary of Agriculture, in administering such areas, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(h) Whenever in the judgment of the Secretary of the Interior or the Secretary of Agriculture a scenic river area previously administered as class II or class III has been sufficiently restored and enhanced in its natural scenic, and recreational qualities, such area may be classified to a higher status (class II to class I, or class III to class II or class I), and thereafter administered accordingly.

STATE AND LOCAL WILD RIVERS

SEC. 5. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act, needs and opportunities for establishing scenic rivers. He is further directed, in accordance with the authority contained in the Bureau of Outdoor Recreation Organic Act (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing scenic rivers.

(b) The Secretary of Agriculture is directed in accordance to the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing scenic rivers.

SPECIAL PROVISIONS

SEC. 6. (a) Notwithstanding any other provision of law, no dam or other project shall be constructed, operated, or maintained, or authorized to be constructed, operated, or maintained, (1) in any scenic river area, (2) in any of the scenic river areas subject to review under section 3 (b) and (c), or (3) in any wild river area established in accordance with State law by a State or political subdivision, thereof, by (A) the Federal Power Commission, (B) the Secretary of the Army, (C) the Secretary of the Interior, or (D) the Tennessee Valley Authority, unless the Congress shall, by law enacted after this Act, specifically authorize such dam or other project.

(b) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within the national scenic rivers system, except that all prospecting, all mining operations, and all other activties on a mining claim perfected after the date of this Act, either before or after the issuance of patent, and all mining operations and other activities under a mineral lease, license, or permit hereafter issued, shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act: *Provided*, That any mining claim affecting lands within the scenic rivers system hereafter perfected under the United States mining laws, and any patent issued for such claim, shall convey title only to the mineral deposits and shall confer upon the holder of the claim only such rights to the use of the surface and surface resources as are reasonably required for carrying on prospecting or mining, subject to such regulations as may be prescribed by the Secretary of the Interior; and the patent for any such mining claim hereafter perfected shall reserve to the United States all title to the surface of the claim and the products of the surface, subject only to the patentee's rights to use the surface of the claim and the surface resources to the extent reasonably required for carrying on prospecting and mining consistent with such regulations as may be prescribed by the Secretary. Any patent so issued shall recite these limitations. All such regulations shall provide among other things for safeguards against pollution of the river.

(c) Any portion of a scenic river area that is within the national wilderness preservation system, as established by the Act of September 3, 1964 (Public Law 88–577), shall be subject to the provisions of both the Wildnerness Act and this Act with respect to the preservation of such scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(d) The head of any Federal or State agency administering a scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a scenic river area.

(e) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(f) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(g) Nothing contained in this Act shall be construed to alter, amend, repeal, construe, interpret, modify or be in conflict with any interstate compact made by any States which contain any portion of the national scenic rivers system.

(h) A State shall have such rights as may be necessary to assure adequate access by such State to the beds of navigable streams, tributaries, or rivers (or segments thereof) which are vested in the State, in case such beds are located in a scenic river area.

(i) Designation of any stream or portion thereof shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(j) The jurisdiction of the States over waters of any stream including a scenic river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

SEC. 7. In order to provide basic ecological information needed for management purposes, trends and changes in river resourses; and in order to provide scientific and up-to-date information for the preservation and management of the national scenic rivers system, a systematic evaluation of scenic river recreational resources will be conducted periodically by the Secretary of the

Interior. Such evaluation shall include the gathering and analysis of data on water quality, pollution, the status of fish populations and aquatic organisms, fish habitat, game populations and shore habitats, recreation use, receration impact, appropriateness of access, management procedures, developments, watershed condition and trend, and other data needed to evaluate the resources. The method used shall be sufficiently uniform as to permit comparisons of the same river area from time to time and to be of value in comparing one river area with another. The information gathered for evaluation should be collected with a view to utilizing it in long range management of the various class of scenic rivers. The evaluation methods should be prepared by trainined fishery and wildlife biologists, ecologists, and other appropriately trained scientists.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[S. 119, 90th Cong., first sess.]

AN ACT To reserve certain public lands for a National Wild and Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Wild and Scenic Rivers Act".

STATEMENT OF POLICY

SEC. 2. (a) The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress to preserve, develop, reclaim, and make accessible for the benefit of all of the American people, selected parts of the Nation's diminishing resource of free-flowing rivers. For this purpose there is hereby established a National Wild and Scenic Rivers System to be composed of (a) the areas designated by this Act or subsequent Acts as "national wild river areas" and "national scenic river areas," and (b) those State or locally administered wild or scenic river areas designated by the Secretary of Interior as part of the system. Areas designated as national "wild" or "scenic" river areas by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF WILD RIVER AREA

(b) A wild river area eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—located in a sparsely populated, natural, and rugged environment where the river is free flowing and unpolluted, or where the river should be restored to such condition, in order to promote sound water conservation, and promote the public use and enjoyment of the scenic, fish, wildlife, and outdoor recreation values.

DEFINITION OF SCENIC RIVER AREA

(c) A scenic river area eligible to be included in the System is a stream or section of a stream, tributary, or river—and the related adjacent lands—that is unpolluted and should be left in its pastoral or scenic attractiveness, or that should be restored to such condition, in order to protect, develop, and make accessible its significant national outdoor recreational resources for public use and enjoyment.

NATIONAL WILD RIVERS

SEC. 3. (a) The following rivers, or segments thereof, and related adjacent lands, are hereby designated as "national wild river areas":

(1) Salmon, Middle Fork, Idaho—from its origin to its confluence with the main Salmon River.

(2) Clearwater, Middle Fork, Idaho—the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rio Grande, New Mexico—the segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River.

(4) Saint Croix, Minnesota and Wisconsin—the segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin.

(5) Wolf, Wisconsin—From Langlade-Menominee County Line downstream to Keshena Falls.

(6) Rogue, Oregon—The segment of the river extending from the mouth of Graves Creek downstream to river mile 38, below Flea Creek.

(7) Illinois, Oregon—The segment of the river extending from Briggs Creek downstream to Lawson Creek.

NATIONAL SCENIC RIVERS

(b) The following rivers or segments thereof, and related, adjacent lands, are hereby designated as "national scenic river areas":

(1) Saint Croix, Wisconsin and Minnesota—downstream from the dam near Taylors Falls, Minnesota, to its confluence with the Mississippi River.

(2) Eleven Point, Missouri—the segment of the river extending downstream from Thomasville to State Highway 142.

(3) Rogue, Oregon—The segment of the river extending from the mouth of the Applegate River, downstream to the mouth of Graves Creek; and that segment of the river extending from river mile 38 below Flea Creek downstream to the Lobster Creek Bridge.

(4) Illinois, Oregon—That segment of the river extending from the mouth of Deer Creek, downstream to Briggs Creek; and that segment of the river extending from Lawson Creek downstream to its confluence with the Rogue.

(5) Namekagon, Wisconsin—that section of the river extending from Lake Namekagon downstream to the dam near Trego, Wisconsin.

FEDERAL-STATE PLANNING FOR ADDITIONS TO SYSTEM

SEC. 4. (a) The Secretary of the Interior and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. The appropriate Secretary shall submit to the President within five years from the date of enactment of this Act his recommendations for inclusion of any or all of them in the National Wildlife and Scenic Rivers System, and the President shall submit to the Congress his recommendations for such legislation as he deems appropriate:

(1) Salmon, Idaho—from the town of North Fork downstream to its confluence with the Snake River.

(2) Buffalo, Tennessee—the entire river from its beginning in Lawrence County to its confluence with the Duck River.

(3) Big Fork, Minnesota—the entire river.

(4) Hudson, New York—the segment of the main stem extending from its origin in the Adirondack Park downstream to the vicinity of the town of Luzerne: Boreas River from its mouth to Durgin Brook; Indian River from its mouth to Abanakee Dam; and Cedar River from its mouth to Cedar River flow.

(5) Missouri, Montana—the segment upstream from Fort Peck Reservoir toward the town of Fort Benton.

(6) Niobrara, Nebraska—the mainstem segment lying between the confluence of Antelope Creek, downstream to the headwaters of the proposed Norden Reservoir east of the town of Valentine, and the lower eight miles of its Snake River tributary.

(7) Skagit, Washington—the Skagit from the town of Mount Vernon upstream to Gorge powerhouse near the town of Newhalem; the Cascade River from its mouth to the confluence of the North and South Forks; the Sauk from its mouth to Elliott Creek; and the Suiattle from its mouth to Milk Creek.

(8) Susquehanna, New York and Pennsylvania—the segment of the Susquehanna River from a dam at Cooperstown, New York, downstream to the town of Pittston, Pennsylvania.

(9) Suwannee, Georgia and Florida—entire river from its source in the Okefenokee Swamp in Georgia to the gulf, and the outlying Ichetucknee Springs, Florida.

(10) Youghiogheny, Maryland and Pennsylvania—from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(11) Little Miami, Ohio—the segment of the Little Miami River in Clark, Greene, Warren, and Clermont Counties from a point in the vicinity of Clifton, Ohio, downstream to a point in the vicinity of Morrow, Ohio.

(12) Little Beaver, Ohio—the segment of the North and Middle Forks of the Little Beaver River in Columbiana County, from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(13) Maumee, Ohio—from Perrysburg, Ohio, to Fort Wayne, Indiana.

(14) Pine Creek, Pennsylvania—the segment from Ansonia, Pennsylvania, to Waterville, Pennsylvania.

(15) Delaware, Pennsylvania and New York—the segment from Hancock, New York, to Matamoras, Pennsylvania.

(16) Allegheny, Pennsylvania—the segment from the Allegheny Reservoir at Kinzua, Pennsylvania, to Tionesta, Pennsylvania, and then from Franklin, Pennsylvania, to East Brady, Pennsylvania.

(17) Clarion, Pennsylvania—the segment from where it enters the Allegheny River to Ridgway, Pennsylvania.

(18) West Branch Susquehanna, Pennsylvania—the segment of the West Branch Susquehanna from Clearfield, Pennsylvania, to Lock Haven, Pennsylvania.

(19) Chattanooga, North Carolina, South Carolina and Georgia—the entire river.

(20) Flathead, Montana—the North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(21) Gasconade, Missouri—the entire river.

(22) Guadalupe, Texas—the entire river.

(23) Klamath, California—the segment from Scott River downstream to a point two miles upstream from United States 101 crossing.

(24) Penobscot, Maine—its east and west branches.

(25) Pere Marquette, Michigan—the entire river.

(26) Upper Iowa, Iowa—the entire river.

(27) Feather, California—the Middle Fork.

(28) Rio Grande, Texas—the segment from Presidio to Langtry.

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild or scenic river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild or scenic river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(c) The Secretary of the Interior and the Secretary of Agriculture shall also submit, in accordance with the procedures and requirements of this section, to the President from time to time their recommendations for inclusion in the National Wild and Scenic Rivers System of any other river or segment thereof. The

President shall submit to the Congress his recommendations for such legislation as he deems appropriate.

(d) Recommendations made under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated national wild or scenic river area would be located, and the public through local public hearings. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit: *Provided*, That no river or portion of any river shall be added to the National Wild and Scenic Rivers System subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

REPORT ON LAND ACQUISITION

(e) Any recommendation for an addition to the National Wild and Scenic Rivers System shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be an adequate substitute for the acquisition of a fee title.

ADMINISTRATION OF SYSTEM

SEC. 5. (a) The Secretary charged with the administration of each national wild or scenic river area, or portion thereof, shall establish detailed boundaries for such areas, within the limits set by this Act. Such boundaries may be revised from time to time, but may not include on both sides of the stream, tributary, or river a total of more than three hundred and twenty acres per mile. The appropriate Secretary shall publish notice of detailed boundaries in the Federal Register, together with appropriate descriptions, and shall make such official boundary description available to the public through appropriate Federal, State, and local agencies.

(b) National wild and scenic river areas designated by Act of Congress shall be administered by the Secretary of the Interior, except that when the national wild or scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless is is also partly within, or closely adjacent to an area administered by the Secretary of the Interior, in which event administration over the river area shall be determined as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President. The Secretary charged with the administation of a national wild or scenic river area or portion thereof, may enter into written cooperative agreements with the Governor of the State, or other appropriate local official, for State or local governmental participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of such areas where they include State-owned lands. Any Federal land located within a national wild or scenic river area may, with the consent of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary or State for administration as part of the area.

(c) Each component of the National Wild and Scenic Rivers System shall be administered in such manner as to protect and enhance the values which caused it to be included in said System, without prohibiting the construction of roads or bridges, timber harvesting and livestock grazing, and other uses that do not substantially interfere with public use and enjoyment of these values. In such administration, priority emphasis shall be given to protecting its esthetic, scenic, historic, fish and wildlife, archeologic, scientific, and recreational features, based on the special attributes of the area. In order to accomplish these purposes, the

Secretary of the Interior may utilize any authority he has under other provisions of law with respect to rights-of-way, easements, and enforcement of rules and regulations.

The Secretary of Agriculture, in administering a national wild or scenic river area, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(d) Within the exterior boundaries of a national wild or scenic river area, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, exchange, or otherwise: *Provided*, That on both sides of the stream, tributary, or river a total of not more than one hundred acres per mile may be acquired in fee under authority of this Act, except that the appropriate Secretary may acquire the portion of any individual tract of land which lies outside of the boundaries of a national wild or scenic river area, with the consent of the owner, in order to avoid the payment of severance costs: *Provided further*, That neither Secretary may acquire lands, waters, or interests therein by condemnation without the owner's consent when 50 per centum or more of the acreage within the entire national wild or scenic river area is owned by Federal, State, or local governmental agencies, but this limitation shall not apply to the acquisition of scenic easements. Lands owned by a State may be acquired only with the consent of the owner. Lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. In the exercise of his exchange authority, the Secretary of the Interior may accept title to any non-Federal property within a national wild or scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State in which the river or segment thereof runs, except lands within the national park system, the national wildlife refuge system, or revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands, which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be of approximately equal fair market value. If they are not of approximately equal fair market value, the Secretary of the Interior shall accept cash from, or pay cash to, the grantor in order to equalize the values of the properties exchanged. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Any such lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal or State purposes from the land and water conservation fund shall be available for the acquisition of property for the purposes of this Act.

(e) As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

(f) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild or scenic river area, if such lands are located within any incorporated city, village, or borough when such entities shall have in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act.

(g) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any national wild or scenic river area without the consent of said county as long as the county is following a plan for the management, zoning, and protection of such lands that conforms with the purposes of this Act.

(h)(1) In order to carry out the provisions of subsections (f) and (g), the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act.

(2) The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(i) (1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, shall mean a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(j) No lands, waters, or interests therein other than scenic easements may be administered under this Act as a part of the National Wild and Scenic Rivers System if such lands, waters, or interests were acquired by a State under its power of condemnation for the specific purpose of making such lands, water, or interests therein a part of the National Wild and Scenic Rivers System under this Act.

SPECIAL PROVISIONS

SEC. 6. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any national wild or scenic river area of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) : *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

(b) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) ; on any river, or segment thereof, listed in section 4, subsection (a), during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior or the Secretary of Agriculture, on the basis of study, concludes that such river should not be included in the National Wild and Scenic Rivers System and publishes notice to that effect in the Federal Register : *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed.

(c) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within the National Wild and Scenic Rivers System, except that all mining claims located after the effective date of this Act shall be subject to such regulations as the Secretary of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. Any patent issued shall recite this limitation. All such regulations shall provide among other things for safeguards against pollution of the river.

(d) Any portion of a national wild or scenic river area that is within the national wilderness preservation system, as established by the Act of September 3, 1964 (Public Law 88-577), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preservation of such a national

wild or scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(e) The head of any Federal, State, or local agency administering a national wild or scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a national wild or scenic river area.

(f) The jurisdiction of the States and the United States over waters of any stream included in a national wild or scenic river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in he National Wild and Scenic Rivers System shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(g) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

(h) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the National Wild and Scenic Rivers System.

(i) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild or scenic river area.

(j) Designation of any stream or portion thereof as a national wild or scenic river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(k) The jurisdiction of the States over waters of any stream included in a national wild or scenic river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

STATE AND LOCAL WILD AND SCENIC RIVERS

SEC. 7. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State, interstate, and local wild and scenic river areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, interstate agencies, political subdivisions, and nonprofit private organizations, with respect to establishing such wild or scenic river areas.

(b) The Secretary of Agriculture is directed in accordance with the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild or scenic river areas.

(c) Upon application of the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the National Wild and Scenic Rivers System, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

(d) Upon application of the Governor of a State for the designation of any additional State or local wild or scenic river area as part of the National Wild and Scenic Rivers System, the Secretary may make such designation, after consultation with interested Federal agencies, if the State, interstate, or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

SEC. 8. In recognition of the fact that changes may occur in the circumstances of national wild or scenic river areas included in the National Wild and Scenic Rivers System or in the needs for the resources associated with such areas, which will require future Congresses to make changes in the system, and in order to assure that the Congress is kept informed of such changes in circumstances or

needs, there is created a National Wild and Scenic Rivers Review Board, to make review and furnish reports to the Congress as hereinafter provided.

The National Wild and Scenic Rivers Review Board shall consist of the Secretary of the Interior, who shall be its Chairman, the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the Governors of the several States for the purpose of consideration of the status of any national wild or scenic river area included within the National Wild and Scenic Rivers System which lies within their States.

Within sixty days after the convening of a new Congress, commencing with the second Congress after the enactment of this Act, the National Wild and Scenic Rivers Review Board shall file a report and recommendations with the President of the Senate and with the Speaker of the House of Representatives. Such report shall contain a discussion of any significant developments since the date of enactment of the Act, or since the last report, including but not limited to the following subjects: Technology of passage of fish over dams; status and trends of anadromous fish runs; activities by way of construction or otherwise pursuant to international agreements relating to any basin in which national wild or scenic rivers areas are designated; projected national, regional, or local demand for additional electrical generating capacity, particularly as related to existence or possibility of declarations of national emergency; and Federal or State legislative changes which affect the financing of river or reclamation development projects, including basin account authorizations relative to any basin in which national wild or scenic rivers areas are designated. The National Wild and Scenic Rivers Review Board is authorized and directed to conduct continuing comparative studies which would measure the balance of benefits and detriments of each national wild or scenic river area to the State in which it is located, and to report to Congress, as appropriate, recommendations to assure that, wherever it is found that the reclamation of arid land would better serve the public interest of such State, the same shall not be prejudiced by the national wild or scenic rivers status of any stream.

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. TAYLOR. Also in the absence of objection the following departmental reports will be made a part of the record at this point. The letter from the Secretary of February 18, 1967, which submitted the administration bill. The report of the Department of the Interior addressed to Congressman Aspinall dated August 14, 1967, signed by Secretary Udall.

Another report from the Department of the Interior dated September 18, 1967, addressed to Mr. Aspinall, signed by Assistant Secretary Anderson.

A further report on the Department of the Interior dated March 6, 1968, addressed to Mr. Aspinall, and signed by Assistant Secretary Stanley Cain.

Another report from the Department of the Interior dated March 6, 1968, addressed to Mr. Aspinall, signed by Assistant Secretary Anderson.

A report from the Department of Agriculture dated August 11, 1967, addressed to Mr. Aspinall, and signed by Secretary Freeman.

Report from the Department of Health, Education, and Welfare dated July 20, 1967, addressed to Mr. Aspinall, signed by the Under Secretary.

Report from the Department of the Army dated August 11, 1967, addressed to Mr. Aspinall, signed by Acting Secretary McGiffert.

Report from the Tennessee Valley Authority dated June 9, 1967, addressed to Mr. Aspinall, signed by Aubrey J. Wagner, Chairman of the Board of Directors.

A report from the Secretary of Housing and Urban Development, dated August 21, 1967, addressed to Mr. Aspinall, signed by Secretary Robert C. Weaver.

In the absence of objection, all these will be made a part of the record in the order.

(The reports and letters referred to follow:)

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 18, 1967.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The President, in his January 30, 1967 message to the Congress on protecting our natural heritage renewed his recommendation for legislation to establish a Nationwide System of Scenic Rivers similar to legislation the Department submitted to the 89th Congress. The need to act in order to preserve portions of our free-flowing rivers for the benefit of the American people is urgent. Unless we act promptly, growth and development will soon make the beauty of the unspoiled stretches of our scenic waterways merely a memory.

While river flows have been harnessed to aid navigation, control floods, increase farm productivity and hydroelectric power, too little attention has been given to the importance of protecting the very water we drink and the values of fish and wildlife, scenic and outdoor recreation resources. These values, although often measureless in commercial terms, should be preserved by a program that will guarantee America her heritage of unspoiled, unpolluted free-flowing rivers. Our belief is shared by a wide range of public and private authorities, and the time to act is now, before it is too late.

In 1962, the Outdoor Recreation Resources Review Commission endorsed efforts to preserve certain rivers because of unique natural values they provide. Also in 1962, the President upon recommendation of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Secretary of Health, Education, and Welfare, approved for application by them and by the Bureau of the Budget a policy statement concerning the use and development of water and related land resources. This policy statement provides, among other things, that in particular instances wild areas of rivers should be maintained and used for recreational purposes.

In 1963, this Department and the Department of Agriculture initiated a coordinated, broad-scale study of the need to preserve a nationwide system of scenic or wild rivers. This study revealed that a total of approximately 100,000 miles of rivers and tributaries in the United States averaging a flow of at least 550 cubic feet per second, only a few of the rivers could still be classified as relatively unspoiled. In a strict sense, a pristine river is a rare thing today in the United States. There are, however, many free-flowing rivers, or segments thereof, which still retain enough of their original character to provide the distinctive type of enjoyment and inspiration that increasing numbers of people are seeking. The sheer natural beauty of such river areas is a source of physical and spiritual refreshment.

The enclosed bill, which would establish a Nationwide System of Scenic Rivers, is similar to the proposal which the Department submitted to the 89th Congress. We urge that it receive early consideration. A detailed analysis of its provisions is set forth in an enclosure to this report.

Pertinent data with respect to the initial nine areas included by this bill in the System is enclosed.

The proposed legislation has been prepared in collaboration with the Secretary of Agriculture and has his approval.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

Enclosures.

A BILL To reserve certain public lands and other lands for a Nationwide System of Scenic Rivers, to provide a procedure for adding additional lands to the system, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Scenic Rivers Act".

STATEMENT OF POLICY

SEC. 2. The Congress finds that some of the free-flowing rivers of the United States and related adjacent land areas possess outstanding scenic, fish, wildlife, and outdoor recreation values of present and potential benefit to the American people. The Congress also finds that our established national policy of dam and other construction on appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their natural and free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. It is the policy of Congress that selected parts of the Nation's diminishing resource of free-flowing rivers, and their related adjacent lands should be preserved, reclaimed, and appropriately developed for the benefit of all the American people. For this purpose there is hereby established a Nationwide System of Scenic Rivers to be composed of (a) the areas designated by this Act or subsequent Acts as "national scenic river areas", and (b) the State and local scenic river areas designated by the Secretary of the Interior as part of the System. Areas designated as "national scenic river areas" by subsequent Acts of Congress shall be administered in accordance with the provisions of this Act unless the subsequent Acts provide otherwise.

DEFINITION OF NATIONAL SCENIC RIVER AREA

SEC. 3. A national scenic river area eligible to be included in the System is a stream or any section of a stream, tributary, or river—and the related adjacent land area—that possesses outstanding scenic, fish, wildlife, and outdoor recreation values, that is essentially free-flowing and unpolluted, and that should be preserved in such condition, or restored thereto, in order to promote public use and enjoyment.

NATIONAL SCENIC RIVER AREAS

SEC. 4. (a) The following rivers, or segments thereof, and related adjacent lands are hereby designated as "national scenic river areas":

(1) Salmon, Idaho: the segment from the town of North Fork downstream to the town of Riggins, and the entire Middle Fork.

(2) Clearwater, Middle Fork, Idaho: the Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway River at Lowell, forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin.

(3) Rogue, Oregon: the segment from the Route 101 highway bridge above Gold Beach upstream to the Applegate River.

(4) Rio Grande, New Mexico: The segment from the State Highway 96 crossing upstream to the Colorado State line, and the lower four miles of the Red River.

(5) Eleven Point, Arkansas and Missouri: the segment from its confluence with the Black River in Arkansas upstream to Thomasville in Missouri.

(6) Cacapon, West Virginia: the Cacapon from its mouth to its source, the entire Lost River, and the North River upstream to the U.S. 50 highway bridge.

(7) Shenandoah, West Virginia: the segment of the river located in the State of West Virginia.

(8) Saint Croix, Minnesota and Wisconsin: the segment beginning at St. Croix Falls and extending upstream to the dam near Gordon, Wisconsin, and its Namekagon tributary.

(9) Wolf, Wisconsin: the segment beginning at Keshena Falls and extending upstream to the Langlade-Menominee County line.

(b) The Secretary of the Interior shall administer the national scenic river areas designated by subsection (a) of this section, paragraphs (4), (8), and (9), and the Secretary of Agriculture shall administer the areas designed by paragraphs (2) and (5), except that lands under the administrative jurisdiction of another Federal agency that are included in any such area shall be administered in such manner as may be agreed upon by the appropriate Secretary and the head of that agency, or as directed by the President. The areas designated by paragraphs (1), (3), (6), and (7) shall be administered in a manner agreed upon by the two Secretaries, or as directed by the President. The Secretary charged with the administration of each national scenic river area or portion thereof shall establish detailed boundaries for such area as soon as practicable after the date of enactment of this Act. Such boundaries may be revised from time to time, but may not include on both sides of the stream, tributary, or river a total of more than 320 acres per mile. The appropriate Secretary shall publish notice of such detailed boundaries in the *Federal Register*, together with appropriate descriptions.

(c) Within the exterior boundaries of a national scenic river area as established pursuant to subsection (a) of this section, the Secretary of the Interior or the Secretary of Agriculture may acquire lands or interests therein by donation, purchase with donated or appropriated funds, or exchange: *Provided*, That on both sides of the stream, tributary, or river a total of not more than 100 acres per mile may be acquired in fee under authority of this Act, except that the appropriate Secretary may acquire in fee such additional acreage per mile as he determines is needed (1) to provide public use facilities and public access or (2) to acquire the portion of any individual tract of land which lies outside of the boundaries of a national scenic river area, with the consent of the owner, in order to avoid the payment of severance costs. Land acquired outside of the boundaries of a national scenic river area under authority of this subsection may be exchanged by the appropriate Secretary for any non-Federal property within such boundaries. Lands owned by a State may be acquired only with the consent of the owner. Lands owned by an Indian tribe may be acquired only with the consent of the tribal governing body. Lands acquired by the Secretary of Agriculture within or adjacent to a national forest shall upon acquisition become national forest lands. Money appropriated for Federal purposes from the Land and Water Conservation Fund shall be available for the acquisition of property for the purposes of this Act.

(d) In the exercise of his exchange authority, the Secretary of the Interior may accept title to any non-Federal property within a national scenic river area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the States in which the national scenic river area is located which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(e) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire by condemnation proceedings lands within any national scenic river area that are located in an incorporated city, village, or borough as long as such entities shall have in force and applicable to such lands a duly adopted, valid enforced zoning ordinance that is satisfactory to the appropriate Secretary.

(f) Neither the Secretary of the Interior nor the Secretary of Agriculture may exercise any authority to acquire county-owned lands within any national scenic river area, without the consent of the county, as long as the county is following a plan for the management and protection of such lands that is satisfactory to the appropriate Secretary.

ADMINISTRATION OF NATIONAL SCENIC RIVER AREAS

SEC. 5. (a) A national scenic river area shall be administered for the purposes of protecting its outstanding scenic, fish, wildlife, and outdoor recreation values, or restoring such values to the area, for public use and enjoyment, but without limitation on other uses that do not substantially interfere with these purposes. The Secretary of the Interior or the Secretary of Agriculture shall give primary management emphasis to protecting the aesthetic and scenic features of such

areas. The appropriate Secretary may, in developing management plans, establish for a national scenic river area, or portion thereof, varying intensities of protection or development, based on the special attributes of the river. The Secretary of the Interior, in administering such areas, may utilize such statutory authorities relating to areas of the National Park System and such statutory authorities otherwise available to him for recreation and preservation purposes, and the conservation and management of natural resources, as he deems appropriate to carry out the purposes of this Act. The Secretary of Agriculture, in administering such areas, shall utilize the statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(b) The Secretary charged with the administration of a national scenic river area or portion thereof may enter into written cooperative agreements with the Governor of a State or appropriate local official for State or local govenmental agency participation in the administration of the area. The States shall be encouraged to cooperate in the planning and administration of a national scenic river area where it includes State-owned or county-owned lands. Any Federal land located within a national scenic river area may, with the consent of the head of the agency having jurisdiction thereof, be transferred to the jurisdiction of the appropriate Secretary for administration as part of the area. Any land transferred hereunder to the jurisdiction of the Secretary of Agriculture for administration as part of a national scenic river area in connection with the National Forest System shall become national forest land.

SPECIAL PROVISIONS

SEC. 6. (a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a *et seq.*), in any national scenic river area established pursuant to sections 4 and 7 of this Act.

(b) Nothing in this Act shall affect the applicability of the United States mining laws and all laws pertaining to mineral leasing within national scenic river areas, except that all prospectng and mining operations, and all other activities on mining claims located after the effective date of this Act, and all mining operations and other activities under a mineral lease, permit, or license issued after the effective date of this Act shall be subject to such regulations as the Secretray of the Interior, or the Secretary of Agriculture in the case of national forest lands, may prescribe to effectuate the purposes of this Act. All such regulations shall provide, among other things, for safeguards against pollution of the stream, tributary, or river.

After the effective date of this Act, subject to valid existing rights, all patents issued under the United States mining laws affecting lands within national scenic river areas shall convey title only to the mineral deposits within the claim, together with the right to use so much of the surface and surface resources as are reasonably required for carrying on mining or prospecting operations and uses reasonably incident thereto, subject to the regulations prescribed by the appropriate Secretary to effectuate the purposes of this Act, and each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the lands or the products thereof not required for carrying on activities reasonably incident to mining or prospecting shall be allowed. Mining claims located after the effective date of this Act within national scenic river areas shall create no rights in excess of those rights which may be patented under the provisions of this subsection.

(c) Any portion of a national scenic river area that is within the National Wilderness Preservation System, as established by the Act of September 3, 1964 (78 Stat. 890), shall be subject to the provisions of both the Wilderness Act and this Act with respect to the preservation of such national scenic river area, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(d) Any portion of a national scenic river area that is administered by the Secretary of the Interior through the National Park Service shall become a part of the National Park System, and any such portion administered by the Secretary of the Interior through the Fish and Wildlife Service shall become a part of the

National Wildlife Refuge System. Such lands shall be subject to the provisions of this Act and the Acts under which the respective system is administered, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(e) The head of any Federal or State agency administering a national scenic river area shall cooperate with the Secretary of the Interior, and with the appropriate State water pollution control agencies, for the purpose of eliminating or diminishing the pollution of waters within a national scenic river area.

(f) The designation of any stream or portion thereof as a national scenic river area in accordance with the provisions of this Act shall have the effect of reserving, subject to rights vested under either State or Federal law at the time of such designation which are compensable under the next following sentence, the waters of such stream for the purposes of this Act, but in quantities no greater than necessary to accomplish such purposes. Any taking by the United States, under the provisions of this Act, of a water right that is vested under State or Federal law, that is beneficially used at the time a national scenic river area is established, and that prior to the date of this Act would have been compensable if taken or interfered with by the United States for purposes not related to the exercise of the commerce power, shall entitle the owner of such right to just compensation.

(g) Nothing in this Act shall affect the jurisdiction or responsibilities of the States under other provisions of law with respect to fish and wildlife.

PLANNING FOR ADDITIONAL NATIONAL SCENIC RIVER AREAS

SEC. 7. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve segments of these rivers. They shall submit to the President their recommendations for or against designation of any or all of them as national scenic river areas, and the President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate. Recommendations with respect to not less than one-half of such rivers shall be submitted to the President within five years after the date of enactment of this Act, and the recommendations with respect to the remaining rivers shall be submitted to the President within ten years after the date of enactment of this Act:

(1) Animas, Colorado.
(2) Big Fork, Minnesota.
(3) Big Hole, Montana.
(4) Buffalo, Tennessee.
(5) Chattooga, North Carolina, South Carolina, and Georgia.
(6) Delaware, New York, and Pennsylvania.
(7) Deschutes, Oregon.
(8) Feather, California.
(9) Flathead, Montana.
(10) Gasconade, Missouri.
(11) Gila, New Mexico.
(12) Green, Wyoming.
(13) Gros Ventre, Wyoming.
(14) Guadalupe, Texas.
(15) Klamath, California.
(16) Madison, Montana.
(17) Manistee, Michigan.
(18) Mullica, New Jersey.
(19) Niobrara, Nebraska.
(20) Penobscot, East and West Branches, Maine.
(21) Pere Marquette, Michigan.
(22) Pine Creek, Pennsylvania.
(23) Potomac, South Branch, West Virginia.
(24) Salmon, Idaho: the segment from the town of Riggins downstream to its confluence with the Snake River.
(25) Salt, Arizona.
(26) Shenandoah, Virginia.

(27) Skagit, Washington.
(28) Snake, North Fork, Idaho.
(29) Susquehanna, New York and Pennsylvania.
(30) Suwannee, Georgia and Florida.
(31) Upper Iowa, Iowa.
(32) Wacissa, Florida.
(33) White, Colorado.
(34) Wind, Wyoming.
(35) Yellowstone, Montana.

(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national scenic river areas, and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional areas within the United States shall be evaluated in planning reports as potential national scenic river areas.

(c) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, shall also submit to the President from time to time their recommendations for designation of any other river or segment thereof as a national scenic river area. The President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate.

(d) Recommendations submitted to the President under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated national scenic river area would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

(e) Whenever it is proposed to designate a river or segment thereof as a national scenic river area, and the river or segment runs through predominantly non-Federal land, the appropriate Secretary shall include in his recommendations to the President the views of the Governor of each State concerned with respect to its addition, and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority. The views of the Governor should be accompanied by or based upon a general State plan which assure the effectuation of the purpose of this Act in perpetuity. The President shall include in his recommendations to the Congress, with respect to the designation of such river or segment thereof as a national scenic river area, specific recommendations on the administration of such area by State authority.

(f) Any recommendation for designation of an area as a national scenic river area shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be used in lieu of acquisition of a fee title.

ADMINISTRATION OF ADDITIONAL NATIONAL SCENIC RIVER AREAS

SEC. 8. National scenic river areas designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the national scenic river area is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the national scenic river area shall be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President.

STATE AND LOCAL SCENIC RIVERS

SEC. 9. (a) The Secretary of the Interior is directed to encourage and assist States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local scenic river areas. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), to provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such scenic river areas.

(b) The Secretary of Agriculture is directed in accordance with the authority vested in him to assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such scenic river areas.

(c) Upon application of the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the Nationwide System of Scenic Rivers, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from authorizing within such areas the construction, operation, or maintenance of any new dam or any project work unrelated to an existing project under the Federal Power Act (41 Stat. 1063), as amended (16.U.S.C. 791a *et seq.*), except as specifically authorized by the Congress.

(d) Upon application of the Governor of a State for the designation of any additional State or local scenic river area as part of the Nationwide System of Scenic Rivers, the Secretary may make such designation, after consultation with interested Federal agencies, if the State or local agency administering the area agrees to manage and protect it in a maner satisfactory to the Secretary.

SEC. 10. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ANALYSIS OF BILL

The bill is patterned after the Wilderness Act of September 3, 1964 (78 Stat. 890), which established the National Wilderness Preservation System.

Section 1 provides for the Act to be cited as the "Scenic Rivers Act".

Section 2 sets out a statement of policy to the effect that our national policy of constructing dams and other works on certain sections of rivers needs to be complemented with a policy of preserving other sections of free-flowing rivers and related adjacent lands that possess outstanding scenic, fish, wildlife, and outdoor recreation values. The section declares a congressional policy to preserve reclaim, and appropriately develop such sections of our free-flowing rivers, and establishes a Nationwide System of Scenic Rivers composed of (1) areas designated by Congress in this Act or subsequent Acts as "national scenic river areas", and (2) State and local scenic river areas designated by the Secretary of the Interior as part of the System.

Section 3 defines the term "national scenic river area" to denote those segments of streams, tributaries, or rivers that possess outstanding scenic, fish, wildlife, and outdoor recreation values and are essentially free-flowing and unpolluted, and that should be preserved in such condition, or restored thereto, for public use and enjoyment. The definition of "national scenic river area" is not limited to relatively unspoiled or wilderness types of rivers because there are only a few such rivers remaining in the United States. There are, however, many free-flowing rivers, or segments thereof, which still retain enough of their original character to provide the distinctive type of enjoyment and inspiration that increasing numbers of people are seeking.

Section 4(a) designates as the initial national scenic river areas nine rivers or segments thereof, some of which are already mostly in Federal ownership. Each of these rivers has been carefully studied by this Department and the Department of Agriculture, and is considered to be an outstanding example of the values a Nationwide System of Scenic Rivers seeks to preserve. The seg-

ments of the Salmon (Idaho), Clearwater (Idaho), Rogue (Oregon), Rio Grande (New Mexico), Eleven Point (Missouri and Arkansas), Cacapon (West Virginia), and Shenandoah (West Virginia) Rivers mentioned in this section were included in the bill that passed the Senate in the 89th Congress (S. 1446). The segment of the Eleven Point River, however, has been extended downstream to its confluence with the Black River—a distance of approximately 50 miles. This has been made possible by a recent decision of the Secretary of the Army to recommend deauthorization of the Water Valley Dam project on the lower portion of the Eleven Point River.

The segments of the Saint Croix (Wisconsin and Minnesota) and Wolf (Wisconsin) Rivers described in this section have also been proposed for preservation as free-flowing rivers in previous bills introduced in the 89th Congress. The Saint Croix River is widely acclaimed as one of the most scenic and relatively unpolluted large rivers in the United States. The Wolf River has long been the subject of intensive efforts to protect its recreational qualities. On January 4, 1967, the Secretary of the Interior announced that a grant had been made to the State of Wisconsin out of funds appropriated from the Land and Water Conservation Fund for the State to acquire and develop the portion of the Wolf River in Langlade County for scenic river purposes. The Secretary of the Interior also announced that he planned to recommend the downstream portion of the Wolf River in Menominee County for national scenic river status.

The nine rivers designated as the initial national scenic river areas are scattered across the face of America. Three of them—the Clearwater, Salmon, and Rogue—are in the far West. Four others— the Rio Grande, Eleven Point, Saint Croix, and Wolf—are in the middle section of the country. The remaining two, the Cacapon and Shenandoah, are located in the East. These rivers contain an intriguing variety of recreational opportunity. There are whitewater rivers such as sections of the Salmon and Rogue, and more leisurely, forested rivers such as the Saint Croix and Eleven Point. All of them afford outstanding opportunities for a wide variety of outdoor recreation experiences. Each is regarded as one of the finest examples of the remaining free-flowing rivers in this country.

The national scenic river areas listed in this section do not include the Missouri in Montana or the Buffalo in Arkansas because these areas are now under consideration for administration in connection with the National Park System. They might, for example, be authorized as National Scenic Riverways comparable to the Ozark National Scenic Riverway. The upper reaches of the Hudson River in New York and the Connecticut River in Vermont and New Hampshire also are not included at this time because of studies now underway.

Section 4(b) provides for the administration of the Rio Grande, Saint Croix, and Wolf National Scenic River Areas by the Secretary of the Interior, and for the administration of the Clearwater and Eleven Point National Scenic River Areas by the Secretary of Agriculture. The Salmon, Rogue, Cacapon, and Shenandoah National Scenic River Areas are to be administered in a manner agreed upon by two Secretaries, or as directed by the President. The rivers to be administered by the Secretary of Agriculture are closely associated with national forests.

Section 4(b) also requires that detailed boundaries for each national scenic river area be established as soon as practicable after the enactment of the bill, and provides that such boundaries may not include on both sides of the river a total of more than 320 acres per mile. This provision will enable the amount of land included in a national scenic river area to vary in width at different points along the river segment. Some portions of a national scenic river area will extend only a short distance beyond the riverbanks. Other portions will include a wider strip of land along the river that will vary in width depending upon such factors as the terrain, vegetative cover, existing development, and the need for public use facilities and administrative sites. This provision envisions that the boundaries of a national scenic river area generally will not extend to a width of more than 1,320 feet from either side of the river.

Sections 4 (c) and (d) set forth general authority of each Secretary to acquire property within the boundaries of national scenic river areas, but restrict each Secretary's authority to acquire a fee title on both sides of the river to a total of not more than 100 acres per mile. This envisions the fee acquisition of a strip of land generally not more than 400 feet from either side of the river. This limitation does not apply, however, where additional lands need to be acquired in fee to

provide public use facilities and public access, and to avoid the payment of severance costs. The bill contemplates that the acquisition of scenic easements or other interests in land will be adequate to protect the remaining lands included in the boundaries of a national scenic river area.

Sections 4 (c), (e), and (f) provide that the appropriate Secretary may not acquire (1) lands owned by a State without its consent; (2) lands owned by an Indian tribe without the consent of the tribal governing body; (3) lands within an incorporated city, village, or borough by condemnation proceedings as long as satisfactory zoning ordinances are in effect with respect to much lands; and (4) county-owned lands by any method, without the consent of the county, as long as it is following a satisfactory management plan for such lands.

Section 5(a) sets forth the purposes for which the national scenic river areas are to be administered. It directs the two Secretaries ot give primary management emphasis to protecting the aesthetic and scenic features of such areas. This section recognizes that management plans for national scenic river areas may vary, depending upon the special attributes of each such area. The intention of this section is to maintain the status quo with respect to the character of the river and related adjacent lands at the time of its designation as a national scenic river area. It is recognized, however, that additional highways may unavoidably be routed across national scenic river areas.

Section 5(b) provides that the States will be encouraged to cooperate in the administration of a national scenic river area where it includes State-owned or country-owned lands. This section also authorizes the transfer of any Federal land located within a national scenic river area, with the consent of the agency having jurisdiction thereof, to the appropriate Secretary for administration as part of the national scenic river area.

Section 6(a) restricts the authority of the Federal Power Commissoin to license the building of any new dam or any project work unrelated to an existing project within a segment of a river designated as a national scenic river area. It provides that the Federal Power Commission may not issue such licenses unless the Congress enacts legislation approving their issuance. The purposes of designating an area as a national scenic river area are to maintain the free-flowing character of the stream and the natural character of the related adjacent lands. The building of dams or other structures would destroy these conditions.

Section 6(b) expressly continues the applicability of the United States mining and mineral leasing laws to the areas designated as national scenic river areas. All mining operations, however, will be subject to regulations needed to safeguard the national scenic river values. In addition, after the effective date of this Act, a mining claim perfected within a national scenic river area will give the mining claimant title only to the mineral deposits in the claim, together with the right to make any use of the land surface of such a claim as is reasonably required for his mining operations.

We believe that mineral activity within a national scenic river area should not be precluded, but that it should be subject to sufficient controls to prevent mining from defeating the purpose of this bill. This section provides such controls.

Sections 6 (c) and (d) provide that when a portion of a national scenic river area is also located within the National Wilderness Preservation System, the National Park System, or the National Wildlife Refuge System, the provisions of this bill and the Act or Acts governing the respective system will apply to such area, and if there should be a conflict the more restrictive provisions will apply.

The provisions of the Wilderness Act governing mining in the national forest areas designated by that Act as wilderness areas are, for example, more restrictive than the comparable provisions of this bill. When a portion of a scenic river area, therefore, is also within a portion of a national forest designated by the Wilderness Act as a wilderness area, it would be withdrawn on January 1, 1984, from further appropriation under the mining laws and from further disposition under all laws pertaining to mineral leasing.

Section 6(e) requires the Federal or State agency which has responsibility for a national scenic river area to cooperate with the Secretary of the Interior and with appropriate State water pollution control agencies for the purpose of controlling the pollution of waters in such area.

The maintenance of a high-quality water yield in a scenic river area is affected by upstream developments. This section requires the appropriate Federal and State officials to take action to control upstream pollution under their existing authority.

Section 6(f) preserves the status quo with respect to the law of water rights, and makes clear that the designation of a stream or portion thereof as a national scenic river area is not to be considered a reservation of waters for purposes other than those specified in the bill, or in quantities greater than necessary to accomplish these purposes.

Section 6(g) preserves the jurisdiction which the States have over fish and wildlife.

Section 7 establishes the procedures for other areas to be designated as national scenic river areas by subsequent legislation. As a basis for subsequent legislation, this section provides for studies and the development of detailed information and for the submission of reports and recommendations to the Congress on potential national scenic river areas in three ways:

(1) It directs the Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, to consult with other Federal agencies and with the States in which the 35 rivers named in the section are located for joint Federal-State plans to preserve them, and to submit recommendations to the President, who in turn will submit recommendations to the Congress with respect to their designation as national scenic river areas. The section requires that one-half of the 35 rivers be studied within five years after enactment of the bill, and the balance within ten years. The 35 rivers have been the subject of preliminary investigation and have been identified as prime candidates for national scenic river status.

(2) It requires all river basin and project planning reports submitted to the Congress to discuss the alternative use of a river or portion thereof as a national scenic river area, and to consider specifically for this purpose any river segment designated by the Secretary of the Interior or the Secretary of Agriculture.

(3) It requires the Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, to submit from time to time to the President, and for the President to submit to the Congress, recommendations for additional national scenic river areas.

Section 8 provides that a national scenic river area added to the System by subsequent legislation will be administered by the Secretary of the Interior or the Secretary of Agriculture, depending on the location of the area and its relation to the other programs of the two departments.

Section 9 directs the Secretary of the Interior to encourage the States to consider needs and opportunities for establishing State and local scenic river areas in the comprehensive statewide outdoor recreation plans and project proposals submitted to the Secretary under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897). Upon the approval by the Secretary of the Interior of scenic river area projects proposed by the States for financial assistance under the Fund Act, funds would be available for the acquisition and development of such scenic river areas from the monies allocated to the States out of the Fund. This section also directs the Secretary of the Interior and the Secretary of Agriculture under the authorities vested in them, to assist, advise, and cooperate with States, local agencies, and private interests in the establishment of such scenic river areas. The Secretary of the Interior may designate a State or local scenic river area as part of the Nationwide System of Scenic Rivers if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary.

Section 10 authorizes the appropriation of such sums as may be necessary to carry out the provisions of the bill.

Cost data for the nine areas designated as national scenic river areas in this bill are presently being developed. Precise cost estimates for land acquisition and development will not be available until surveys are made on the ground to establish the detailed boundaries of the proposed areas. At the present time we estimate that approximately $3.5 million will be needed per year over a ten-year period for acquisition of property for the nine areas initially designated as national scenic river areas in this bill.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 14, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. ASPINALL: This responds to the request of your Committee for a report on H.R. 90 and H.R. 493, identical bills relating to the establishment of a national scenic rivers system, and on similar bills, H.R. 3996, H.R. 6166 (which we understand supersedes H.R. 3996), H.R. 6588, and H.R. 8416.

We recommend the enactment of H.R. 8416 with the clarifying and perfecting amendments indicated below. The urgent need for legislation to establish a national scenic rivers system has been set forth in our previous executive communications to the Congress on this subject.

We are sympathetic with the objectives of all of the Scenic or Wild Rivers bills which have been introduced in the 90th Congress. Basically, four different proposals are pending before the Congress, illustrated by H.R. 6166 (which is identical to the bill the Department submitted to the Congress by an executive communication of February 18, 1967), H.R. 90 which was introduced by Congressman Saylor, H.R. 8416 which you introduced, and S. 119 which was introduced by Senator Church. We have considered these bills very carefully.

We believe it would be appropriate to start the system either with the four rivers mentioned in H.R. 8416, as a minimum, or any combination of the additional rivers designated as the initial units of the system in H.R. 6166 or S. 119. Attached to this report is a summary of the principal differences between the pending bills.

H.R. 8416 declares a policy of the United States to preserve in a free-flowing condition certain selected rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, and to protect such rivers and their immediate environments for the benefit and enjoyment of future generations. To carry out this policy the bill establishes a national scenic rivers system composed of rivers authorized for inclusion in the system by Act of Congress, and rivers designated as scenic rivers by or pursuant to an act of the legislatures of the States through which they flow. In order for the rivers so designated by State legislatures to be included in the system, however, they must be (1) permanently administered as scenic rivers by an agency or political subdivision of the States involved without expense to the Federal Government; (2) found by the Secretary of the Interior to meet the criteria established in the bill and such criteria supplementary thereto as he may prescribe; and (3) approved by the Secretary of the Interior for inclusion in the system.

The bill recognizes four types of rivers as eligible for inclusion in the national scenic rivers system: (1) wild rivers—free-flowing rivers located within designated units of the national wilderness preservation system or *de facto* wilderness areas; (2) natural environment rivers—free flowing rivers the valleys of which have been little changed by man but to which public access is facilitated and along which compatible resource uses may be permitted; (3) pastoral rivers—free-flowing rivers the valleys of which are predominantly used for agriculture and other dispersed human activities which do not substantially interfere with public use of the rivers and enjoyment of their surroundings; and (4) historic and cultural rivers—rivers, including reservoirs, canals, and other man-made structures, which have great historic or cultural significance. In addition, the bill recognizes two types of areas as eligible for inclusion in the national scenic rivers system ordinarily, but not necessarily, as supplements to the above river types. Such areas are (1) unique natural and historic river areas—specific sites along rivers which should be preserved intact because of their scientific, natural beauty, archeological or historic value; and (2) high-density use areas—sites along or not far removed from rivers which, in order to serve outdoor recreation needs, may involve substantial alteration of the environment.

As the initial components of the national scenic rivers system authorized by the Congress, the bill designates segments or tributaries of four rivers and adjacent lands—the Rio Grande (New Mexico), the Rogue (Oregon), the Salmon

(Idaho), and the Clearwater (Idaho). Each of these rivers has been carefully studied by this Department and the Department of Agriculture, and is considered to be an outstanding example of the values a national scenic rivers system seeks to preserve. The bill provides for the administration of the rivers as follows: the segments of the Rio Grande by the Secretary of the Interior; the tributaries of the Clearwater by the Secretary of Agriculture; and the segments of the Rogue and Salmon as agreed upon by the two Secretaries, or as directed by the President.

The bill establishes procedures for other rivers and areas to be added to the national scenic rivers system. It requires the Secretary of the Interior (1) to study any rivers and areas which he determines are of the types specified in the bill as eligible for inclusion in the system, and to submit to the President and the Congress, from time to time, proposals for adding them to the system; and (2) to proceed as expeditiously as possible to study 20 rivers and segments thereof listed in the bill, unless the Governor of the State involved certifies that the State or one of its agencies or political subdivisions will make such study and does in fact pursue the study with diligence.

The bill gives the Secretary of the Interior and the Secretary of Agriculture authority to acquire lands and interests therein within the authorized boundaries of any component of the system which is included in the system by this bill or a subsequent Act of Congress and which is under his administration. This authority is subject to certain restrictions, however, in the case of lands owned by Indians or a State, and in the case of lands owned by or within the boundaries of any political subdivision of a State.

All basic scenic river values are dependent upon appropriate stream conditions. In order to maintain an adequate stream flow, the bill provides that the Federal Power Commission will not have authority to license the construction of any dam or other structure on or directly affecting any river included in the system or any of the 20 rivers listed in the bill for future study. The suspension of the Federal Power Commission's licensing authority on the 20 rivers to be studied will be for the 5-year period after the date of enactment of the bill (unless during that time the Secretary determines they are not to be included in the system) and for an additional period in order that the Congress or the Secretary of the Interior may consider adding them to the system.

The bill also prohibits Federal agencies from assisting by loan grant, or otherwise in the construction of any water resources project on or directly affecting any river included in the system. This prohibition does not apply, however, to grants made under the Land and Water Conservation Fund Act of 1965. In addition, the Federal agencies may not recommend authorization of any water resources project on or directly affecting any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without giving the Secretary of the Interior advance notice and without reporting to the Congress that such construction would conflict with the purposes of this bill. The bill places similar restrictions on Federal agencies in the case of the 20 rivers listed in the bill for future study, and such restrictions continue for the same periods of time as the restrictions on the licensing authority of the Federal Power Commission over such rivers.

The bill expressly continues the applicability of the United States mining and mineral leasing laws to the lands included in the system, but makes mining operations and activities on mining claims perfected after the date of enactment of the bill, as well as such operations and activities under mineral leases, licenses, or permits issued or renewed after inclusion of the lands in the system, subject to regulations needed to safeguard scenic river values. A mining claim perfected after the lands are included in the system, however, will give the mining claimant title only to the mineral deposits, together with the right to make any use of the land surface of such claim as is reasonably required for his mining operations. Subject to "existing vested rights", the bill withdraws the minerals in Federal lands, which are included in the system and which constitute the bed or bank of a river or are situated within one-quarter mile of a river that is designated a wild river by this bill or subsequent Act of Congress, from all forms of appropriation under the mining laws and from the operation of the mineral leasing laws. In addition, the bill withdraws the minerals in the Federal lands which constitute the bed or bank, or within one-quarter mile of the bank, of the 20 rivers listed in the bill for study from

all forms of appropriation under the mining laws for the same periods of time as the licensing authority of the Federal Power Commission is suspended over such rivers.

Any component of the national scenic rivers system that is also located within the National Wilderness Preservation System, the National Park System, or the National Wildlife Refuge System will be subject to both the provisions of this bill and the Act or Acts governing the respective system, and if there should be a conflict the more restrictive provisions will apply.

The States and local governments will be encouraged to cooperate in the administration of any components of the national scenic rivers system which include or adjoin State or county-owned lands.

The maintenance of a high-quality water yield in a river included in the national scenic rivers system is affected by upstream developments. The bill therefore requires the head of any agency administering a component of the national scenic rivers system to cooperate with the Secretary of the Interior and with appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

Cost estimates for land acquisition for and development of the four rivers and adjacent lands designated by the bill as the initial components of the system will not be available until surveys are made on the ground to establish precise boundaries for these components. We are unable, therefore, to estimate whether the $6,500,000 appropriation authorization in the bill for property acquisition is adequate for these four rivers.

We recommend the following clarifying and perfecting amendments to H.R. 8416:

1. On page 5, line 6, change "SEC. 3." to "SEC. 3(a)"; on line 7, delete "as depicted on the maps hereinafter identified, and"; on lines 12, 20–21, and 25 and on page 6, line 9, delete "(map numbered)"; and on page 6, after line 10, insert the following new subsection:

"(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall establish detailed boundaries therefor as soon as practicable after the inclusion of such component in the system. Such boundaries may be revised from time to time, but may include on both sides of the river a total of not more than three hundred and twenty acres per mile. Such agency shall publish notice of such detailed boundaries in the *Federal Register*, together with appropriate descriptions."

There are no maps in existence to identify the boundaries of the four river areas designated by the bill as the initial components of the national scenic rivers system. We do not believe it is feasible to identify detailed boundaries for such areas until surveys are made on the ground. The amendment therefore deletes the references in the bill to maps, and provides for the boundaries of the four river areas to be established after the surveys have been made. The amendment envisions that the boundaries generally will not extend to a width of more than 1,320 feet from either side of the river.

2. On pages 5–6, each of the four rivers designated in section 3 of the bill as the initial components of the system is classified according to the types referred to in section 2(b) of the bill. We believe, however, that it is premature for the bill to make such classification in the absence of detailed knowledge of each segment of the rivers. We recommend, therefore, that section 3 of the bill be revised by deleting the reference to the river types and providing that the administering agency will classify the rivers in accordance with section 2(b) of the bill as soon as practicable after they are included in the system. In any event, the reference to "scenic" on page 5, line 14, must be deleted since this is not one of the four types of rivers referred to in section 2(b) of the bill.

3. On page 6, line 16, change "(c) and (d)" to "(b) and (c)".

4. On page 12, line 6, delete the sentence beginning on this line and ending on line 20, and substitute the following sentences:

"Lands owned by an Indian Tribe may be acquired only with the consent of the tribal governing body, and lands owned by a State may be acquired only with its consent. Lands owned by any political subdivision of a State may not be acquired, without the consent of the political subdivision, as long as the political subdivision is following a plan for the management and protection of the lands that the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and

water conservation fund shall be available to Federal departments and agencies for the acquisition of property for the purposes of this Act."

The amendment clarifies the Secretary's land acquisition authority. It deletes the provisions of the printed bill which prevent the Secretary from acquiring lands within the boundaries of any political subdivision of a State, without the consent of the political subdivision, if approved zoning is in effect with respect to such lands. Since all lands would be within the boundaries of counties, the provision could preclude the acquisition of any lands by the administering agency and defeat the purposes of the bill. The amendment also provides that money appropriated for Federal purposes from the Land and Water Conservation Fund may be utilized by the Federal Government for the acquisition of lands for a scenic rivers program, in addition to the programs named in the Fund Act.

5. On page 13, line 5, delete the sentence beginning on this line and ending on line 9, and substitute the following sentence:

"The values of the properties so exchanged either shall be approximately equal, or, if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."

The amendment conforms the exchange provisions of the bill to those used in all recent national recreation area and seashore bills.

6. On page 14, line 6, change "(49 Stat. 863)" to "(41 Stat. 1063)", and on line 13, delete "on or directly affecting any such river" and substitute "that would have a direct and adverse effect on the values for which any such river was established, as determined by the Secretary charged with its administration or approval".

The language of the printed bill precludes all federally assisted water resources projects constructed on or directly affecting a river designated in section 3 of the bill as part of the National Scenic Rivers System or hereafter designated for inclusion in that System. Water resources project is a very broad term which includes sewage treatment plants and all of those should not be precluded. The amendment will permit such projects to proceed if the appropriate Secretary finds they would not have a direct and adverse effect on the values for which a river was included in the System.

7. On page 14, line 13, delete the sentence beginning on this line and ending on line 23, and substitute the following sentence:

"At the time any department or agency of the United States recommends authorization of, or requests appropriations to begin construction of, any water resources project that would affect a component of the national scenic rivers system, such department or agency shall report in writing to the Secretary charged with the administration or approval of such component and to the Congress indicating how the project would affect the component and the values to be protected by this Act."

We believe the report of the agency recommending authorization of a water resources project or requesting appropriations for construction thereof should be submitted to the Congress and the appropriate Secretary at the same time, and that such report should discuss the effect of the project on the river and the values to be protected by this bill. The amendment so provides.

8. On page 15, lines 6 and 7, delete "on or directly affecting any such river" and substitute "that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval".

The reason for the amendment is the same as given for amendment number 6.

9. On page 15, line 10, after "Interior," insert "or the Secretary of Agriculture where national forest lands are involved,".

10. On page 15, lines 18 to 24, delete "or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national scenic rivers system, under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second" and insert "but not exceed three years".

The amendment deletes the reference to an additional period for rivers recommended to the Secretary of the Interior for inclusion in the System under section 2(a)(ii) of the Act since the initial 5-year period does not apply to such rivers.

11. On page 15, line 25, preceding "No" insert the following sentence:

"Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in sec-

tion 5, subsection (a), of this Act, the Secretary of the Interior or the Secretary of Agriculture where national forest lands are involved shall proceed to complete the study within two years after the receipt of such notice."

The amendment will enable the Federal Power Commission to process license applications filed under the Federal Power Act, as amended, concerning the rivers listed in section 5(a) of the bill without any undue delay.

12. On page 15, line 25, delete the sentence beginning on this line and ending on line 10, page 16, and substitute the following sentence:

"At the time any department or agency of the United States during the periods specified in this subsection recommends authorization of, or requests appropriations to begin construction of, any water resources project that would affect any river listed in section 5, subsection (a), of this Act, such department or agency shall report in writing to the Secretary charged with its study or approval and to the Congress indicating how the project would affect the values to be protected by this Act."

The reason for the amendment is the same as given for amendment number 7.

13. On page 16, line 13, after "Interior" insert ", or the Secretary of Agriculture where national forest lands are involved,".

14. On page 18, line 4, after "(ii)" insert "subject to valid existing rights"; and on line 13, change "existing vested rights" to "valid existing rights".

15. On page 20, line 1, after "by" insert "or pursuant to".

16. On page 21, line 15, change "SEC. 12" to "SEC. 11" and appropriately renumber the succeeding sections of the bill.

17. On page 22, after line 2, insert the following subsection, and on line 3, change "(b)" to "(c)".

"(b) Upon application by the Governor of the State for the designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin, as part of the national scenic rivers system, the Secretary of the Interior may make such designation if the State or local agency administering the area agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a *et seq.*), on or directly affecting such rivers."

The States of Maine and Wisconsin are acquiring the lands along these two rivers and developing them for scenic river purposes. We believe they should be given the protection provided by this amendment.

The Bureau of the Budget has advised that there is no objection to the presentation of this report, and that enactment of legislation along the lines recommended herein would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Enclosure.

PRINCIPAL DIFFERENCES BETWEEN H.R. 8416, S. 119, H.R. 90, AND H.R. 6166

1. Types of rivers eligible for inclusion in National Scenic or Wild Rivers System

H.R. 8416 recognizes four types of national rivers—wild, natural environment, pastoral, and historic and cultural—as well as two types of areas adjacent to the national rivers, namely, unique natural and historic, and high-density use.

S. 119 and H.R. 6166 recognize only wild or scenic national river areas.

H.R. 90 recognizes three classes of national scenic river areas, and directs that each river shall be classified and managed according to the degree of wilderness, accessibility by roads, and amount of shoreline development.

H.R. 8416 and H.R. 6166 also permit State or local scenic rivers to be added to the system under certain conditions.

2. Rivers designated as initial units of system

H.R. 8416 designates segments of four rivers—Rogue, Oregon; Rio Grande, New Mexico; Salmon, Idaho; and Clearwater, Idaho.

S. 119 designated segments of seven rivers—the four designated by H.R. 8416 and three additional ones—Eleven Point, Missouri; Cacapon, West Virginia; and Shenandoah, West Virginia.

H.R. 6166 designates segments of nine rivers—the seven designated by S. 119 and two additional ones—Wolf, Wisconsin; and St. Croix, Minnesota and Wisconsin.

H.R. 90 designates segments of sixteen rivers—the nine designated by H.R. 6166 and seven additional ones—Klamath, California; Skagit, Washington; Hudson, New York; Green, Wyoming; Missouri, Montana; Flathead, Montana; and Suwannee, Georgia and Florida.

3. Method of designation of boundaries

H.R. 8416, H.R. 90, and S. 119 designate the boundaries of the national scenic river areas by reference to certain maps referred to in the bills.

H.R. 6166 uses the concept of a narrow ribbon for the national scenic river areas, i.e., it provides that such areas may include not more than a total of 320 acres per mile, with detailed boundaries to be established as soon as practicable after the enactment of the bill.

4. Rivers specifically mentioned for study as potential additions to system

H.R. 8416 lists 20 rivers; S. 119 lists 17 rivers; H.R. 6166 lists 35 rivers; and H.R. 90 lists 66 rivers. (See page 40 for listing of rivers.)

H.R. 8416 requires detailed studies of the rivers to be considered for addition to the system, including potential alternative uses of the rivers. It also requires the preparation of comprehensive study reports similar to those prepared for Corps of Engineer projects, and for the printing of such reports as Senate or House documents.

S. 119, H.R. 90, and H.R. 6166 contain similar provisions—each provides for Federal-State planning for additions to the system.

5. Restrictions on acquisition of lands by condemnation proceedings

H.R. 8416 precludes the condemnation of lands within the boundaries of any political subdivision of a State, without the consent of the political subdivision, if the lands are subject to approved zoning, whereas the remaining bills only preclude the condemnation of lands subject to approved zoning that are within incorporated cities, villages, or boroughs.

S. 119 precludes condemnation of lands or interests therein (other than scenic easements), without the owner's consent, where 50 percent or more of the wild river area is in public ownership; none of the other bills contains such a provision. Where less than 50 percent of the area is in public ownership, S. 119 limits condemnation of a fee title to not more than 300 feet on either side of the river, and condemnation of less than fee title to not more than 1,320 feet on either side of the river.

H.R. 90 limits condemnation of a fee title to not more than one mile on either side of the river, and condemnation of a less than fee title to not more than two miles on either side of the river.

H.R. 6166 generally limits the acquisition of a fee title, by condemnation or any other method, on both sides of the river to a total of not more than 100 acres per mile.

6. Applicability of U.S. mining and mineral leasing laws

All of the bills continue the applicability of such laws, except that mining activities on mining claims perfected after the date of the Act and on mineral leases issued after the date of the Act will be subject to appropriate regulations. In addition, all of the bills except S. 119 provide that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

H.R. 8416 is the only bill which withdraws the minerals in Federal lands, which constitute the bed or bank of a river included in the system by Act of Congress or which are within one-quarter mile of such river, from the operation of the mining and mineral leasing laws. H.R. 8416 is also the only bill which withdraws, for not more than an 8-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study.

7. Restrictions on authority of the Federal Power Commission

Unless specifically authorized by Congress, H.R. 6166 precludes the Federal Power Commission from licensing *new* dams or project works unrelated to an existing project in any national scenic river area.

H.R. 90 provides that *no* dam or other project works shall be constructed, operated, or maintained in any designated national scenic river area or in certain river areas to be studied for such designation, unless specifically authorized by the Congress.

H.R. 8416 would prevent the licensing of dams or other project works on or directly affecting any rivers designated as part of the system. Additionally, H.R. 8416 precludes Federal agencies from assisting by loan, grant, or otherwise any water resource projects on or directly affecting any such river. H.R. 8416 also provides similar protection for the rivers specifically listed in the bill for future study.

8. Appropriation authorization for acquisition of property

H.R. 6166, H.R. 90, and S. 119 authorize the appropriation of such sums as may be necessary. H.R. 8416 authorizes the appropriation of not more than $6,500,000 for the acquisition of lands and interests therein.

9. National Wild or Scenic Rivers Review Board

S. 119 creates a national wild rivers review board to conduct studies and furnish reports to the Congress on the developments on each wild river. The board consists of the Secretaries of Interior, Agriculture, Army, the Chairman of the Federal Power Commission, and involved State Governors. None of the other bills contains such a provision.

H.R. 8416

Cacapon, WVa
Chattooga,NC, SC & Ga
Delaware, Pa & NY
Eleven Point, Ark & Mo
Flathead, Mont
Gasconade, Mo
Green, Wyo
Guadalupe, Texas
Illinois, Oregon
Klamath, Calif
Niobrara, Nebr
Penobscot, Maine
Pere Marquette, Mich
Pine Creek, Pa
St. Croix, Minn & Wisc
Shenandoah, WVa
Skagit, Wash
Susquehanna, NY & Pa
Suwannee, Ga & Fla
Upper Iowa, Iowa

S. 119

Buffalo, Tenn
Green, Wyo
Hudson, NY
Missouri, Mont
Niobrara, Nebr
Skagit, Wash
Susquehanna, NY & Pa
Wolf, Wisc
Suwannee, Ga & Fla
Youghiogheny, Md & Pa
Little Miami, Ohio
Little Beaver, Ohio
Pine Creek, Pa
Delaware, Pa & NY
Allegheny, Pa
Clarion, Pa
W. Branch Susquehanna, Pa

H.R. 6166

Animas, Colo
Big Fork, Minn
Big Hole, Mont
Buffalo, Tenn
Chattooga, NC, SC, & Ga
Delaware, NY & Pa
Deschutes, Oregon
Feather, Calif
Flathead, Mont
Gasconade, Mo
Gila, NMex
Green, Wyo
Gros Ventre, Wyo
Guadalupe, Tex
Klamath, Calif
Madison, Mont
Manistee, Mich
Mullica, NJ
Niobrara, Nebr
Penobscot, East & West Branches, Maine
Pere Marquette, Mich
Pine Creek, Pa
Potomac, South Branch, WVa
Salmon (Riggins to mouth), Idaho
Salt, Ariz
Shenandoah, Va
Skagit, Wash
Snake, North Fork, Idaho
Susquehanna, NY & Pa
Suwannee, Ga & Fla
Upper Iowa, Iowa
Wacissa, Fla
White, Colo
Wind, Wyo
Yellowstone, Mont

Buffalo, Tenn
St. Croix (Lower) Wisc & Minn
Niobrara, Nebr
Susquehanna, NY & Pa
Allegheny, Pa & NY
Big Blue, Ind
Little Miami, Ohio
Little Beaver, Ohio
Pine Creek, Pa
Delaware, Pa & NY
Clarion, Pa
W. Branch Susquehanna, Pa
Little Tennessee, Tenn
Buffalo, Ark
Colorado, Utah, Colo, Ariz, Nev, & Calif
Columbia, Mont, Wash, Idaho, & Oregon
Animas, Colo
Ausable, NY
Big Fork, Minn
Big Hole, Mont
Black Warrior, Ala
Blackfoot, Mont
Cache la Poudre, Colo
Cheat, WVa
Connecticut, NH
Cumberland, Tenn & Ky
Deschutes, Oregon
Feather, Calif
French Broad, NC & Tenn
Gasconade, Mo
Gila, NMex
Greenbrier, WVa
Gros Ventre, Wyo
Guadalupe, Tex
Hoh, Wash
James, Va
Kern, North Fork, Calif
Linville, NC
Little Wabash, Ill
Madison, Mont
Manistee, Mich
Methow, Wash
Mullica, NJ
Namekagon, Wisc
Oklawaha, Fla
Penobscot, East & West Branches, Maine
Pere Marquette, Mich
Potomac, Md, Pa, WVa, & Va
Queets, Wash
Sacramento, Calif
Saint Joe, Idaho
Salt, Ariz
San Juan, Utah & NMex
Savannah headwaters, Ga & NC
Shenandoah, Va
Smith, Calif
Snake, North Fork, Idaho
Tangipahoa, La
Teton, Idaho & Wyo
Upper Iowa, Iowa
Wacissa, Fla
Wapsipinicon, Iowa
White, Colo
Wind, Wyo
Yellowstone, Mont & Wyo
Youghiogheny, Md & Pa

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 18, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: We are forwarding a revision of the enclosure which accompanied the Department's report of August 14, 1967, to the House Interior and Insular Affairs Committee on H.R. 8416 and similar wild or scenic river bills. The enclosure, which summarized the principal differences between H.R. 8416, S. 119, H.R. 90, and H.R. 6166, as they were introduced in the Congress, has been revised to summarize the principal differences between S. 119 as passed by the Senate and the above House bills.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

Enclosure.

PRINCIPAL DIFFERENCES BETWEEN H.R. 8416, S. 119 (AS PASSED BY THE SENATE), H.R. 90, AND H.R. 6166

1. Types of rivers eligible for inclusion in National Scenic or Wild Rivers System

H.R. 8416 recognizes four types of national rivers—wild, natural environment, pastoral, and historic and cultural—as well as two types of areas adjacent to the national rivers, namely, unique natural and historic, and high-density use.

S. 119 recognizes only wild and scenic national rivers, and H.R. 6166 recognizes only scenic national rivers.

H.R. 90 recognizes three classes of national scenic river areas, and directs that each river shall be classified and managed according to the degree of wilderness, accessibility by roads, and amount of shoreline development.

S. 119, H.R. 8416, and H.R. 6166 also permit State or local wild or scenic rivers to be added to the system under certain conditions.

2. Rivers designated as initial units of system

H.R. 8416 designates segments of four rivers—Rogue, Oregon; Rio Grande, New Mexico; Salmon, Idaho; and Clearwater, Idaho.

S. 119 designates segments of nine rivers—the four designated by H.R. 8416, and five additional ones—Eleven Point, Missouri; Wolf, Wisconsin; Namekagon, Wisconsin; Saint Croix, Minnesota and Wisconsin; and Illinois, Oregon.

H.R. 6166 designates segments of nine rivers—the four designated by H.R. 8416 and five additional ones—Eleven Point, Arkansas and Missouri; Cacavon, West Virginia; Shenandoah, West Virginia; Saint Croix, Minnesota and Wisconsin; and Wolf, Wisconsin.

H.R. 90 designates segments of sixteen rivers—the nine designated by H.R. 6166 and seven additional ones—Klamath, California; Skagit, Washington; Hudson, New York; Green, Wyoming; Missouri, Montana; Flathead, Montana; and Suwannee, Georgia and Florida.

3. Method of designation of boundaries

H.R. 8416 and H.R. 90 designate the boundaries of the national scenic river areas by reference to certain maps referred to in the bills.

S. 119 and H.R. 6166 use the concept of a narrow ribbon for the national wild or scenic river areas, i.e., they provide that such areas may include not more than a total of 320 acres per mile, with detailed boundaries to be established after enactment of the legislation.

4. Rivers specifically mentioned for study as potential additions to system

H.R. 8416 lists 20 rivers; S. 119 lists 28 rivers; H.R. 6166 lists 35 rivers; and H.R. 90 lists 66 rivers. (See page 43 for listing of rivers.)

H.R. 8416 requires detailed studies of the rivers to be considered for addition to the system, including potential alternative uses of the rivers. It also requires the preparation of comprehensive study reports similar to those prepared for Corps of Engineer projects, and for the printing of such reports as Senate or House documents.

S. 119, H.R. 90, and H.R. 6166 contain similar provisions—each provides for Federal-State planning for additions to the system.

5. Restrictions on acquisition of lands by condemnation proceedings

H.R. 8416 precludes the condemnation of lands within the boundaries of any political subdivision of a State, without the consent of the political subdivision, if the lands are subject to approved zoning, whereas the remaining bills only preclude the condemnation of lands subject to approved zoning that are within incorporated cities, villages, or boroughs.

S. 119 precludes condemnation of lands or interests therein (other than scenic easements), without the owner's consent, where 50 percent or more of the wild or scenic river area is in public ownership; none of the other bills contains such a provision. Where less than 50 percent of the area is in public ownership, S. 119 limits the acquisition of a fee title, by condemnation or any other method, on both sides of the river to a total of not more than 100 acres per mile.

H.R. 90 limits condemnation of a fee title to not more than one mile on either side of the river, and condemnation of a less than fee title to not more than two miles on either side of the river.

H.R. 6166 generally limits the acquisition of a fee title, by condemnation or any other method, on both sides of the river to a total of not more than 100 acres per mile.

6. Applicability of U.S. mining and mineral leasing laws

All of the bills continue the applicability of such laws, except that mining activities on mining claims perfected after the date of the Act and on mineral leases issued after the date of the Act will be subject to appropriate regulations.

H.R. 8416, H.R. 90, and H.R. 6166 also provide that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

H.R. 8416 is the only bill which withdraws the minerals in Federal lands, which constitute the bed or bank of a river included in the system by Act of Congress or which are within one-quarter mile of such river, from the operation of the mining and mineral leasing laws. H.R. 8416 is also the only bill which withdraws, for not more than an 8-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study.

7. Restrictions on authority of the Federal Power Commission

Unless specifically authorized by Congress, S. 119 and H.R. 6166 preclude the Federal Power Commission from licensing *new* dams or project works in any national wild or scenic river area. S. 119 also provides similar protection for the rivers listed in the bill for future study.

H.R. 90 provides that *no* dam or other project works shall be constructed, operated, or maintained in any designated national scenic river area or in certain river areas to be studied for such designation, unless specifically authorized by the Congress.

H.R. 8416 would prevent the licensing of dams or other project works on or directly affecting any rivers designated as part of the system. Additionally, H.R. 8416 precludes Federal agencies from assisting by loan, grant, or otherwise any water resource projects on or directly affecting any such river. H.R. 8416 also provides similar protection for the rivers specifically listed in the bill for future study.

8. Appropriation authorization for acquisition of property

H.R. 6166, H.R. 90, and S. 119 authorize the appropriation of such sums as may be necessary. H.R. 8416 authorizes the appropriation of not more than $6,500,000 for the acquisition of lands and interests therein.

9. National Wild and Scenic Rivers Review Board

S. 119 creates a national wild and scenic rivers review board to conduct studies and furnish reports to the Congress on the developments on each national wild or scenic river area. The board consists of the Secretaries of Interior, Agriculture, Army, the Chairman of the Federal Power Commission, and involved State Governors. None of the other bills contains such a provision.

H.R. 8416

Cacapon, WVa
Chattooga, NC, SC, & Ga
Delaware, Pa & NY
Eleven Point, Ark & Mo
Flathead, Mont
Gasconade, Mo
Green, Wyo
Guadalupe, Texas
Illinois, Oregon
Klamath, Calif
Niobrara, Nebr
Penobscot, Maine
Pere Marquette, Mich
Pine Creek, Pa
St. Croix, Minn & Wisc
Shenandoah, WVa
Skagit, Wash
Susquehanna, NY & Pa
Suwannee, Ga & Fla
Upper Iowa, Iowa

S. 119 (as passed by the Senate)

Salmon, Idaho
Buffalo, Tenn
Big Fork, Minn
Hudson, NY
Missouri, Mont
Niobrara, Nebr
Skagit, Wash
Susquehanna, NY & Pa
Suwannee, Ga & Fla
Youghiogheny, Md & Pa
Little Miami, Ohio
Little Beaver, Ohio
Maumee, Ohio
Pine Creek, Pa
Delaware, Pa & NY
Allegheny, Pa
Clarion, Pa
W. Branch Susquehanna, Pa
Chattooga, NC, SC, & Ga
Flathead, Mont
Gasconde, Mo
Guadalupe, Texas
Klamath, Calif
Penobscot, Maine
Pere Marquette, Mich
Upper Iowa, Iowa
Feather, Calif
Rio Grande, Texas

H.R. 6166

Animas, Colo
Big Fork, Minn
Big Hole, Mont
Buffalo, Tenn
Chattooga, NC, SC, & Ga
Delaware, NY & Pa
Deschutes, Oregon
Feather, Calif
Flathead, Mont
Gasconade, Mo
Gila, NMex
Green, Wyo
Gros Ventre, Wyo
Guadalupe, Texas
Klamath, Calif
Madison, Mont
Manistee, Mich
Mullica, NJ
Niobrara, Nebr
Penobscot, East & West Branches, Maine
Pere Marquette, Mich
Pine Creek, Pa
Potomac, South Branch, WVa
Salmon (Riggins to mouth), Idaho
Salt, Ariz
Shenandoah, Va
Skagit, Wash
Snake, North Fork, Idaho
Susquehanna, NY & Pa
Suwannee, Ga & Fla
Upper Iowa, Iowa
Wacissa, Fla
White, Colo
Wind, Wyo
Yellowstone, Mont

H.R. 90

Buffalo, Tenn
St. Croix (Lower), Wisc & Minn
Niobrara, Nebr
Susquehanna, NY & Pa
Allegheny, Pa & NY
Big Blue, Ind
Little Miami, Ohio
Little Beaver, Ohio
Pine Creek, Pa
Delaware, Pa & NY
Clarion, Pa
W. Branch Susquehanna, Pa
Little Tennessee, Tenn
Buffalo, Ark
Colorado, Utah, Colo, Ariz, Nev, & Calif
Columbia, Mont, Wash, Idaho & Oregon
Animas, Colo
Ausable, NY
Big Fork, Minn
Big Hole, Mont
Black Warrior, Ala
Blackfoot, Mont
Cache la Poudre, Colo
Cheat, WVa
Connecticut, NH
Cumberland, Tenn & Ky
Deschutes, Oregon
Feather, Calif
French Broad, NC & Tenn
Gasconade, Mo
Gila, NMex
Greenbrier, WVa
Gros Ventre, Wyo
Guadalupe, Texas
Hoh, Wash
James, Va
Kern, North Fork, Calif
Linville, NC
Little Wabash, Ill
Madison, Mont
Manistee, Mich
Methow, Wash
Mullica, NJ
Namekagon, Wisc
Oklawaha, Fla
Penobscott, East & West Branches, Maine
Pere Marquette, Mich
Potomac, Md, Pa, WVa, & Va
Queets, Wash
Sacramento, Calif
Saint Joe, Idaho
Salt, Ariz
San Juan, Utah & NMex
Savannah headwaters, Ga & NC
Shenandoah, Va
Smith, Calif
Snake, North Fork, Idaho
Tangipahoa, La
Teton, Idaho & Wyo
Upper Iowa, Iowa
Wacissa, Fla
Wapsipinicon, Iowa
White, Colo
Wind, Wyo
Yellowstone, Mont & Wyo
Youghiogheny, Md & Pa

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 6, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your Committee has requested a report from this Department on H.R. 753 and H.R. 6289, identical bills providing for the establishment of the Saint Croix National Scenic Riverway in the States of Minnesota and

Wisconsin, and three similar bills, H.R. 752, H.R. 3389, and H.R. 3983. Your Committee has also requested a report on H.R 6373, a bill to reserve certain lands along a segment of the Wolf River, Wisconsin, for designation as a scenic river area.

We favor the purposes of the bills, i.e., the preservation and protection of the unique scenic and other natural values of the Saint Croix River in Minnesota and Wisconsin, the Namekagon tributary of the Saint Croix River, and a certain segment of the Wolf River in Menominee County, Wisconsin. These purposes can be accomplished, however, under the bills pending before your Committee which would establish a national system of wild or scenic rivers.

Basically, four different proposals for a national wild or scenic rivers system are pending before your committee, namely, H.R. 6166 (which is identical to the bill the Department submitted to the Congress by an executive communication of February 18, 1967), H.R. 90 introduced by Congressman Saylor, H.R. 8416 which you introduced, and S. 119, as passed by the Senate on August 8, 1967.

H.R 90 designates the segment of the Wolf River reaching from the confluence of the Hunting River downstream to the town of Keshena as a scenic river area, while H.R. 6166 and S. 119 designate the segment from the Langlade-Menominee County Line downstream to Keshena Falls as a national scenic river area and a national wild river area, respectively. H.R. 8416 does not designate any segment of the Wolf River as one of the initial units of the national system.

H.R. 90 and H.R. 6166 designate the segment of the Saint Croix River beginning at Taylors Falls, Minnesota, and extending upstream to the dam near Gordon, Wisconsin, and its Namekagon tributary as a scenic river area and a national scenic river area, respectively. S. 119 designates as a national wild river area the segment of the Saint Croix between the dam near Taylors Falls and the dam near Gordon, Wisconsin, and its Namekagon tributary from its confluence upstream with the Saint Croix to the dam near Trego, Wisconsin. S. 119 designates as a national scenic river area the segment of the Saint Croix River downstream from the dam near Taylors Falls to its confluence with the Mississippi River. H.R. 8416 does not designate any segment of the Saint Croix River as one of the initial units of the national system, but designates the Saint Croix and its Namekagon tributary for study as a potential addition to the system.

In our report of August 14, 1967, to your Committee on the national wild or scenic river bills, we recommended the enactment of H.R. 8416 with certain clarifying and perfecting amendments. We believe it would be appropriate, however, to start the system either with the four rivers mentioned in H.R. 8416, as a minimum, or any combination of the additional rivers designated as the initial units of the system in H.R. 6166 or S. 119.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 6, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for a report from this Department on H.R. 14180, a bill "To provide for the establishment of the Lewis and Clark National Scenic Riverway, and for other purposes."

The purpose of the bill is to preserve and interpret a significant segment of the Missouri River in Montana and adjacent lands for their scenic, recreational, and other natural values.

The Bureau of Outdoor Recreation of this Department, in cooperation with interested Federal and State agencies, is presently conducting a study of the recreational resources of the Missouri River from Yankton, South Dakota, to Fort Benton, Montana, pursuant to a resolution adopted by the Senate Committee on Interior and Insular Affairs on February 17, 1966.

We recommend, therefore, that action on the bill be deferred until this study is completed, and the bill can be evaluated in light of the recommendations resulting therefrom. We expect the study to be completed within the next few months.

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

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 11, 1967.

Hon. WAYNE. N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: As you asked, here is our report on H.R. 90, H.R. 493, H.R. 3996, H.R. 6166, and H.R. 6588, "To reserve certain public lands for a National Scenic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes", and on H.R. 8416, "To provide for a national scenic rivers system, and for other purposes."

In 1963, the Departments of Agriculture and the Interior initiated a joint study of the Nation's scenic rivers. As an outgrowth of that study, the Secretary of the Interior sent to the 89th Congress, in 1965, a proposed bill to establish a National Wild Rivers System. H.R. 3996 is similar to that proposed bill.

After the close of the 89th Congress, we worked with the Department of the Interior in developing modified draft legislation to establish a Nationwide System of Scenic Rivers. On February 18, 1967, the Secretary of the Interior transmitted this modified proposal to the 90th Congress with the concurrence of this Department. H.R. 6166 is identical to the Administration's proposal. H.R. 6588 is nearly identical to H.R. 6166.

H.R. 90 and H.R. 493 are identical bills having a pattern similar to the Administration's proposal. However, they contain additional provisions that would recognized three classes of national scenic river areas, and would direct that each river be classified and managed according to the degree of accessibility, shoreline development, and freedom from impoundments.

H.R. 8416 is similar in principle to the Administration proposal. It also contains provisions that would classify the river areas according to their character.

The bills vary regarding rivers that would be designated for inclusion in an initial scenic rivers system, and that would be designated for future study.

H.R. 8416 has several desirable features. We recommend enactment of H.R. 8416, with the amendments referred to herein.

On page 2, line 20, we suggest that "or river segments" be inserted between "rivers" and "are". This makes it clear that different portions of designated scenic rivers may have different characteristics, and be classified accordingly.

We suggest that subsection 2(b)(i) be amended to read as follows:

"(i) WILD RIVERS.—Free-flowing rivers located within designated units of the national wilderness preservation system and free-flowing rivers the valleys of which have been little changed by man and to which public access is limited except by trails."

The present language of H.R. 8416 would include in the Wild River type free-flowing rivers within "de facto" wilderness areas, and provides that such rivers should be managed in accordance with the concepts embodied in the Wilderness Act (78 Stat. 890). "De facto" wilderness is not defined by the bill. We are concerned that the use of this term would be construed as an inference of classification of large areas of undeveloped lands in the National Forests as "de facto wilderness" for management under the same restrictions on resource use as apply to wilderness areas designated under the Wilderness Act. Many of these areas are undeveloped simply because planned development has not reached them. In most cases they do not have the attributes of areas presently a part of or being reviewed for recommendation for inclusion in the Wilderness System. The Wilderness Act provides appropriate machinery to consider the possible inclusion of lands having wilderness character in the National Wilderness Preservation System.

Subsection 2(c)(ii) of the bill provides that lands in High-Density Use Areas should be acquired in fee by the administering agency unless in the judgment of the Secretary of the Interior other methods of control are sufficient. Since this Department and other agencies will also be administering such areas, we recommend that the last sentence in this subsection be amended to read:

"The lands involved in such areas should be acquired in fee unless, in the judgment of the head of the administering agency, other methods of public control are sufficient to assure their use for the purpose for which they are created."

We concur in the amendments to section 3 of the bill suggested in the report of the Department of the Interior relating to designation and classification of the components of the National Scenic Rivers System. These amendments would provide that the boundaries of components of the national scenic rivers system could include no more than 320 acres per mile on both sides of a river. Rivers would be classified in accordance to the types referred to in subsection 2(b) of H.R. 8416 as soon as practicable after they are included in the system.

Subsection 3(3) of the bill outlines the administrative arrangements for the Salmon River. The river segment described lies almost entirely within or adjacent to national forests, and would be administered by the Secretary of Agriculture. Accordingly, we recommend that subsection 3(3) be amended to provide that the Salmon River would be administered by the Secretary of Agriculture.

Sections 4 and 5 of H.R. 8416 relate to the procedures to be followed and the scope of studies to be made in connection with addition of rivers to the initial scenic rivers system. Section 4 would direct the Secretary of the Interior to make needed studies and from time to time submit proposals to the President and the Congress for additions to the system of river areas and sites which, in the judgment of the Secretary of the Interior, qualify for such designation. Copies of the Secretary of the Interior's proposed reports would be submitted to affected Federal agencies for review and comment.

Section 5 lists rivers which are designated, without prejudice to others, as candidates for potential addition to the system. It would direct the Secretary of the Interior to study these rivers in cooperation with the States and their political subdivisions. However, no study could be undertaken in the case of any stream which the Governor of the appropriate State certifies the State is prepared to and does study to determine its suitability for inclusion in the system.

The bill transmitted by the Secretary of the Interior on February 18, 1967, with the concurrence of this Department, provides that where National Forest lands are involved the Secretary of Agriculture would be responsible for studies of river areas to be proposed for additions to the system. That provision gave recognition to the responsibility of this Department for managing the National Forests. We believe that the language in this respect jointly developed by our two Departments should be retained. We recommend that sections 4 and 5 (other than the identification of the river segments listed for study) be amended to read as follows:

"SEC. 4. (a) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, after consultation with interested Federal agencies, are directed to consult with the Governors and officials of the States in which the rivers or river segments listed below are located to ascertain whether a joint Federal-State plan is feasible and desirable in the public interest to conserve these rivers and segments thereof. They shall submit to the President their recommendations for or against designation of any or all of them as components of the national scenic rivers system, and the President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate. Recommendations with respect to not less than one-half of such rivers shall be submitted to the President within five years after the date of enactment of this Act, and the recommendations with respect to the remaining rivers shall be submited to the President within ten years after the date of enacment of this act:

* * * * * * *

"(b) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential components of the national scenic rivers system and all river basin and project plan reports submitted to the Congress shall discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional rivers within the United States shall be evaluated in planning reports as potential components of the national scenic rivers system.

"(c) The Secretary of the Interior, and the Secretary of Agriculture where national forest lands are involved, shall also submit to the President from time

to time their recommendations for designation of any other river or segment thereof as a component of the national scenic rivers system. The President shall submit to the Congress such recommendations, including draft legislation, as he deems appropriate.

"(d) Recommendations submitted to the President under this section shall be developed in consultation with the States, those Federal agencies which normally participate in the development of recreation plans and comprehensive river basin plans, any commissions established pursuant to interstate compacts the assigned responsibilities of which would be affected, and commissions or other bodies which may be established for the purpose of developing a comprehensive plan for the river basin within which the contemplated component of the national scenic rivers system would be located. Each such recommendation shall be accompanied by (1) expressions of any views which the agencies and States consulted pursuant to the foregoing may submit within ninety days after having been notified of the proposed recommendation, (2) a statement setting forth the probable effect of the recommended action on any comprehensive river basin plan that may have been adopted by Congress or that is serving as a guide for coordinating Federal or Federal and State programs in the basin, and (3) in the absence of such plan, a statement indicating the probable effect of the recommended action on alternative beneficial uses of the resources of the basin.

"(e) Whenever it is proposed to designate a river or segment thereof as a component of the national scenic rivers system, and the river or segment runs through predominantly non-Federal land, the appropriate Secretary shall include in his recommendations to the President the views of the Governor of each State concerned with respect to its addition, and with respect to whether it should be wholly or partly acquired, protected, and managed pursuant to exclusive State authority. The views of the Governor shall be accompanied by or based upon a general State plan which assures the effectuation of the purposes of this Act in perpetuity. The President shall include in his recommendations to the Congress, with respect to the designation of such river or segment thereof as a component of the national scenic rivers system, specific recommendations on the administration of such component by State authority.

"(f) Any recommendation for designation of a river as a component of the national scenic rivers system shall indicate the extent to which land will need to be acquired by the State and by the Federal Government, and the extent to which the acquisition of scenic easements or other interests in land may be used in lieu of acquisition of a fee title.

"SEC. 5. Components of the national scenic rivers system designated by subsequent Acts of Congress shall be administered by the Secretary of the Interior, except that when the component is wholly within, partly within, or closely adjacent to, a national forest such area shall be administered by the Secretary of Agriculture unless it is also partly within, or closely adjacent to, an area administered by the Secretary of the Interior, in which event the component shall be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture, or as directed by the President."

The above suggested amendment to subsection 4(a) does not specify the rivers to be studied under section 4. We would have no objection to the list of "study" rivers presently contained in section 5 of H.R. 8416.

On page 12, line 24, the word "designed" should be "designated."

To clarify the status of lands within the National Forests acquired by or transferred to the Secretary of Agriculture for scenic river purposes, we recommend the following sentence be added at the end of subsection 6(e) of the bill.

"Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon acquisition or transfer become national forest lands."

Section 7 of the bill would prohibit Federal agencies from licensing or assisting water resource projects "on or directly affecting" designated components of the national scenic rivers system. This restriction would be permanent as to components designated by section 3 of the bill and temporary as to rivers designated for study by section 5.

These provisions would seriously affect the important small watershed program administered by the Soil Conservation Service of this Department. It would preclude construction of some projects outside the boundaries of a scenic river system component which are needed to provide watershed protection, prevent floods, benefit fish and wildlife, provide recreation, and provide water storage

for farms, rural communities, and industries. Many of these projects can "directly affect" scenic rivers and still be compatible with the purposes of the Scenic Rivers Act. In many cases they will further these purposes by protecting water quality through prevention of erosion and sedimentation. They can extend the seasons scenic rivers can be used and enjoyed by helping to stabilize river flows.

We therefore recommend that section 7 be amended as follows:

(1) On page 14 line 13 delete the words "on or directly affecting any such river" and substitute the following: "that would have a direct and adverse affect on the values for which any such river was established as determined by the Secretary charged with its administration or approval."

(2) On page 14 delete the sentence beginning on line 13 and substitute the following: "At the time any Department or agency of the United States recommends authorization of or requests appropriations to begin construction of any water resources project that would affect a component of the national scenic rivers system such Department or agency shall report in writing to the Secretary charged with the administration or approval of such component and to the Congress indicating how the project would affect the component and the values to be protected by this Act."

(3) On page 15 lines 6 and 7 delete the words "on or directly affecting any such river" and substitute the following: "that would have a direct and adverse effect on the values for which such river might be designated as determined by the Secretary responsible for its study or approval."

(4) On page 15 line 10 insert after the comma following the word "Interior" the following: "or the Secretary of Agriculture where national forest lands are involved."

(5) On page 15, line 25, preceding "No" insert the following sentence, "Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in section 5, subsection (a), of this Act, the Secretary of the Interior, or the Secretary of Agriculture where national forest lands are involved, shall proceed to complete the study within two years after the receipt of such notice.

(6) On pages 15 and 16 delete the sentence beginning on line 25 on page 15 and substitute the following sentence: "At the time any Department or agency of the United States during the period specified in this subsection recommends authorization of or requests appropriations to begin construction of any water resources project that would affect any river listed in section 5, subsection (a) of this Act, such Department or agency shall report in writing to the Secretary charged with its study or approval and to the Congress indicating how the project would affect the values to be protected by this Act."

(7) On page 16 line 13 following the word "Interior" insert a comma and the following: "or the Secretary of Agriculture where national forest lands are involved,".

In his report to your Committee, the Secretary of the Interior is recommending additional amendments to H.R. 8416. We concur in these recommendations.

The Bureau of the Budget has advised that there is no objection to the presentation of this report an dthat enactment of legislation along the lines recommended herein would be in accord with the program of the President.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
July 20, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your requests of April 17, 1967, for a report on H.R. 90, H.R. 493, H.R. 3996, H.R. 6166, and H.R. 6588, bills that would be enacted as the "Scenic Rivers Act"; H.R. 6373 and H.R. 8416, bills that would be enacted as the "National Scenic Rivers Act"; and H.R. 7020, a bill "To provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes."

These bills are quite similar, except for H.R. 7020, and would provide for the establishment of a National Scenic Rivers System for the preservation and restoration of selected rivers or sections of rivers in their free-flowing condition to protect water quality and outdoor recreational values. H.R. 7020 would provide for the conservation and administration of the Buffalo River in Arkansas. It is noted that this river is also named in H.R. 90 and H.R. 493 for inclusion in the National Scenic Rivers System.

This Department endorsed the establishment of a Natioanl Scenic Rivers System for the preservation and restoration of selected rivers or sections of rivers in their free-flowing condition. Such a scenic rivers system would, we believe, enhance the Nation's health and welfare through the conservation of resources and the provision of recreational areas in various parts of the country.

Each of these bills, with the exception of H.R. 7020, would provide for consultation with other interested Federal agencies with respect to certain aspects of the National Scenic Rivers System. This Department through the Public Health Service would expect to be involved in matters relating to the health aspects associated with the establishment and administration of the scenic rivers program, should this legislation be enacted.

While we are in accord with the broad objectives of this legislation, we defer to the views of the Secretaries of Agriculture and Interior concerning their specific provisions, as the administration of the National Scenic Rivers System would be vested in these officials.

We note that in section 5(c) of H.R. 3996 relating to water pollution control, reference is made to the Secretary of Health, Education, and Welfare. We believe that the Secretary of Interior is intended here as the Federal Water Pollution Control Administration was transferred from this Department to the Department of Interior by Reorganization Plan No. 2 of 1966.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

DEPARTMENT OF THE ARMY,
Washington, D.C., August 11, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 90, 90th Congress, a bill "To reserve certain public lands for a National Scienic Rivers System, to provide a procedure for adding additional public lands and other lands to the system, and for other purposes," and twelve other bills for the same and related purposes. The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill, and related bills.

The general purposes of these bills are stated in the titles thereof. Similar proposals were put forth in both Houses of the 89th Congress.

The principal interest of the Department of Defense in such proposals is in their relation to the water resources activities of the Department of the Army and the Corps of Engineers.

The Department of the Army fully recognizes the desirability of preserving certain rivers in their natural state, believes that there is a need for legislation for that purpose, and fully supports the objectives of such legislation.

The basic position of the Department of the Army on the numerous bills which have been introduced with a view to setting aside certain streams as "wild", or "scenic", rivers may be stated briefly as follows:

First, that the Nation can well afford to forgo the development of streams of unusual natural beauty.

Second, that since decisions to set aside such streams must be based largely upon intangible factors, and since the evaluation of such factors is primarily a matter of legislative judgement, the Congress should decide which of the Nation's streams should be preserved in their natural state.

Third, that if Congress is to reach a wise decision it must have a full report and definite plan for each potential wild river, and that this plan should be

developed by joint and coordinated action of all the agencies, both Federal and State, concerned with the development, utilization and conservation of the Nation's rivers. Only in this way is it possible to insure that the withdrawal of a particular stream will be in consonance with an optimum comprehensive plan for the river basin in which it is located. In other words, each plan should be developed in accordance with the principles of the Water Resources Planning Act of 1965.

Fourth, that the report and plan for each proposed wild river should present both (a) the advantages of the Nation of preserving the stream in its natural state, and (b) the economic values that would result from its development, so that before the Congress makes a decision it will know what the Nation would be giving up in the form of material wealth in order to preserve the intangible benefits of an unspoiled natural area.

There are undoubtedly a number of streams in the United States for which the intangible benefits of preservation will clearly outweigh the material gains attainable through development. But for very few of these have studies been made which provide an adequate basis for a wise decision. Yet H.R. 90, for example, proposes that the Congress immediately authorize the setting aside of 16 streams. As indicated previously, we believe that Congress should authorize individual wild rivers only after it has all the facts before it, including information as to the relationship of the wild river proposal to a comprehensive river basin plan. We suggest, therefore, that bills like H.R. 90 be amended to require that reports and plans for each proposed wild river area be submitted to Congress for its consideration prior to the enactment of legislation authorizing the withdrawal of that area.

The Bureau of the Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

DAVID E. MCGIFFERT,
Acting Secretary of the Army.

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., June 9, 1967.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: This is in response to your letter of April 17 requesting our views with respect to a number of bills relating to the designation and management of scenic rivers. Our comments are limited to those bills which would create a nationwide system of scenic rivers.

Since its establishment in 1933, TVA has concerned itself with protecting and where possible enhancing scenic and related recreational resources in the Tennessee Valley. Accordingly, we support the broad objectives of the "scenic rivers" bills now before the Congress. However, as the federal agency with special responsibility for the development of all the resources of the Tennessee Valley, we think that scenic rivers legislation should recognize TVA's regional development role and provide for its participation in the designation and management of scenic river areas within the Tennessee Basin.

With reference to the Buffalo River in Tennessee (which is specifically mentioned in several of the bills), we wish the Committee to know that we are currently conducting an intensive staff study to determine its potential as a scenic riverway. If our study indicates the desirability and feasibility of using the Buffalo for such purpose, we propose to request funds for demonstration in the utilization of a free-flowing stream (and its adjacent land resources) for selective recreation and other compatible activities. We also propose to cooperate with the State of Tennessee in planning and developing the river's scenic resources.

So far as the Upper French Broad and the Little Tennessee Rivers are concerned (they are listed among 82 rivers or portions thereof for immediate designation or future study in H.R. 90 and H.R. 493), we think that planning and construction of water control and development projects have progressed to a point which would make it inappropriate to include these streams in currently proposed "scenic rivers" legislation. Both are scenic but not uniquely so and neither is free flowing or wild.

The Bureau of the Budget advises that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

AUBREY J. WAGNER,
Chairman.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., August 21, 1967.

Subject: H.R. 90, 493, 3996, 6166, 6588, 8416, Scenic Rivers: H.R. 752, 753, 3389, 3983, 6289, St. Croix National Scenic Riverway; H.R. 6373, Wolf River; H.R. 7020, Buffalo River.

Hon WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department on the above subject bills. Each of these bills is concerned with either (1) establishing a nationwide system of scenic rivers or, (2) establishing portions of particular rivers as national scenic river areas. H.R. 8416, a bill "To provide for a national scenic rivers system, and for other purposes" is typical of both categories mentioned above.

This bill lists four types of rivers as eligible for inclusion in the national scenic rivers system: wild rivers, natural environment rivers, pastoral rivers and historic and cultural rivers. The bill also lists certain types of land areas which would be eligible for inclusion in the system. Ordinarily, but not necessarily, such areas would be acquired as a supplement to one of the types of "national scenic rivers" described in the bill.

After a river, or a portion of a river, has been designated a component of the national rivers system, the Federal Power Commission is denied authority to license the construction of any dam or other project on or directly affecting it and no Federal department or agency may assist by loan, grant or otherwise in the construction of any "water resources project" on or directly affecting such a river.

The Secretary of Interior would be required to study potential additions to the national rivers system and from time to time would submit to the President and Congress reports on any recommended additions which would be administered, wholly or partially, by an agency of the United States. Prior to their submission, such reports would be submitted for comment to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission and to any other affected Federal department or agency. Any recommendations or comments made on the report, together with the Secretary of Interior's comments thereon, would also be submitted to the President and Congress. An alternative method for designating a national scenic river would be on application of the State or States involved. The Secretary of Interior may approve for inclusion in the national system any qualified river designated a "scenic river" by a State legislature. Prior to any decision, the Secretary of Interior would be required to request and consider the comments and recommendations of the Federal departments and agencies mentioned above. If the Secretary of Interior approves the proposed inclusion he would publish notice thereof in the Federal Register.

The differences between H.R. 8416 and the other bills listed above seem mainly to relate to (1) the procedures to be followed in designating national scenic rivers and (2) the listing of specific rivers for designation as "scenic rivers" or for study by the Secretary of the Interior for possible later designation. This Department is in general accord with the goals sought to be achieved by these bills. It would, however, defer to the Departments of Agriculture and Interior as to their relative merits since these Departments would have direct responsibility for administering the scenic rivers system.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ROBERT C. WEAVER.

Mr. TAYLOR. At this point I recognize our chairman, Mr. Aspinall, for a statement.

STATEMENT OF HON. WAYNE N. ASPINALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. ASPINALL. Mr. Chairman, there has been a great deal of enthusiasm by certain conservation groups throughout the past years for legislation which is very well described in the titles of the various bills before this committee. There has been an attempt to handle this kind of a program by piecemeal legislation, individual bills, which largely result in a political operation. There has been a desire on the part of some to handle this sort of legislation by the approach which was finally used for the wilderness bill, setting up a formula, placing those particular units which are ready for consideration within the authorizing section of the bill and placing other units which are not ready at the present time, for study.

Legislation of this kind often generates more heat than it does value as far as the American public is concerned. It will be noted by the reports which we just filed that there are many jurisdictional questions involved here and that a number of departments of Government which have an interest in various proposals which are before this Congress.

This committee, of course, must take into consideration the positions of the various departments and agencies and we must give them a chance to make their position well known and, if it comes to a jurisdictional question, we must be able to cooperate with other committees in the Congress.

Ofttimes it seems as if there is a disregard in the consideration of legislation which crosses over into other committees. We are troubled presently by a bill before the Rules Committee which has a very decided jurisdictional problem to it, and we must be careful of that.

Also there is involved in this kind of legislation, of course, not only the interests of the recreationists. They seem to think that they have a right to enjoy themselves in any place possible where there is good enjoyment, and all of us must agree that there is a lot of enjoyment to be had out of the use of riverways and their attendant values.

There is also a lot of interest in this legislation by business groups—some that have used their business interests, ownership of lands, to the destruction of certain values in the rivers that are involved, others that are willing to comply with up-to-date and modern programs to see that the water is kept in potable, usable condition. All of these matters must be taken into consideration as we consider this legislation.

There is one other thing that has to be taken into consideration and this, too, will be a dominant matter as far as this committee is concerned, and that is the cost of this kind of legislation. As far as I am concerned, there is going to be no authorization of any facility whatsoever under the legislation now before us unless we know what it is going to cost the Federal taxpayer. So many people in the United States think all they have to do is to go ahead and grab something whether it belongs to the United States or belongs to the States or belongs to individuals—just take it and use it without considering what the ultimate cost is going to be. That is one reason for the general approach rather than a special or individual approach in this legislation, and it is at least going to be considered by this committee.

We have a backlog at the present time of close to $400 million in our recreation program—national parks, recreation areas, monuments, historic sites, and so forth. For anybody to come up to this committee and say this is not going to cost anything, that is just pure poppycock whether it belongs to Uncle Sam or not, because it is going to cost something. All the people of the United States have a stake in it. When you take it away from the people for a single use or for a multiple use, then you have to figure in terms of whatever the cost is going to be not only to acquire it but also to develop it and to administer it.

One of the situations that is very difficult for a person in the legislative department of Government to understand is why we have so many people in the United States who want to use all of these facilities and they seem to do everything they can in their use of them to despoil their values. They pay no attention to their campfires, they pay no attention to the beer cans in streams, they pay no attention to cigarette containers, they pay no attention to anything except their own enjoyment.

These are costs. They will be considered in every one of these proposals. We are starting today what I consider to be a very important program, Mr. Chairman, and with the information and knowledge and understanding that you have of these programs I know that the job that we do will be thorough.

Thank you very much.

Mr. TAYLOR. Thank you, Mr. Chairman.

I might add that this committee approved earlier this week a bill which would add a $100 million per year to the land and water conservation fund for use in acquiring additional recreation areas and it seems to be the thinking of the subcommittee that unless action of this type can be taken by Congress, that we are about at the end of creating new recreation areas because the backlog is such that it is going to take years to pay for the ones that have already been authorized, but we are hopeful that this legislation can be enacted by Congress and then that we will be free to move forward.

Our first witness is Representative E. C. Gathings. Congressman Gathings, we welcome you.

STATEMENT OF HON. E. C. GATHINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. GATHINGS. Thank you, Mr. Chairman. I appreciate the opportunity of being with you today.

Mr. TAYLOR. Thank you. We know of your interest in this.

Mr. GATHINGS. This is kind of a bad note, though, for me to come in at this time, Mr. Chairman. I am not opposed to your legislation in general at all. I am just here to speak in opposition to the language contained in the first two lines on page 9 of the bill.

Mr. TAYLOR. Do you have a statement you would like to place in the record?

Mr. GATHINGS. I would just like to make a statement off the cuff if you permit, Mr. Chairman.

Mr. TAYLOR. Mr. Gathings, which bill do you have before you?

Mr. GATHINGS. I have here H.R. 8416 by Chairman Aspinall.

On page 9 you will find line 1, "Eleven Point, Arkansas and Missouri, the segment between the Black River and Thomasville, Mo."

Mr. Chairman, I have been representing this area only a short time. The legislature of 1965 placed five new counties in the district that I serve, the First District. These counties came from Mr. Mills' district in view of the fact that Mr. Mills' second district had taken in the city of Little Rock. In order to even up the population, they gave the First District these five fine counties. Two of them, Randolph and Lawrence are particularly involved with the Eleven Point River that is incorporated in the provisions of this bill, located just south of the Missouri line.

I am most grateful for the opportunity of appearing here today and to give the views of the people that I am privileged to serve with regard to including Eleven Point River in this legislation. The people in this area of these two counties have been encouraging people from the city of Memphis and surrounding territory to come and use the Eleven Point. They have made access roads available so that they could move their boats in and floatfish if they desired to do so. But they have taken little advantage of these streams and apparently will not.

It is a very beautiful stream, this Eleven Point, but, Mr. Chairman, our problem in that area is flood control, and to try to hold the water where it falls. We have a rainfall in that particular territory of between 45 and 48 inches, and it comes at a time when the farmers want to plant their crops, and it is very difficult to grow crops when you have seep waters and head waters covering the vital farmlands.

Now, a survey was recently made of this Eleven Point by the Corps of Engineers. For a long, long time many of our people have been wanting to put a dam on this Eleven Point River and the resultant reservoir would encourage people from wide areas to come and use it, as a recreational area.

I have supported this Water Valley dam the short time I have represented this district. This survey made by the Corps of Engineers indicated that there were only a very few people, visitors, or tourists, less than 100, who have been using the Eleven Point facilities for fishing. So, it is almost insignificant, as a matter of fact. It has little value as a wild river in attracting outsiders to come there.

This area has many rivers. There are five in this one county, Randolph County. There is Fourche River, there is this Eleven Point, the Spring River, the Current River, and the Black River in this one county. I do not know of any other county in the State of Arkansas that has five rivers.

These people that want the dam project have said that out of the 166 miles of riverway in this county, they wanted "to impound only about 20 miles and build a dam and a reservoir." That is what we have been fighting for the past month that I have been serving this area. To include this river in this bill would defeat the project so many of us feel should be built.

There is quite a lot of interest by the people in this area to the striking out of the bill its inclusion of the Eleven Point River. Here is a letter signed by all of the county officials of Lawrence County, Ark., and I would like to furnish it for the record, signed by the county judge, the county treasurer, the circuit clerk, the county clerk, county assessor, county collector, county sheriff.

Mr. TAYLOR. In the absence of objection, a copy of that letter will be made a part of the record.

(The letter referred to follows:)

WALNUT RIDGE, ARK.,
February 26, 1968.

Re H.R. 8416.

Congressman E. C. "TOOK" GATHINGS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: As duly elected officials of Lawrence County, Arkansas, it is our request that you represent us at the hearing on H.R. 8416 and ask that the Eleven Point River be excluded from this Bill.

As you know our rich farming area needs flood control and not "wild rivers." We know of no individual in our county that wants to see the Eleven Point River in the wild river group.

The poverty caused by the floods of this river and other rivers costs thousands of dollars annually. We urge that every effort be put forth to delete the Eleven Point River from this Bill.

Very truly yours,

BROOKS PENN,
County Judge.
CLEO WEIR,
County Treasurer.
O'NEAL KELLIM,
Circuit Clerk.
DON HARDAWAY,
County Clerk.
CLEO MOODY,
County Assessor.
ELTON C. JEAN,
County Collector.
KENNETH GUTHRIE,
County Sheriff.

Mr. ASPINALL. May I ask a question, Mr. Chairman?

Mr. GATHINGS. I would like to read——

Mr. ASPINALL. Just a minute. Reserving the right to object, is this for or against what is proposed in this section?

Mr. GATHINGS. This is in opposition to the inclusion of the Eleven Point River.

Mr. ASPINALL. What position does my friend from Arkansas take?

Mr. GATHINGS. I am in full concurrence with the views of the county officials and the many other citizens of Randolph and Lawrence Counties who also oppose the inclusion of this river as a part of your bill.

Mr. ASPINALL. And, you want this stricken from the bill?

Mr. GATHINGS. That part stricken from the bill, Mr. Chairman. I hope you will do so.

Mr. ASPINALL. All right. All I have to say is that that is all you need to say as far as I am concerned. I am just getting a little bit tired of a lot of people trying to tell the people of a congressional district what they ought to have in that congressional district when the Representative from that district is trying to represent his people and says that they should not have it. One of the most difficult things I had once was some Member of Congress from California introducing a bill that had to do with a national park facility in my district. I thought he was out of place and if you do not want this, just say so and that is all there is to it at this time.

Mr. GATHINGS. Well, I am grateful to you, Mr. Chairman, and I would like to also incorporate here as part of my remarks with your

consent, Mr. Chairman, a letter received from Tri-County Watershed Improvement Association, Lawrence County Soil and Water Conservation District, Lawrence County Farm Bureau. If you do not want to incorporate them word for word in the record, I would like to file them.

Mr. TAYLOR. In the absence of objection, these letters will be made part of the file.

(The letters referred to will be found in the files of the subcommittee.)

Mr. GATHINGS. Thank you. And a resolution here, Mr. Chairman, signed by the chamber of commerce, Lions Club, Kiwanis, and Jaycees.

(The resolution referred to will be found in the files of the subcommittee.)

Mr. GATHINGS. I am grateful for the opportunity to appear this morning and will attempt to answer any questions.

Mr. TAYLOR. Mr. Congressman, in your opinion, the majority of people in that area would be opposed to the inclusion of this part?

Mr. GATHINGS. They would, Mr. Chairman. They feel that flood control is an acute problem. I would like for you to see pictures taken in January 1966, and you can see that flood control is a major problem with that river. It has caused an awful lot of trouble to the farmers, playing havoc with their crops.

Mr. KUPFERMAN. May that be made a part of the file?

Mr. TAYLOR. In the absence of objection, these photographs will be made a part of the file.

(The photographs referred to will be found in the files of the subcommittee.)

Mr. TAYLOR. I will state I concur with my chairman, Mr. Aspinall. If you want it out, we will take it out.

Mr. KUPFERMAN. Would the chairman just allow me to say that I think what the representative of the district wants is entitled to the greatest possible weight but I still think that we should hear explanations as to why, and, therefore, I accept the fact that you have presented these explanations.

Mr. GATHINGS. Mighty fine, Mr. Kupferman. I am delighted at the opportunity to give you my observation and views.

This area here has more watershed applications than you will find in most areas. Since I have served these two counties, there has been approved—the Cooper Creek watershed is located at this point right here [indicating].

This watershed is located in the foothills of the Ozarks. That water sweeps down off of those hills and mountains and comes down into the valleys with such rapidity that children cannot get to school in many instances, and when they get to town they cannot get back home because the bridges have been washed out. So, Cooper Creek watershed was the one I recall I appeared before the Public Works Committee on urging its approval.

Since then, here is another watershed. The Fourche Creek has been submitted by the Department to Congress within the last few weeks. It is located in Randolph County and extends over into Missouri. They have the same problem because of the fact the water rushes off the mountain area into that flat country, agricultural region.

Now, at the present time there is pending before the Soil Conservation Service the Big Running Water Ditch project, which is located here, No. 22 on this map. That is next to be considered by the House Committee and the Senate Committee on Agriculture.

So, the problem is that of flood control. The problem is to hold that water where it falls, flood protection. Everyone that has contacted me has been opposed to this river being a wild river. They are farmers and ranchers and they are interested in their crops. They want protection from floodwaters.

Mr. TAYLOR. Does this conclude your statement?

Mr. GATHINGS. That concludes my statement.

Mr. TAYLOR. Any members of the committee any questions to ask? If not, I think you have made yourself very plain and we thank you for your testimony.

Mr. GATHINGS. Thank you kindly.

Mr. TAYLOR. Next witness, Representative Harley O. Staggers. Mr. Chairman, we welcome you before our committee.

STATEMENT OF HON. HARLEY O. STAGGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. STAGGERS. Thank you, Mr. Chairman, members of the committee. I appreciate the fact of your giving me a minute or two here before the committee and I do not think I need to take but just a moment in light of the statement as made by the chairman of the full committee.

I am here just about in the same capacity as my colleague from Arkansas. It has to do with No. 1, item No. 1, on page 8.

At the present time, I might explain to the committee that we have organized opposition to the inclusion of this even for a study at this time and I would hope that the committee might delete it until the Congressman that represents that area has a chance to really contact all of the people and maybe to come back and ask for its inclusion at some time in the future, if this would be possible. I have a prepared statement to put into the record.

Mr. TAYLOR. In the absence of objection, the prepared statement will be made a part of the record at this point.

Mr. STAGGERS. If there are any questions I will be glad to answer them.

Mr. ASPINALL. Let me say first, Mr. Chairman, I am very glad to have my fellow chairman before this committee. It is my understanding that the gentleman from West Virginia now speaking would like to have this stricken from the bill as of this time.

Mr. STAGGERS. Yes, sir. And, I hope without prejudice, that if the gentleman is able to come back at a future date and ask for its inclusion, that I be considered.

Mr. TAYLOR. One additional question, Is this project in your congressional district?

Mr. STAGGERS. Yes, it is.

Mr. ASPINALL. Of course, we do not prejudice anybody as far as the future is concerned. All that we take exception to is a lot of people trying to tell the people of a congressional district what they are going to have in their district. It makes no difference who they are. If the

majority of the people want to have a study made, I think this committee is for it. And if the proper study has already been made and we know what the costs are, we can then pass upon the proposal. But it just is not quite according to good citizenship to have people outside of an area try to tell you how to take care of a congressional district area.

That is all.

Mr. TAYLOR. Any other members any questions to ask Mr. Staggers? If not, Mr. Chairman, we thank you very much——

Mr. STAGGERS. Thank you.

Mr. TAYLOR (continuing). For giving us your position.

(The statement of Mr. Staggers follows:)

STATEMENT OF HON. HARLEY O. STAGGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WEST VIRGINIA

Mr. Chairman and members of the committee, again, my deep appreciation for the favorable consideration of the Commitee in deleting from H.R. 8416, Sec. 5(a)(1), which provides for "potential addition" to the scenic rivers system "Cacapon, West Virginia: The entire river and its tributaries, the Lost River and North River."

I respectfully request the additional deletion of the following which is also within my Second Congressional District of West Virginia:

"SEC. 5(a)(16), page 10, providing for 'potential addition' to the scenic rivers system 'Shenandoah, West Virginia: The segment in the State of West Virginia.'"

As indicated in my testimony before your Committee on March 7, 1968, items (1) Sec. 5(a) and (16) Sec. 5(a) are highly controversial in West Virginia. It is my sincere hope that these rivers may be deleted from the present measure until it has been possible to have a reading on the desires of the local citizens.

As previously indicated, I believe the proposed scenic rivers program would be a fine one for the Nation. However, I do not feel it should be imposed on our people who are directly affected and have expressed strong opposition.

Again, I respectfully request the deletion from the proposal at the present time of these items in their entirety until some policy may be determined by the local people themselves as to their desires. After they have been contacted, I should hope I would have permission to return and ask for inclusion of these rivers in the future if such development should warrant.

Mr. TAYLOR. Representative Clark Fisher from Texas.

STATEMENT OF HON. O. C. FISHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. FISHER. Mr. Chairman, I appear here today to respectfully urge this committee to amend the pending legislation by striking from section 7(a) the Guadalupe River in Texas. That stream has no place in this bill and was evidently inadvertently inserted in it by the Senate committee. I have made some inquiries about it——

Mr. ASPINALL. Just a minute. What bill are you referring to?

Mr. FISHER. I think they are all alike, are they not?

Mr. ASPINALL. No.

Mr. TAYLOR. On H.R. 8416, this would be line 12, page 9.

Mr. FISHER. That is right. It is in the third category so called.

Mr. TAYLOR. It is in the study category.

Mr. FISHER. Am I correct in saying that that is section 7(a)? The bill——

Mr. TAYLOR. Section 5(a) of this bill.

Mr. FISHER. All right. We will change that, then, to 5(a), Mr. Chairman. I think I was looking at the Senate bill when I prepared the statement.

As I was saying, this stream was inserted in the Senate bill—for what reason we have been unable to find out—but in any event we feel very strongly down in the area affected that the Guadalupe has no place in this bill. It does not lend itself to the scope and purposes of this bill at all. It is a highly developed area.

I have considerable amount of supporting information that would be apropos of the point I am making but in view of the chairman's statement about the deference that will be given to the views of the members affected and the chairman of the subcommittee having joined in that, I think I will save the time of the committee and insert my statement at this point and ask permission——

Mr. TAYLOR. In the absence of objection, your entire statement will be made a part of the record at this point.

Mr. FISHER. We want this river stricken from this bill.

Mr. TAYLOR. Is this river in your congressional district?

Mr. FISHER. Well, it originates in it, runs through two counties and then eastward. Mr. Kazen has more than I do but I think he would join me in the same request.

Mr. TAYLOR. The chairman recognizes Mr. Kazen.

Mr. KAZEN. Mr. Chairman, I certainly endorse the statement made by the gentleman from Texas, Mr. Fisher, and I was going to ask at the appropriate time that the committee give consideration to my request to having the Guadalupe River stricken from this bill. All of the counties that I represent are very violently opposed to the inclusion of this river in this bill, and, of course, wanting to support the will of the majority of the people down there, I would have to ask this committee to go along with me and with the request of both of us, Congressman Fisher and me, that this river be stricken from this bill.

Mr. TAYLOR. Is there any other congressional district involved except your two?

Mr. KAZEN. I believe there is a segment down where it goes into the gulf that is in either Congressman Young's or Congressman Pickle's district. We are checking that.

Mr. FISHER. I think it would be safe to say we represent 90 percent of it, or more than that.

Mr. KAZEN. That is correct.

Mr. TAYLOR. The gentleman from Maryland has a question.

Mr. MORTON. Of course, Mr. Fisher knows the great esteem in which I hold him. I would like to ask you, Mr. Fisher, if there are any groups organized in your congressional district or Mr. Kazen's district who are promoting the inclusion of that river?

Mr. FISHER. No organized opposition that I know of.

Mr. MORTON. I think this is important for us for the record.

Mr. FISHER. I do not know if my friend from Maryland has been to Kerrville or not, but that is the playground of Texas, beautiful hill country. More than 25,000 youngsters come to 30-some camps during the summer. Last year 6,000 Boy Scouts came. It is a highly developed area all up and down the stream. It is manicured right to the water's edge in much of the area. If all the streams of America were developed

and protected with the pride and the care that applies to the Guadalupe in my district, you would not have any point in considering this kind of legislation anywhere. It is that sort of a situation. So, every organized group in that county where it originates, where much of this resort and recreation concentration is, is opposed to the inclusion. There is no need for it.

Mr. MORTON. I think this is important to have in the record.

Mr. ASPINALL. Will my colleague yield? But my collegue from Texas would not state that there are no conservation societies or organizations within the State of Texas that would be favorable to inclusion?

Mr. FISHER. Oh, I would not go that far, Mr. Chairman. I can speak only for those up in the hill country that have to live with these things and pay the taxes and make the proper use of the land that lies along the Guadalupe. A few people in Comal County have favored including the Guadalupe. I will explain that Comal County adjoins Kerr. The Guadalupe originates in Kerr County, runs through Comal, thence onward toward the gulf. A few people who live in Comal County have indicated they would prefer that their county be kept in the scenic rivers program. In response, I have informed them that if it should be the consensus of the people there that they want the Guadalupe and its tributaries in that county kept in the bill, an effort will be made to have that done.

Mr. MORTON. I thank the chairman very much. I have no further questions.

Mr. TAYLOR. Thank you very much, Mr. Fisher.

(The full statement of Mr. Fisher follows:)

STATEMENT OF HON. O. C. FISHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I appear here today to respectfully urge this committee to amend the pending legislation by striking from Sec. 5(a) the Guadalupe river in Texas. That stream has no place in this bill. I know that is true of the upper stretches of the stream—for which I am authorized to speak. I have made some inquiries about it but no one seems to know why this river was included in the Senate version. And I am sure you will agree—after you have examined the facts—that this stream does not fit into this legislation at all. There is nothing in the pending legislation which could enhance the preservation of the natural beauty and the recreational qualities of this river basin—nothing that is not now being done by local interests or which has not already been done.

The Guadalupe—particularly the upper stretches with which I am more familiar—is already highly developed. It is already widely known as the playground of Texas. All the land along the meanderings of the stream is highly valued and carefully preserved. There is no pollution and no danger of pollution in the Kerr County area. The people would not stand for it. And so proud are the people of the appearance of their resort areas and countryside that I suspect if a litterbug were apprehended there he would be treated rather harshly.

In Kerr County alone—where the river originates—there are some 30 summer camps, patronized by more than 25,000 youngsters each year who go there, under careful supervision, to enjoy the pure air and the rugged mountain scenery and participate in outdoor sports such as fishing, boating, swimming, mountain climbing, horseback riding, and the like.

What I am trying to do is to impress this committee with the fact that the valley of the Guadalupe—that portion with which I am familiar—is too highly developed to lend itself to any government program such as is envisioned in the pending legislation. In fact, for more than half a century the people there have left no stones unturned in their efforts to preserve the natural beauty of the terrain and the water resources of that river basin. In other words, if all streams in America were so treated, there would be no excuse for this legislation as applied to any of them.

Mr. Chairman, the people of Kerr County simply do not want to be covered by this legislation, and obviously there is no sound reason or justification for its being done. Federal or State intervention, with authority to condemn a maximum of 100 acres per mile on both sides of the stream, in fee simple, along with rights of condemnation for purposes of easements related to use and control, would disrupt the livelihood of thousands and jeopardize the continued development and best use of the affected area. By subjecting the riverside areas to such oppressive actions, land values would decline, investments and developments would become hazardous, and irreparable damake would thereby be wrought. Just the possibility of such actions being taken by the government would of itself create a depressing air of uncertainty.

The Guadalupe in Kerr County is now dotted by a series of small dams—incidentally, all built *excusively* with local non-federal funds. The mountain reservoirs thus created add immeasurably to the natural attractiveness and enchantment of the rugged hillsides and the pastoral landscapes of the valleys. If this legislation is enacted there would be a prohibition against the construction af additional dams, without high-level authority—whether for recreational uses or in order to supplement the municipal water supply, or for flood control.

Mr. Chairman the Guadalupe river is not a "wild" river, as that term is defined in this legislation. It has no place in this bill. I am speaking at the moment in particular for Kerr County. If any other county through which the Guadulupe runs desires to be included in the legislation I am sure that can be arranged when adequate proof of the desires of the people affected is provided.

I shall not belabor the issue further at this time. A number of witnesses from Kerr County have asked permission to be heard. They will be prepared to implement what I have said, and their testimony will throw much more light on the issue. Kerr County wants out.

Mr. TAYLOR. Our next witness is our colleague, Representative Henry Reuss.

STATEMENT OF HON. HENRY S. REUSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. REUSS. Thank you, Mr. Chairman, Chairman Aspinall, gentlemen. I have a prepared statement, Mr. Chairman, which I should like to offer for the record and then proceed briefly.

Mr. TAYLOR. In the absence of objection, the statement will be made a part of the record at this point.

Mr. REUSS. While I appear here, Mr. Chairman, in full support of the principle of the scenic rivers bill introduced by so many members of this committee and its distinguished chairman, I want to address myself principally to the Wolf River in Wisconsin which is included in H.R. 6166, which has been favorably reported by the Department of the Interior, and it is also included in the Senate-passed version, S. 119.

The Wolf River is one of our great fresh unspoiled treasures in the Midwest. The scenic portions of it flow through two counties, Langlade and Menominee Counties. This committee is particularly familiar with Menominee County because this was the ancestral home of the Menominee Indians. One of the great monuments, Mr. Chairman, to this committee is legislation passed by this committee a few years ago which provides that the great forest of the Menominees, the finest remaining stand between the Rockies and the Appalachians of virgin timber, shall be preserved under a sustained yield management program while grass grows and water flows, which is quite a long time.

The proposed inclusion of 48 miles of the Wolf River, the really spectacular portion of the Wolf River, is one, I believe, that is fully supported by all groups. It is truly bi-partisan. The State of Wisconsin and its distinguished Governor, Governor Knowles, is vigorously behind this proposal.

I should say right at the outset that these two counties are in the congressional district of our friend and colleague, Congressman Mel Laird of Wisconsin. I called Mr. Laird's office this morning to see if he could appear with me. Unfortunately, he is at an Appropriations Committee hearing but I worked very closely with Mr. Laird and I am confident that he fully supports the inclusion of the Wolf River, too. However, since it is never proper for one member to speak for another, and in view of the very wise proviso of this committee which I have heard in the three cases that came before me, I think what I should do is to get a statement from Mr. Laird which should be perhaps inserted if there is no objection, at this point in the record to confirm what I say because only he can speak for himself.

Mr. TAYLOR. In the absence of objection, a statement by Congressman Laird may be inserted at this point in the record.

(The statement of Mr. Laird follows:)

STATEMENT OF HON. MELVIN R. LAIRD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman, Members of the Committee I wish merely to confirm at this point the statement made by my colleague from Wisconsin (Mr. Reuss) that I strongly support making portions of the Wolf River part of a National Scenic River system and have introduced legislation to that effect (H.R. 6373).

Mr. ASPINALL. Reserving the right to object and I shall not object, of course, do I understand that you are asking that this be now determined to be a scenic river or that it be studied?

Mr. REUSS. That it be now determined to be a scenic river, Mr. Chairman, because the Department of the Interior believes, the State of Wisconsin believes, and I think the entire Wisconsin delegation in both bodies believe that it is eligible, that all the studies have been completed both by the State of Wisconsin and the Department of the Interior, and that it is now not only eligible for inclusion but, as I shall make clear in just a moment, ripe for inclusion.

Mr. ASPINALL. Does this study include the support of the Menominee Indians for this proposal?

Mr. REUSS. Yes, sir; it does, with the important qualification which I shall make clear in a minute, the qualification having to do with the formal giving of their consent.

Mr. ASPINALL. As far as you know, all of the costs of effectuating this as a scenic river and of maintaining it, operating and maintaining it, have been determined already by the Department of the Interior; is that correct?

Mr. REUSS. And by the State of Wisconsin, sir. The Department of the Interior has the costs. I have those costs. My understanding is that they are to be given to the committee for its internal use and thus, I will not repeat what I know is information at the committee's disposal.

Suffice it to say that the proposal is in my judgment, a very modest one in that only 770 acres would be purchased. There would be scenic

easements on some 7,000 acres and the scenic easements device is obviously an inexpensive and useful device where that can be worked out as it can here.

Now, just a word about these 48 miles, 24 of them in Langlade County, 24 of them in Menominee County, what used to be the Menominee Indian Reservation until it was removed from Federal jurisdiction back in 1953.

The Wolf is no Rio Grande or Snake River, but, though it is a small river, there are those throughout the country and particularly in the Midwest who love it. I myself, know it well. I have canoed it. I have waded it. Upon occasion I have fallen into it and there simply is nothing like it for a sheer wild fast dropping river.

Now, here is what has been done about it. In Langlade County, that is the non-Indian county, the 24 mile half of the proposed scenic river is already being acquired by the State of Wisconsin. It is in the process of acquisition under a carefully worked out proposal with the Department of the Interior whereby an allocation of land and water conservation funds has been matched by State money and the shoreline is now in the course of being bought, so this portion, the northern half, the northern 24 miles, would come into the scenic river, wild river system without any cost whatever to the Federal taxpayer other than, of course, the Federal contribution through the Land and Water Conservation Fund. But this has all been done. It would go forward in any event.

Mr. TAYLOR. What proportion of the total land needed is the State acquiring?

Mr. REUSS. About half. Just about half. The mileage of the river is identical and the land acquisition would be about half.

I should add that in the State portion, the State is actually buying considerable sections rather than merely obtaining a scenic easement, so that in terms of acreage, the state portion will be somewhat larger but in terms of what one sees and what one can enjoy, it is about the same.

Mr. TAYLOR. Do you realize that the bill we have before us, H.R. 8416, contains provisions authorizing the State legislature, through appropriate legislation, to acquire a scenic river provided the Department of the Interior finds that it has the proper qualities and accepts it?

Mr. REUSS. Yes, Mr. Chairman, I do, and that is an excellent provision and indeed, that is precisely the plan that we are using in Wisconsin. We have tried to keep parallel with the thinking of this committee over the last several years on scenic rivers and we are working closely with this committee, with the Wisconsin delegation, with the State of Wisconsin and the Department of the Interior. We have, to a degree, gone ahead as far as we can because the desperate danger to this area is simply from private acquisition of the shoreline, the erection of shacks or homes right on the shoreline, pollution, and so on. The danger to this river is not from improvident lumbering, because all of the lumbering interests, both private in Langlade County, and the Menominee Indians which have their own corporation, has been on a sustained yield basis and there is no problem there, nor any opposition from any lumbering interest.

Having said, then, that the northern half, the northern 24 miles, in Langlade County is already in process of acquisition and fully funded and planned by the State of Wisconsin with the full cooperation of the Department of the Interior, I then proceed to the southern 24 miles in Menominee County in the Indian country. There the State of Wisconsin about a year and a half ago decided to undertake what I think is a very wise holding action, recognizing that this committee had to take some time with as basic a piece of legislation as the scenic rivers bill. The State of Wisconsin leased for $150,000 a year for 3 years starting in 1967 and running to August 31, 1969—that is a year and 4 months from today—they have leased the precise portions of the Wolf River in Menominee County from the Indians which are sought to be included in this bill. The State did so for basically two reasons. One, to preserve that land and keep it from being despoiled until Congress could act, and, two, to give the Menominee Indians some desperately needed revenue so that they could continue to make a go of it as a governmental unit and county.

Now, in talking to Governor Knowles' conservation director, Mr. Voigt, just within the last few days, he urged me to inform this committee that the State of Wisconsin very much hopes that the committee will look favorably upon the inclusion of the Wolf River scenic rivers bill, because Wisconsin has been holding the fort, so to speak, and it very much hopes that the Federal Government will be able to take over. If the Wolf can be included in the bill, which I devoutly hope, then you will have an admirable 48-mile total, all the good sections of the river, all the wild and scenic sections, under such control, public or private, that it cannot be spoiled. Technically, that will mean that the State of Wisconsin will own and control the 24 northern miles in Langlade County and the Department of the Interior, the Federal Government, will have put up the funds, and I believe they are rather modest funds, required to get the scenic easements and the few acres that would be in public ownership in Menominee County.

The bill, however, provides that joint administration or single administration would be proper and the State of Wisconsin is ready, willing, and eager to take over the job of managing the entire 48 miles. While, of course, we would be grateful for any disposition made by this committee, I would say that it makes sense to delegate from the Federal Government to local people as much as you can, and when you have the State of Wisconsin ready to administer the whole thing under the close control and supervision of the Secretary of the Interior, it seems to me a happy way to go about it and the bill H.R. 6166 fully provides for that, if that is the will of the committee, which I hope it would be.

Finally, I would state one more word about the qualification that I am glad Chairman Aspinall raised, which is what about the Menominee Indians? How do they feel about it?

Well, Mr. Chairman, those Menominee Indians are about the best conservationists in the United States because though their livelihood depends on this forest and those deer and those partridge and those native brook trout and the wild river, they have been truly wonderful over the years in trying to preserve it, and I have worked very closely with them, as Congressman Laird has, in working out the details of

this, and their governing board, Menominee County, as well as their corporate organization, Menominee Enterprises, Inc., which owns all the land and all the forest, have fully approved the Wolf scenic river proposal that we have before us.

However, in the interests of fair play, there is included in my bill H.R. 3996 which is before you, and this is fully set out in my statement, a provision that after the Congress adopts this proposal, if it does, which I hope it will do, that the Menominee people should have a referendum conducted by their governmental organization in which the question is put to them. I am confident that such a referendum would overwhelmingly pass and indeed, as I have said, their duly elected representatives have fully approved it. But, for something as important as this, something which goes back to our treaty back in 1854 with the Menominee Indians, I would very heartily approve of the instinct of Chairman Aspinall that we ought to make doubly sure that the Menominees do approve it, and that paragraph, carefully worked out, is contained in the bill H.R. 3996 and I would hope if the committee thinks well of the whole proposal that that would be included.

I much appreciate the opportunity to take the committee's time with one river, but it is a river that is very dear to us in Wisconsin.

Mr. TAYLOR. Mr. Reuss, H.R. 8416, the bill that we have before us, designates only four rivers as components of the national scenic river system. It places many, many rivers in the study stage. Now, if we could not see fit to designate the Wolf River as part of the system, you would be pleased to have it placed in the study stage, would you not?

Mr. REUSS. Well, I would be crestfallen if it were not included in the bill. H.R. 8416 does not even include it for study, though I am sure that is an inadvertent omission, and let me say I fully support H.R. 8416 introduced by the chairman with the deletions which I heard about this morning, and the principle is excellent. My only quarrel with it is that it does not include the Wolf, which I think is eminently ready for immediate inclusion.

Not to evade the chairman's question, if the crumb of a study were all I could get, I have learned to be grateful for small favors, but I do think that almost uniquely of our potential rivers, the Wolf should be included and everyone, the Republican Governor, the Democratic legislators, the conservation groups, the citizens groups, business, labor, everybody is for it. There is no formal group against it. And, if a stray despoiler of the land is against it, he has not told me about it or raised any hell about it.

Mr. TAYLOR. I might say I commend the State of Wisconsin on their action in order to see that the stream is protected. I like to see States cooperate in that manner with these projects.

Any members have further questions of Mr. Reuss? The gentleman from California?

Mr. JOHNSON. Will the chairman yield for questions?

Mr. ASPINALL. I yield.

Mr. JOHNSON. Congressman, how much did the State and Federal Government put into the 24 miles that have been acquired, in round figures?

Mr. REUSS. The Secretary of the Interior has allocated $415,000 from the Land and Water Conservation Fund and the State of Wisconsin is putting in from its own tax resources an equivalent of $415,000.

Mr. JOHNSON. I understand you have taken that land in fee, for the most part.

Mr. REUSS. That is correct, because it turned out for that land that fee simple aquisition was about as inexpensive as scenic easement acquisition.

I should give credit, incidentally, to some private interests, the Consolidated Paper & Power Co., the Wisconsin Public Service Co., a utility which owned vast sections of this land, which was willing to sell it to the State and to the Land and Water Conservation Fund for a figure that I am sure was less than they could have gotten by selling it to cheap-jack developers who would have ruined the place, and they deserve a place in the pantheon for what they did.

Mr. ASPINALL. Are they out of 7,000 acres within the upper 24 miles or in the Menominee 24 miles?

Mr. REUSS. They are in the Menominee portion. The State's portion— will supply the exact figure for the record, but I believe it is substantially similar.

Mr. ASPINALL. The 700 miles will be purchased within the Menominee or within the State portion?

Mr. REUSS. 700 acres?

Mr. ASPINALL. Yes.

Mr. REUSS. Within the Menominee portion.

Mr. ASPINALL. All right. Now, the next question I want to ask you is this, If the Menominees are receiving $150,000 annually for a lease, what will be the cost to the Federal Government if it tries to purchase the land that is involved along the river? In other words, $150,000 a year annual rental seems to add quite a good bit of a capital value to that area.

Mr. REUSS. I have already said that while I have been furnished by the Department of the Interior with its purchase figure, I was told that this was a figure which was available to the committee and unless the chairman insists, I would sooner not mention it. The chairman will shortly know it if he does not already. I know it. I believe it is a reasonable figure and I would make the point that the figure mentioned by the Department of the Interior is vastly less than the capitalized value of this rental.

I can see what is in the chairman's mind. The State of Wisconsin wanted to be generous to the Menominee Indians and wanted to pay a rental for these 3 years which would enable the Menominees to run a school and a hospital and meet the costs of their tubercular patients. That is the truth of the matter and if there was an element of welfare in it, rather than a purely economic judgment as to the value of the rental, God will forgive the State of Wisconsin, I am sure.

Mr. ASPINALL. Of course, while I commend it we do not want to get ourselves in a position where we continue that beneficent attitude of the State of Wisconsin under this legislation. We will have to look at this rather hard to see what the cost is going to be.

One other thing. I want to have it understood that antipollution developments may be a part of this program, but this scenic rivers

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operation is not primarily for the purpose of taking care of the pollution or antipollution measures. If they develop from this, that is fine, but we are not trespassing upon another committee's jurisdiction in this particular matter.

That is all I have, Mr. Chairman.

Mr. TAYLOR. Any other members of the subcommittee have a question?

The gentleman from Arizona.

Mr. UDALL. Just one question which I cannot resist asking. I was sorry to hear the gentleman had fallen into the Wolf River many years ago, but I am among those present who are happy that he was plucked out safely.

I was interested in hearing the gentleman hail twice here the gentleman from Colorado's principle that where the representative of the congressional district wants something done or does not want something done about a natural resource in his district, that the Congress, other members of the Congress, should follow that lead. I would want to pose to the gentleman a hypothetical question.

Suppose there was a State like Arizona that had a big hole in the ground that one might call a Grand Canyon and the people out there had decided they wanted some dams in the canyon. Does the gentleman think a Congressman from Wisconsin should take an active interest in going about the country trying to tell the people of Arizona whether those dams should be built, inserting daily speeches against the dam in the Congressional Record, or does the gentleman think a Congressman from Wisconsin in those hypothetical circumstances, should adhere to the views of the people of Arizona? This is entirely hypothetical, of course.

Mr. REUSS. Yes; I realize that, and I am glad to answer in the same hypothetical vein that under such a set of circumstances, the outsider, like the hypothetical gentleman from Wisconsin, should endeavor to say to the gentleman from Arizona, Come, let us reason together. If you can just achieve what you want without these dams, I will back you all the way, and under such a set of circumstances, I think you would find the hypothetical gentleman from Wisconsin vigorously supporting, even though it costs his taxpayers some money, the Central Arizona project without the dams.

Mr. UDALL. I thank the gentleman for this learned exposition of an entirely hypothetical issue.

Mr. KUPFERMAN. Would the gentleman yield? I would say under those circumstances that the viewpoint of the representative of the local area is entitled to very great weight and then you overrule him.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. You mentioned the fact that there had been studies made by both the State and Federal Government with regard to the cost and benefits on this particular proposal of the Wolf River. Have such studies been made available to this committee?

Mr. REUSS. I think they have informally, but has the Bureau of Outdoor Recreation? Well, perhaps I should ask the chairman.

Mr. TAYLOR. I think the answer is, not yet. We will get them.

Mr. REUSS. I have those studies and they are excellent in-depth studies. If the committee does not receive them in the normal course

of its procedures, I shall be delighted to supply them because I have copies.

Mr. McCLURE. Does that include all the State studies?

Mr. REUSS. Yes, sir.

Mr. McCLURE. Do these studies encompass such things as the natural resources use of the resources that are present there?

Mr. REUSS. Yes. They cover everything from the lumbering industry to fish to game to adjacent farming areas to the recreation potential to the problems of pollution, such as the chairman mentioned, which fortunately, are not serious at the moment.

Mr. McCLURE. Is it your understanding that there will be some lumbering permitted within the area?

Mr. REUSS. Oh, yes. All along the area lumbering goes on and lumbering is a very important part of the multiple use. Indeed, if there were not lumbering, there would not be deer, there would not be partridge. You would have perhaps a nice museum but you would not have the multipurpose area which we envisage here.

Mr. McCLURE. I am delighted to hear the gentleman's statement because there are some people in support of these measures that really want what you refer to as a museum. I was trying to get from you what your feeling was as to how this should be preserved and what the standards should be for the use of the river and the environment of the river.

Mr. REUSS. We need perhaps a few museums somewhere in the country, but one of the greatest sights for city people are the Menominee Indian lumberjacks out in the forests conducting their sustained yield operation and incidentally, making a living for themselves rather than having Uncle Sam support them on the dole. This is an inspiring sight for city taxpayers.

Mr. McCLURE. Do you know how many scenic easements have been acquired already in this area?

Mr. REUSS. In the Menominee area, none. That is what the bill is about. In the northern 24 miles, while I have to supply for the record the up-to-date acquisition since this is going on right now, I believe, at least half of that has already been acquired in fee simple. This is going on daily while we are here.

Mr. McCLURE. Do you know if the provisions in the scenic easements are uniform? That is, that all the scenic easements that have been obtained, have substantially the same provisions?

Mr. REUSS. Well, in the area that the State is acquiring, as I said a moment ago, they are doing it via the fee simple route rather than by scenic easements because it turned out they could buy the fee for about what it would cost them in a scenic easement. So there are not scenic easements now being used. But in the Menominee area, we think that scenic easements is probably the way to do it. It will be cheaper. It will, I think, make the Menominees feel a little better that they are keeping the fee on most of it.

Mr. McCLURE. In the Menominee area will you be dealing with a multiplicity of owners?

Mr. REUSS. No. Happily, we will be dealing with just one owner, Menominee Enterprises, Inc., which has approved the proposal, in which corporation each of the 3,100 members of the Menominee Tribe

own certificates of beneficial ownership. So that happily, land transfers are not going to involve vast cadastral studies and endless litigation.

Mr. McCLURE. Do these reports you refer to contain a reference to the language in terms of such a scenic easement?

Mr. REUSS. No; they do not. But——

Mr. McCLURE. I wonder could you furnish such a proposal or copy of such a proposal for us?

Mr. REUSS. I will be glad to. I will have to ask the Department for its proposed form but I will be delighted to do it.

Mr. McCLURE. Thank you.

Mr. TAYLOR. Thank you very much, Mr. Reuss. We will give careful consideration to your recommendations.

Mr. REUSS. Thank you, Mr. Chairman.

(The statement of Mr. Reuss and information he was asked to supply for the record follows:)

STATEMENT OF HON. HENRY S. REUSS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman, I appreciate the opportunity to appear here today in support of H.R. 6166, the proposed "Scenic Rivers Act." It is always a pleasure to appear before your subcommittee which works so diligently to provide the Nation with the finest of outdoor recreation areas and facilities.

Who shall own the two or three dozen unspoiled rivers life in this vast continent of ours? Will it be the American people, or will it be the land developers, the power companies, and industries which would churn and pollute their waters and blight their shores? That is the question before this subcommittee.

The Scenic Rivers bill in its House (H.R. 6166) or Senate (S. 119) versions would deed these rivers over to the American people for their enjoyment.

I strongly endorse this answer. It is the only alternative to the destruction of the beauty of this handful of remaining gems among the Nation's rivers.

The cost of the preservation of these rivers is really quite small. To save the 8 rivers in the Senate bill some $40 million would be authorized over the next 10 years.

In other words, for $4 million a year, the Nation would be preventing the destruction of eight of its remaining irreplaceable pristine rivers—waters which at this late date through luck and happenstance still run pure.

Among the rivers authorized for preservation in both S. 119 and H.R. 6166 are two rivers which grace my State of Wisconsin—the Wolf River and the St. Croix River, with its Namekagon tributary.

I wish to spend any time here presenting what I believe to be the excellent case for the preservation of one of these waterways—the Wolf. In their joint testimony to be presented later today Senator Nelson and Senator Mondale will concentrate their attention on the other—the St. Croix-Namekagon. I strongly endorse what they will have to say with regard to the St. Croix. Recognizing the many claims on the time of the Subcommittee, I shall not repeat the case for preservation of the St. Croix.

THE WOLF RIVER—A PREEMINENTLY SCENIC RIVER

The adjectives "wild" and "scenic" naturally attach to the Wolf River. It is preeminently both a wild and a scenic waterway.

While running its 220 mile course, from source to mouth, the Wolf most fully displays its beauty over a 48 mile run through Langlade and Menominee Counties. Over this stretch the River drops 700 feet through granite boulders.

Here is rushing white water in a beautiful green wilderness setting.

By the river side grow everything from lichens and ferns to the tallest white pine, hemlock, and arbor vitae. Songbirds and waterfowl, deer and bear, muskrat and mink inhabit the banks.

Trout fill the waters. Eighteen to 20 inch long brown trout are the fisherman's prize; while brook trout of 12 inches or better quite commonly fill his creek.

The history of Wisconsin is written in the Wolf. Along its course runs the old Military Road which served the Indian agents. Northern Wisconsin pine logs were floated down it to the sawmills at Oshkosh, and the remains of dams used to raise the water level of the rapids so that logs could pass can still be seen. In Menominee County, the Menominee Indians still inhabit its banks and fish its waters.

All of this beauty, recreation, history, and lore is within a day's drive of 9 million residents of Wisconsin and Northern Illinois.

The Wolf remains unspoiled, not undiscovered. The developers are threatening the Wolf. Subdivisions would at this moment dot its banks, their septic tanks seeping pollution, were it not for two recent actions of the federal government and the State of Wisconsin:

1. On January 7, 1967, the Department of the Interior and the State of Wisconsin announced a jointly-financed program for acquiring 24 miles of frontage on the upper Wolf River (and 26 miles of frontage on its feeder streams) in Langlade County.

The Secretary of the Interior has allocated $415,000 of contingency monies from the Land and Water Conservation Fund; the State of Wisconsin is matching this amount.

The State will purchase the land and administer it.

2. On August 31, 1966, the State of Wisconsin entered into a three year lease with Menominee County on frontage along 24 miles of the lower Wolf River from the Langlade County line to Keshena Falls in the southern part of Menominee County. Under the lease, the State is paying the Menominees $150,000 annual rent to preserve this land. The lease expires on August 31, 1969.

The lease was necessary as a stop-gap measure to prevent the spoiling of the Wolf by the parceling up of its shoreline before the Congress has an opportunity to act on the Scenic Rivers legislation which is today under consideration. The State of Wisconsin, valuing the Wolf as it does, agreed to put its thumb in the dike for up to three years at at a cost of $450,000.

In sum, gentlemen, of the 48 mile scenic stretch on the Wolf in Langlade and Menominee Counties, 24 miles in Langlade County are now permanently in the public domain, while 24 miles in Menominee County will remain temporarily in the public domain until August 31, 1969.

The only action necessary to complete the preservation of the Wolf is for your Committee and the House to include the 24 mile stretch in Menominee County in the Scenic Rivers Act.

I strongly urge you to do so.

The cost will be entirely reasonable. Only a small portion of the river frontage need be purchased. Most of it can be preserved by scenic easements.

Just 2 final points:

1. I am confident that under either the Senate or House versions of the bill a single identity and a single administration—either federal or state—can be worked out for the Langlade and Menominee County portions of the Wolf, even though the Langlade County portion is owned by the State and Menominee County portion would be owned by the federal government.

Sections 9(c) of H.R. 6166 and 7(c) of S. 119 specifically provide for inclusion of the state-owned Langlade County portion of the Wolf within the National Scenic Rivers System. And Sections 5(b) of both bills provide for the administration of federal lands partly or exclusively by the state.

2. Because of the complexity of the legal structure of the Menominee Indian tribal corporation, Menominee Enterprises, Inc., which owns the land which would be purchased along the Wolf in Menominee County, and because of the understandable sensitivities of the Menominees to the alienation of their lands which they have labored so long to preserve, special arrangements for the land transaction should be worked into the Scenic Rivers bill.

I have tried to provide the solution to this problem in Section 4(i) of H.R. 3996, a predecessor bill to H.R. 6166. I hope that you will include provisions of Section 4(i) in your bill.

I am sure my colleagues from Wisconsin, Congressmen Kastenmeier and Steiger of your Subcommittee, will agree with me that the citizens of Wisconsin place the greatest importance on the preservation of the Wolf and the St. Croix. Wisconsinites value conservation measures in general as highly as citizens of any state and, in particular, they are concerned with preserving the natural beauty which so handsomely blesses the State. I hope that the Committee will include the St. Croix and the Wolf Rivers in the Scenic Rivers Bill.

Mr. Chairman: I would like as a sample scenic easement to insert into the record a copy of a scenic easement deed which the Department of the Interior used in connection with the establishment of the Ozark National Scenic Riverway in the State of Missouri. In addition Mr. Chairman, I would like to make available for the Committee's files a study of the problems of preserving recreational and open space lands prepared for the Department of the Interior by the Accokeek Foundation, Inc., dated October 1967. This study which deals with scenic easements may be of interest to the Committee.

SAMPLE OF SCENIC EASEMENT DEED

THIS INDENTURE, made this day of 1966 by and between of the County of St. Louis, State of Missouri, parties of the first part, and the UNITED STATES OF AMERICA, Washington, D.C., party of the second part.

WITNESSETH: WHEREAS, Public Law 88–492, passed August 27, 1964, provided for the establishment of the Ozark National Scenic Riverways in the State of Missouri, for the purpose of conserving and interpreting unique scenic and other natural values of objects of historical interest and authorized the Secretary of the Interior to acquire lands and interests therein, including scenic easements; and

WHEREAS, the parties of the first part are the owners in fee simple of the real property hereinafter described, lying, being and situate in Shannon County, State of Missouri, over which the Secretary of Interior has determined it to be necessary to acquire a scenic easement for the preservation of the scenic values of the area described in said Act, and are desirous in contributing to the development of the Ozark National Scenic Riverways;

NOW, THEREFORE, in consideration of the premises, and the sum of One and no/100 Dollars ($1.00) to them paid by said party of the second part, the receipt of which is hereby acknowledged, the parties of the first part do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM, in perpetuity, subject to the considerations hereinafter set forth, unto the party of the second part and its assigns, an estate, interest and scenic easement in said hereinafter described real property of the nature and to the extent hereinafter described and do covenant on behalf of themselves, their heirs, successors and assigns (said covenant to run with said land) with the party of the second part and its assigns to do and refrain from doing, severally and collectively upon the said hereinafter described lands, the various acts hereinafter mentioned; it being hereby agreed and expressed that the doing of and the refraining from doing said acts, and each thereof, upon the said lands are and will be for the benefit of the part of the second part through the preservation of the scenic and other natural values and objects of historic interest to the Ozark National Scenic Riverways in accordance with Public Law 88–492 of August 27, 1964.

The scenic easement restrictions hereby imposed upon the use of said lands and the acts which the parties of the first part so covenant to refrain from doing upon the said hereinafter described lands are and shall be as follows:

1. Using the said lands for mining or industrial activity or for any purpose whatsoever except for noncommercial residential purposes or for such additional purposes as may be authorized in writing on such terms and conditions deemed appropriate by the Secretary of the Interior or his authorized representative. But the parties of the first part shall not be precluded hereby from farming the land nor from grazing livestock thereon provided the same be done in conformity with good husbandry practice. The permitted use for farming and grazing shall not include the harvesting of timber, but firewood for personal use may be gathered from selected areas upon approval of the Park Superintendent.

2. Erecting or building any structures on said lands, including major alterations to existing buildings, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative. There is specifically retained by the parties of the first part, their heirs, successors and assigns the right to perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm or other casualty.

3. Permitting any change in the character of the topography of said lands other than that caused by the forces of nature, except as may be authorized

in writing by the Secretary of the Interior or his duly authorized representative.

4. Permitting the accumulation of any trash or foreign material which is unsightly or offensive.

5. Cutting or permitting to be cut, destroying or removing any timber or brush, except as may be authorized in writing by the Secretary of the Interior, or his duly authorized representative. Provided, however, that seedling trees or seedling shrubbery may be grubbed up or cut down in accordance with good farm practice on lands presently being cultivated or for residential maintenance purposes. Cultivated crops, including orchard fruit and nut trees, may be pruned, sprayed, harvested and otherwise maintained in accordance with good farm practice.

6. No trailer shall be placed, used or maintained on said lands as a substitute for a residential building or other structure, and no sign, billboard, or advertisement shall be displayed or placed upon the land, except that one sign not greater than 24 inches by 36 inches, in size, advertising the sale of products raised thereon or sale or lease of the lands may be displayed on appropriate occasions.

The lands hereinabove referred to and to which the provisions of this instrument apply, are situated in the County of Shannon, State of Missouri, and are more particularly described as follows:

> The South ½ of the West ½ of Lot 1 of the Northwest ¼ (Right bank river descending), Section 6, TWP. 29 N, R3W, containing 10.2 acres, more or less.

This conveyance is subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

By acceptance of this deed, the party of the second part specifically agrees for the purpose of the parties of the first part retaining their present means and rights of ingress and egress, that the parties of the first part, their heirs, successors and assigns, or invitees, shall not be required to pay, when proceeding directly to and from such lands, park entrance or road fees.

The parties of the first part, for the consideration hereinabove set out, do further grant unto the party of the second part and its duly authorized representatives the right of ingress and egress upon and across said lands for the purpose of effecting emergency action with regard to the control and suppression of fires and for emergency action needed for visitor protection in relation to the operation of the Ozark National Scenic Riverways as established by the hereinabove mentioned Act.

TO HAVE AND TO HOLD the hereindescribed scenic easement and rights unto the party of the second part and its assigns forever.

The parties of the first part, for themselves, their heirs, successors and assigns do hereby covenant with the said party of the second part and its assigns that they are lawfully seized of an indefeasible estate in fee simple in the hereindescribed lands; that they have the right to sell and convey the estate, interest and scenic easement herein conveyed; and that they will warrant and defend unto the party of the second part and its assigns, forever, the quiet and peaceable use and enjoyment of the herein granted easement against the lawful claims and demands of all persons whomsoever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

----------(SEAL)

----------(SEAL)

STATE OF MISSOURI }
COUNTY OF _____} ss.

On this _____ day of _____ 1966, before me personally appeared _____ to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In testimony whereof, I have hereunder set my hand and affixed my official seal, the day and year first above written.

Notary Public

My term of office as a Notary Public will expire_____.

Mr. TAYLOR. Our next witness is the chairman of one of the important subcommittees of the Committee on Science and Astronautics, Joseph E. Karth.

STATEMENT OF HON. JOSEPH E. KARTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. KARTH. Thank you very much, Mr. Chairman. I am not sure it is good to be on this side of the table from you. We have had many experiences together and I thank you very much for an opportunity to appear.

Mr. TAYLOR. You have been my chairman on another subcommittee and doing an excellent job.

Mr. KARTH. Mr. Chairman, in the interests of time and brevity I am going to submit a prepared statement for the record.

Mr. TAYLOR. In the absence of objection, it will be placed in the record at this point.

Mr. KARTH. I am exceedingly happy my colleague preceding me did the same thing because he was very brief as a result of it. I hope I shall be just as brief.

Mr. Chairman, I appear before you today and share your concern about the St. Croix-Namekagon River, the St. Croix River appearing, of course, in Minnesota and the Namekagon according to this map, as you will see, in the upper reaches of Wisconsin.

Mr. TAYLOR. On H.R. 8416 on page 9, that appears on line 24, the bottom line.

Mr. KARTH. What page, sir?

Mr. TAYLOR. Page 9, line 24.

Mr. KARTH. Yes. I would merely address myself to two important points or two points I at least consider to be important.

One, I would like to suggest if in the committee's wisdom they find it feasible, to include as a wild river immediately, that portion of the St. Croix and Namekagon that is above Taylors Falls, Minn., and to also include in the bill, that portion of the St. Croix between Taylors Falls and its confluence with the Mississippi River, namely the lower St. Croix, as a scenic river or at least include it for study. If I understand H.R. 8416 correctly, the upper reaches of the St. Croix from the Taylors Falls area northward would be included only as a study under this legislation.

I can say, Mr. Chairman, that there has been a great deal of study given to this matter both in Minnesota and Wisconsin and I am hopeful that this committee in their wisdom, would include language similar to that included in the Senate bill as it passed the Senate, which did in fact designate the upper reaches of the St. Croix and the Namekagon as wild river and the lower portion from there southward to its confluence as a scenic river.

Mr. Chairman, one other important point I would like to make to this committee and for whatever help you can be to me, I want you to know I would be most appreciative.

I was just informed the other day that the St. Paul office of the Army Corps of Engineers announced it had transmitted to higher headquarters of the Corps of Engineers for their approval, plans to erect a 100- to 120-foot-high dam above Taylors Falls, Minn. In my opinion, this would negate completely what we are attempting to do in this legislation and what the other body attempted to do in its legislation. Certainly, it would spoil the unparalleled beauty and dam-

age and despoil this whole river area as a wilderness river. And so if there is any assistance that this committee can be to me and to those of us in Minnesota and Wisconsin who are interested in this project, I would hope that they could make their wishes known to the Corps of Engineers.

Theoretically, Mr. Chairman, the purpose of this dam is to prevent floods in the lower reaches of the St. Croix River, primarily in this area [indicating on map], just east of St. Paul, and from there southward to the confluence of the Mississippi, and while it is true that there have been two or three floods in the last 50 years in that area, primarily damaging some property at Stillwater, Minn., and the immediate adjacent portion of Wisconsin across the river, I understand that the reason for those floods is because of the backup waters from the Mississippi where the confluence takes place, and not because of the waters that came down the St. Croix River. Ice also was a contributing factor, but dam or not, ice will be in the St. Croix every spring.

Mr. TAYLOR. Is the upper portion of the St. Croix River in your district?

Mr. KARTH. No. That is in Congressman Blatnik's district. The lower portion of St. Croix from Taylors Falls southward is part of my district.

Mr. TAYLOR. Do you know what Congressman Blatnik's position is on it?

Mr. KARTH. As far as I know, it is identical with mine.

Mr. TAYLOR. Could you summarize the studies that have been made of this upper section, that is, on either the State level or Federal?

Mr. KARTH. Both the State or local governments and the Federal Government have studied this proposition, I think for at least 2 years, Mr. Chairman. There have been similar studies made by the local communities along the riverway, particularly from the Taylors Falls area southward to the confluence with the Mississippi River. And that is the reason I have suggested that the upper reaches, that is, from Taylors Falls northward and through the Namekagon River area, be designated immediately as wild rivers because I know of no opposition to that and a great deal of support for it. Since there are some conflicts of opinion dealing primarily with zoning regulations from there southward, I would hope that that portion of the St. Croix River could be a scenic river or at least one of those that is studied for scenic river inclusion.

Mr. Chairman, I might say your map here is probably not accurate since we from Minnesota and Wisconsin are particularly interested in making the St. Croix-Namekagon from Taylors Falls northward part of the wild rivers and that part southward to the confluence, a scenic river or that a study be made of the feasibility of that section being included in the scenic rivers bill. Your map indicates that H.R. 8416 includes all of the St. Croix as a wild river and it just doesn't do that.

Mr. TAYLOR. Any of the members any questions?

The gentleman from Pennsylvania.

Mr. SAYLOR. I would like to take this opportunity to commend you for introducing the legislation and for the presentation you made here this morning. I am delighted to hear your analysis of what has caused the floods and that you have probably put your finger on the cause of the floods in the area.

This same situation has occurred in a number of places in Pennsylvania where the Army Corps of Engineers have built reservoirs and the floods have been caused by the tributaries that could not flow into the stream. When we have had high water, those areas continue to have floods and people back there do not understand. Some of us have tried to explain that the Corps of Engineers is not in very close association with the Almighty. They did not properly estimate the rainfall and a few other things. Then it was discovered that one of the real causes of floods in many communities is the fact that there cannot be runoff from some of the tributaries.

I regret to hear that this same problem is one of the things that is causing the flooding in the St. Croix River.

Mr. KARTH. Yes, sir; thank you, Mr. Saylor. I think every bit of evidence I am aware of indicates that those two or three floods that have occurred up-river from the confluence of the St. Croix and the Mississippi have in fact been caused by backup waters from the Mississippi River, which is a fast-flowing river in that area especially in high water periods and as a result of that, a dam in my opinion, would only despoil completely and irrevocably that portion of a great wild rivers area, namely, above St. Croix and in the Namekagon River area of Wisconsin, and I sincerely hope that that does not occur.

Mr. SAYLOR. Thank you.

Mr. TAYLOR. The gentleman from Iowa.

Mr. KYL. The gentleman speaks of the Corps proposal to build a dam on the river.

Mr. KARTH. I was notified just 3 days ago, sir, that that was a possibility and they did in fact, submit this to higher echelons of the Corps of Engineers, yes.

Mr. KYL. They have not asked for any money from the Appropriations Committee to initiate study of the project.

Mr. KARTH. I am not aware of the fact that they have but I would not want to say they have not, either. I am just not aware of it.

Mr. KYL. Is this proposal to build a dam of the Corps' origin or has some group or some Member of Congress asked the Corps to make such studies?

Mr. KARTH. Well, I have tried to remain as knowledgeable as I can about this whole proposition and I would say to the gentleman that it came as a shocker to me and I know of no cooperative efforts between the Corps of Engineers and any interested groups in that area to so construct the dam.

Mr. KYL. In other words, it would seem that it is solely the idea of the Corps of Engineers, not of a local group, community, or Member of Congress?

Mr. KARTH. That is my opinion; yes, sir.

Mr. KYL. Thank you.

Mr. TAYLOR. The gentleman from Idaho.

Mr. MCCLURE. Could you tell me the ownership of the land through which these segments of the rivers flow?

Mr. KARTH. Approximately 30,000 acres or so—maybe it is 60,000 but do not hang me on the amount—most of the adjacent lands to this river areas above Taylors Falls [indicating on map] is owned by Northern States Power Co. and they have kept it in its wild state for

many, many years. In fact ever since they have owned it and they have owned it for upward of a half century. And so, all of the acreage or most of the acreage adjacent to this area has been owned and is presently owned by the Northern States Power Co. and they are interested, too, incidentally, in making this land available for the purposes of a wild rivers area.

Mr. McCLURE. When you say making it available, you mean in fee?

Mr. KARTH. That question has not yet been decided, as I understand it. They are somewhat undecided as to whether or not they ought to make it available at reasonable cost or whether or not they ought to just give title without cost to the Federal Government.

Mr. McCLURE. The upper portion which would be—this portion that you have identified is in the portion which you urge be put in the instant section?

Mr. KARTH. Yes, sir.

Mr. McCLURE. And the lower portion which you recommend be placed in the study section would have a different land ownership pattern?

Mr. KARTH. Yes; it would, indeed.

Mr. McCLURE. Thank you.

Mr. KARTH. If there are no further questions, I want to thank you again, Mr. Chairman, and Chairman Aspinall, for your time, and the gentlemen of the committee.

Mr. TAYLOR. Thank you for an effective presentation.

(The statement of Mr. Karth follows:)

STATEMENT OF HON. JOSEPH E. KARTH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

I appreciate the opportunity to appear before this Committee to share with you my alarm for the future of the Saint Croix-Namekagon River systems in Minnesota and Wisconsin as a recreational resource for our country.

I used "alarm" advisedly in connection with the Saint Croix because just days ago the Saint Paul Office of the Army Corps of Engineers announced it had transmitted to higher headquarters for approval, plans to erect a 100–120 foot high dam above Taylors Falls, Minnesota. In my opinion, this would be most unfortunate for this area of unparalleled beauty to be dammed and despoiled.

In both the 89th and 90th Congresses I introduced legislation which dealt specifically with the subject of creating the Saint Croix and the Namekagon as a scenic riverway. Much of the preliminary planning and paperwork has already been completed thanks to the fine assistance of Senators Mondale and Nelson and the National Park Service.

Considerable work has been done in countless hours of hearings and discussions to resolve many local problems especially involving property in the stretch of the river below Taylors Falls to its confluence with the Mississippi. The constant exchange of views between the citizens of the area and representatives of the Federal Government were indeed most gatifying and also very fruitful in writing legislation which would meet the greater need of our country to preserve the natural treasure that is the Saint Croix valley while protecting the interests of the people who live, work, and play there.

While I would, therefore, prefer the enactment of my own bill, H.R. 752, which deals only with the Saint Croix-Namekagon I realize there is other legislation before you that would include these streams in an omnibus "package" with other rivers.

My major concern is that time will run out for this yet largely unspoiled river system—that unregulated commercial-industrial development on the lower reaches of the Saint Croix where it separates Wisconsin and Minnesota will effectively destroy its attraction for those people from all over the nation who enjoy its beauties.

If the Congress does not act to save the Saint Croix-Namekagon above Taylors Falls much of the picturesque wilderness which has been so widely hailed as one of America's natural wonders could well be on the bottom of the Corps of Engineers' 40 mile-long lake.

I ask this Committee to give the earliest possible consideration to legislation which will save the last of the so-called wild and scenic rivers so that future Americans will have at least such examples as the Saint Croix-Namekagon rivers to be reminded of the natural greatness of their land. They will be grateful to you for your foresight.

Mr. TAYLOR. Next witness is Representative Donald M. Fraser. Is Congressman Fraser here?

Mr. FRASER. Yes, sir.

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRASER. Thank you very much, Mr. Chairman, members of the committee. I will be equally brief and submit my mimeographed statement for the record.

Mr. TAYLOR. In the absence of objection, the statement will be made a part of the record at this point.

Mr. FRASER. Mr. Chairman, members of the committee, I would like to add my support to the position that has been taken by Congressman Karth and the position which is held by my colleague, Congressman Blatnik, and I think other members of the delegation, including the members of the Senate from our State, with respect to the proposal to include the St. Croix River and the Namekagon River in the wild rivers bill.

I should tell you that my district is not contiguous to either one of these rivers, but my district is the city of Minneapolis which is adjacent to Congressman Karth's district, which is contiguous and does embrace a part of the river.

My interest in this centers on the fact that in the city of Minneapolis we have many of the consumers of the benefits of a wild river designation. I can testify to this personally because I happen to have had a summer cabin on the St. Croix River for the past 44 years and during my younger days I had occasion to take a canoe trip down the length of the Namekagon that would be included in this bill and the wild portions of the St. Croix River and the scenic portions of the St. Croix River. I think I took that trip some four or five times and it is one of the best canoe trips that I have ever had occasion to take. I have been interested in canoeing for a long time and canoed up in the border country of Minnesota and Canada, but this river really is outstanding from a recreational and canoeing point of view. Opportunity for canoeing in a wild area is as good here as anywhere I can think of in the United States.

This matter was precipitated, as members of the committee may know, by the fact that several years ago it was proposed that a powerplant be built in the lower stretches of the St. Croix River. There was a lot of controversy about that at the time. It was finally resolved, not necessarily with everyone's support, it was resolved by the action of the Northern States Power Co. building a major coal-consuming powerplant on the lower reaches of the St. Croix River. At this point

nobody who supports these proposals has any quarrel with the existence of that plant. It is there. They accept it. They know it is going to be there. But what this did occasion was concern about what was going to happen to the rest of the St. Croix River. Was the building of a major coal-consuming powerplant to become the pattern for the rest of the river, the upper reaches, and then the conversion of the wild river into another dam and power producing area?

I think the study by the Army Corps of Engineers perhaps had its origins somewhere in the fact that at one time the Northern States Power Co. was thinking about a dam itself in the upper reaches to generate more electric power. As I understand it, they are now prepared not to pursue that. They are willing, as a public service and because of their own interest in the area, to see the lands that they own along the banks of the upper reaches of the St. Croix devoted to a wild river development. This is one reason we are so anxious that the committee here, if in its wisdom it is willing to do so, we are so anxious that the committee act to include the St. Croix River in the wild rivers section of the bill because we have this opportunity now. We have the cooperation of the major landowner and we feel it would be a tragedy if this convergence of interest and opportunity were not taken advantage of through this Federal legislation.

What we are interested in specifically is to have this committee consider following the action of the other body in including the St. Croix River from Taylors Falls on up including the Namekagon up to Trego in the wild river section of the bill, and the part from Taylors Falls on down to its confluence with the Mississippi in the scenic rivers part of the bill and if that is not possible, at least to put these under the study sections, but I would urge that they actually be included, if possible, in the two sections, the wild rivers section and scenic rivers section.

It is a great opportunity for the people of that area and I think really for the Nation, because this is one of the great canoeing rivers of the Nation and I know of the deep interest that this committee has in preserving these kinds of opportunities for the future.

Mr. TAYLOR. You are in agreement with the statements that Congressman Karth made.

Mr. FRASER. Well, I am in agreement except I guess I would like to see the lower part of the St. Croix actually included as a scenic river which is the action that the Senate took.

Mr. KARTH. I would say, Mr. Chairman, that there is no disagreement between the gentleman and myself.

Mr. TAYLOR. What is your position on the Namekagon? I do not recall your mentioning that.

Mr. KARTH. That you will include the upper reaches of the St. Croix in the wild rivers portion and the lower portion be included in the scenic, and if not that, at least be in the study part.

Mr. FRASER. I think Congressman Karth did refer to the Namekagon. This is this short piece here [indicating].

And then it comes into the St. Croix River and St. Croix goes down to Taylors Falls there as a wild river and then below it it is more developed. It is wider, has powerboats on it and is much more suitable for a recreation are. It is a beautiful valley in the St. Croix River.

That is where I happened to have my own summer cottage, so I have some knowledge about that area.

That is the area where the powerplant has been developed. We hope that that will not become a trend and become an industrial basin. It is a very beautiful valley now and my own cottage is right across from Afton on the St. Croix, a historic old lumbering center. That and Stillwater were the beginnings of the lumbering industry in Minnesota and it has kept most of its character and can keep most of its character for generations to come if the committee will act. I speak not as contiguous representative but as one who is once removed in the city of Minneapolis but where many of the people live who would have the enjoyment of this area.

Mr. TAYLOR. Any committee members have any questions?

The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Fraser, first, I want to commend you for your statement and tell you that it has been my pleasure to be on a portion of this river. I have not been over all of it. But, I think it would do well for you, who know it, to describe a portion of it, particularly those high cliffs that exist along both sides of the river for many, many miles.

Mr. FRASER. Well, Mr. Saylor, I remember, if I may recount a personal experience, at Taylors Falls, which is about at this point, there is a dam and then there are what are called The Dells, and on either side of The Dells are very high cliffs, a very scenic area. They have excursion boats which travel along this stretch.

I remember it so vividly because when I was a young boy and a group of us were portaging around the dam, we were going to shoot The Dells in a canoe, because to portage around that as well would have meant another mile of portaging and I remember being told by the local residents what proportion of people who had tried it had made it and how many had drowned.

Finally, somebody offered to take us around free if that was necessary to dissuade us. That is perhaps the most beautiful part of the river but as it goes down here, there are these large banks where the river gradually broadens out. It is not highly developed. There are mostly cottage owners along there and it is just a beautiful river with green banks and it is very green. It is a glacier-made river, I should add. The river was made by a glacier and as a result is substantially deeper than many of the rivers of America and that makes it unusually useful for recreational purposes. But up above here it is a smaller stream, a current of some 6 miles an hour, very compatible with canoeing, lots of campsites along it and very little evidence of civilization as one comes down this upper reach, the wilderness area, and it is just a pleasure to be on and I would like to ask the members of the committee some day to come out and take the trip themselves.

Mr. SAYLOR. Thank you.

Mr. TAYLOR. The gentleman from Iowa.

Mr. KYL. So that the legislative history might be clarified, it is not your belief, understanding, or desire that scenic wild pastoral river legislation will increase the opportunity for building summer cabins along the stream, is it?

Mr. FRASER. I would think the wild rivers portion would not see the growth of summer cottages. I do not think in the scenic rivers portion

that this would be incompatible. I do not know if I am being responsive or not.

Mr. KYL. Well, I think you are, sir, and I thank you. Is it the goal of people supporting this legislation to preserve these rivers, these scenic values, so that they might construct summer homes near the rivers?

Mr. FRASER. No. This raises another problem, to be truthful about it. The St. Croix River is such a useful river for recreational and scenic value that it is unfortunate that there has not in the past been acquired more public ownership along the beaches so that people who are boating or canoeing or sailing might have a public place to land.

The problem we have today is that a person who takes his boat out for a weekend and puts it in the river is hard put to find a place where he can picnic or land for purposes of water skiing, et cetera.

Mr. KYL. Is our purpose then primarily to develop it as a recreation area?

Mr. FRASER. No. What I would say is this. Two things. One is the character of the river still remains essentially as it is, a scenic river. I am talking about the lower stretch from Taylors Falls down, below the wild river portion. That has been fairly well developed as a summer or recreational kind of environment.

There are two things that need to happen. One is that the beginnings of industrialization, which is represented by the powerplant, not lead to further industrialization along that river so as to destroy its scenic and recreational value. That is No. 1.

No. 2, hopefully, some day there would be more public ownership acquired along it, so as to enhance the enjoyment that people who do not have cabins can get from the river, because there would be a place for them to land their boats or do the things that are associated with water recreation.

So those would be the two objectives that I would have in mind in this arrangement.

Mr. KYL. Could we possibly achieve purpose No. 1 through State zoning or county zoning regulations? It would be a much simpler proposition than this whole process in which we are engaged.

Mr. FRASER. Well, the problem is, frankly, related to the ways that local communities find themselves required to derive their tax revenues. One of the reasons that there was support generated for the powerplant that went in was that the community immediately involved saw this as a way to easing the burden of supporting their local schools and local governments. So they were very much for it. The farther you got from that community, the more people were interested in other aspects of the problem, namely, the scenic and recreational use.

If you leave it up to each community, what they are often confronted with is this decision whether they should let industry locate because of its tax advantage or whether they should abstain in the larger public interest. This is a difficult decision for a local community to make.

Mr. KYL. This is not simply a problem for the local community. As I remember it, one of the chief sponsors and hardnosed advocates of a

60 million acre wilderness area where absolutely nothing except looking would be permitted is the first one to now propose that a dam be built in a wilderness area in his State. It is not just a matter of local.

I do not want to put the gentleman on the spot. One of my great worries in all proposals of this kind, Mr. Fraser, is this. It is difficult to interpret the motives of an area or of an individual or a community, and so often we have had people coming in with the pure white robe of conservation who were not interested in conservation at all but in building dollar recreation business or in providing a spot where someone might build a pleasant home for the summer or for permanent residence, and I think that this is a good point in this deliberation to point out that if we are setting up a wild river, a scenic river proposition, so far as I am concerned, it is completely and totally for the purpose of conserving and preserving the natural values that are there and we should not even consider this business of recreational development, and so on, that must go with it.

I thank the gentleman for being so kind.

Mr. FRASER. If I may just comment, I do not think we have any disagreement. All I am saying is that the lower part of the St. Croix now has substantial summer home development. I do not think that has to be reversed in order to preserve its character, but the problem is where do we go from here.

Mr. KYL. But, if we do acquire more land, we are going to have to acquire some places where there are industrial plants or homes, et cetera, et cetera, if we are going to improve the natural quality of the river.

Mr. FRASER. Well, it may be that certain selective takings of that kind might be required in the future. I do not now know of any that would be required but those situations may unfold.

Mr. KYL. Well, the bill itself, as you know, studies the matter of condemnation for acquisition, and makes certain other very strong suggestions, at least that there will have to be some private property purchased which might find the owner a pretty unwilling individual. I know we have no disagreement on this. I do thank the gentleman.

Mr. FRASER. I do think the power of condemnation may be useful, because if it cannot be acquired by donation or purchase, some areas need to be acquired that will give more public access so that they do not just read about the fact that there is a scenic valley but they are actually able to go and participate in it.

Mr. KYL. I thank the gentleman.

Mr. TAYLOR. Do you have any information as to what your proposal would cost?

Mr. FRASER. I do not, sir.

Mr. ASPINALL. Let me ask you this question. If you do not, do you care?

Mr. KARTH. Mr. Chairman, may I respond? I think it was in the neighborhood of 20——

Mr. ASPINALL. I want Mr. Fraser to answer the question because this is very pertinent at this time. It is all right to come up here and talk about what we want. but what is the taxpayer going to have to pay for it? Pardon me for interrupting.

Mr. FRASER. Yes, sir. Well, I should have estimates for you because I think you are right in saying that anybody who recommends this

ought to be prepared to go the full way and defend the cost of it. I do not have that information because I was testifying from the point of view of the consumer of these kinds of things. I recognize it costs money. I think, however, if I may say this, that the cost of this is something that need not be immediate. That is to say, the designation of these areas would be the immediate action required.

Mr. ASPINALL. If my colleague—if the chairman—will yield, this is what we are up against all the time. This is where the prices begin to escalate. Private developers go in there and the first thing you know, we are way up in the millions of dollars. I am with my friend on what he desires as far as that is concerned, but we have got to be practical about this and we have got to be able to say when we go before the House, as we will have to do on the Land and Water Conservation Fund, this is another addition to the backlog of authorizations and this is what we are going to say if——

Mr. FRASER. I appreciate what the chairman is saying. I might say I appreciate the chairman's deep interest in the general problem of conservation. I know the committee will want this information and should have it and I am sure will get it from the executive branch. These are difficult judgments to make when you are weighing scenic value, wilderness areas, against dollars and cents. The only thing is that there is a sort of a one-way process here. If these things do not go forward I know they get more expensive in the future, and we have this opportunity now because the power company has this large amount of land and expressed a willingness that this wild rivers project go forward.

Mr. TAYLOR. Well, thank you very much.

The gentleman from Idaho.

Mr. MCCLURE. Thank you, Mr. Chairman.

The earlier witness referred to the fact, and you have just now referred to the fact, that the power company owns this land along the upper or the wild portions of the river. Is there any utilization of resource values in that area now, such as lumbering?

Mr. FRASER. I do not believe so, at least not right on the banks of the river. If there is lumbering back some distance I would not know about it. I think my impression is that they had acquired this property not for exploitation but to meet the contingency that they themselves might be interested in a dam development someday and they would have needed the land that would be involved in the additional flooding.

Mr. MCCLURE. What is your understanding of the difference between the terms "wild" and "scenic"?

Mr. FRASER. My understanding is that the wild river is one in which its state or condition is more nearly the way it was before many arrived on the scene, that it has the character of wilderness, and it does not have any important or substantial development along the banks of the river.

A scenic river, on the other hand, may have a relatively greater degree of development but a development which is not incompatible with the scenic nature of the river but where you could have powerboats, you would have a wider recreational use without impairing the scenic value. The wild rivers, I should add, at least this one, is not susceptible to things like water skiing or use of powerboats. It is not that large or deep a river. It has a different character to it.

Mr. McCLURE. What would be your understanding, your feeling concerning the possibility of lumbering activities along the banks of a wild river?

Mr. FRASER. Well, the restrictions that I see in the bill are fairly substantial so that the ownership that could be acquired by the Federal Government would not extend very far back from the banks. What I would expect might happen is, if lumbering were an interest along there, similar to what has happened up, for example, in the boundary waters canoe area where there is a prohibition along the shoreline for a distance back, so that the character of the lakes is not altered but back 500 feet or a 1,000 feet, then the lumbering does take place. And I would envision a similar situation here where you protect the character of the river itself, but some distance back it might be permitted.

Mr. McCLURE. How about public access?

Mr. FRASER. Well, public access is required, but is no problem, I think. There are a number of roads that have to cross on bridges along the way, so the places to put in a canoe, for example, I think already exist. They certainly——

Mr. McCLURE. In the wild area.

Mr. FRASER. Yes.

Mr. McCLURE. There are a number of roads down to the river, crossing the river at the present time.

Mr. FRASER. Yes. The whole stretch is so long that there are roads maybe—well, I do not want to overstate it. There are not that many but I would say every 10 to 20 miles at least there probably is a road or a bridge across the river.

Mr. McCLURE. And in that area if the banks, the immediate area of 500 or a 1,000 feet back from the banks are protected there is no need to worry what might be done—I should not put it that broadly—you have no direct concern at the present time as to the kind of development that might take place at 1,000 feet or more from the river bank.

Mr. FRASER. Yes. Do not hold me to the figures and if I may say, also knowing this is still a relatively sparsely populated part of both Minnesota and Wisconsin, essentially a forested agricultural area—the pressures are not very great for development that would be incompatible.

Mr. McCLURE. And would the same thing be true in your mind if the river banks rose to high mountains so that you could see quite a distance from the river?

Mr. FRASER. The question is whether I would hold the same view if back from the river banks there are mountains?

Mr. McCLURE. Yes.

Mr. FRASER. I have trouble visualizing that in real terms.

Mr. McCLURE. The thing that I am getting at is whether you are just concerned about the immediate environment or are you concerned about the total environment including what you can see from the river in this wild area?

Mr. FRASER. Yes. Well, I am concerned about the larger setting to the extent that it might impair the wild nature of the river. But as I say, I do not think there are any pressures of that kind that exist. Lumbering is not the kind of activity that is really incompatible unless you were to go down and cut along the shoreline or cut very close to

the shoreline. If you are talking about the development of major industries a half a mile back, that might raise a problem, but that is way off in the future for that part of the State, and I do not know what the answers would be at that point.

Mr. McCLURE. But lumbering within view of the river, if that should happen, would not disturb you if it were not in the immediate banks of the river?

Mr. FRASER. When you say immediate view, the truth of the matter is you cannot see very far back from the river. There may be a plowed field or people farming along there but generally speaking the moment you begin encountering trees, et cetera, you cannot see back more than a few hundred feet.

Mr. McCLURE. The lower area, the area you designated scenic, how far do you think it is necessary to control back from the river in the field, for instance, of the industrialization?

Mr. FRASER. Not very far. The thing that characterizes the St. Croix River below Taylors Falls are high banks. What happens back on the plateau or further back is not of much concern. The one thing that would be of concern would be, I think, if you had major industrial development that utilized the water resource, either for travel or for some other purpose. Then, you might begin to get an impairment, but industrial development that is not physically right on the river but is back some distance would not, I think, impair the basic beauty and scenic value of the river or its usability.

Mr. McCLURE. Has this area been studied?

Mr. TAYLOR. I understand we have several witnesses that want to testify. Can the gentleman from Idaho limit himself to one or two more questions?

Mr. McCLURE. Has there been a study made concerning the development of the lower area as a scenic river?

Mr. FRASER. There have been studies made, I think, particularly in connection with the action by the other body, by the executive branch. I am not familiar in detail with these studies. I only want to give my own personal testimony. The problem largely is to make sure that what might have been a portent for the future, the development of a rather large powerplant which involve large numbers of barges of coal every day, that this not become the beginning of a pattern of making this an industrial basin as distinguished from a scenic and recreational area.

Mr. McCLURE. And to repeat, I think what you have said, you are concerned about the industrial basin, the use of the water resource itself either for travel or consumption.

Mr. FRASER. Something that would be incompatible, yes.

Mr. McCLURE. I thank the gentleman.

Mr. TAYLOR. Thank you very much, Mr. Fraser.

Mr. FRASER. Thank you very much.

(Mr. Fraser's statement follows:)

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you today in support of my bill, H.R. 15690, the "Wild and Scenic Rivers Act." This bill is identical to the one passed unanimously by the Senate last August 8. I hope that this Subcommittee, the full Committee and the entire House will take similarly favorable action this session either on this

bill or on comparable legislation providing a comprehensive national system of wild and scenic rivers.

My testimony will be limited to two rivers in my State of Minnesota and the neighboring State of Wisconsin. The first is the St. Croix. An upper section between Taylors Falls, Minnesota, and Gordon, Wisconsin, would be designated a wild river, and the downstream section between Taylors Falls and the river's confluence with the Mississippi would be a scenic river. The second stream is a St. Croix tributary, the Namekagon. The section from its confluence upstream with the St. Croix to the dam near Trego, Wisconsin, would be a wild river, and the section from Lake Namekagon downstream to the dam near Trego would be a scenic river. Other witnesses will, I know, appear before the Subcommittee in support of other proposed wild and scenic rivers, all of which are as worthy of consideration as the St. Croix and Namekagon. And when public witnesses are heard later this month, I expect several to testify in greater detail for the rivers in Minnesota and Wisconsin.

My statement, ladies and gentlemen, will be of a general nature, because I am not a scientist or an engineer or a professional conservationist. But I am deeply interested in the cause of conserving, to the best of our ability, our Nation's fast-shrinking natural resources. Among the cleanest and most beautiful rivers in the United States are the St. Croix and the Namekagon. Cleanliness and beauty, while increasingly rare in the mounting morass of pollution that surrounds us, are almost unique when found near a metropolitan area. The St. Croix and its tributary only a few miles from the Twin Cities of Minneapolis and St. Paul. I know of no free-flowing and unpolluted streams anywhere else in the country that are so accessible to so many major cities.

Another reason the St. Croix and Namekagon should be included in this legislation, I feel, is their central location in relation to the rest of the United States. Not only are these rivers close to the Twin Cities; they are readily accessible, via interstate highway, railroad and airline, to such other population centers as Chicago and Milwaukee. And, because of the ease and speed of today's transportation systems, they are available with only slightly more effort to all Americans.

I feel strongly that decisive action is needed to protect areas such as the St. Croix. I have a personal interest in this legislation that dates back to my childhood. Many years ago my parents bought a cabin on the shores of the St. Croix near Afton, Minnesota, on the section of the river that would be designated a scenic river. I have swum, canoed, fished and sailed on the lower part of the river every summer since I was a boy. Several times I have canoed down both rivers from the "white water" of the upper part through the more placid waters of the lower. Three generations of Frasers continue to make vigorous use of the St. Croix every summer. No spot on earth means more to me and my family.

The upper St. Croix and the Namekagon qualify as wild rivers because they remain in their natural state, relatively unaffected by man. Large numbers of men do not take the trouble to gain access to their rugged beauty. This is ideal canoe country.

The lower, scenic portion—actually a 26-mile-long lake about one mile wide in most areas—lends itself to the use of power boats of all sizes. In a few sections there are homes and cabins. But because of the steep, heavily vegetated banks, most of these dwellings are several hundred feet from the river's edge. The water remains clear and unpolluted, and its banks remain in a natural state. To go from cabin to river is almost to go from civilization to wilderness. Many of the houses are not visible from the water. Even though there are cities along the lower river, and industries within these cities, the present development has not destroyed the quality of the river. We can and obviously should do all we can to protect this resource.

In order to make the river meet the needs of a growing population, more points of entry are needed. There must be more public use lands, which are available for purchase in accordance with the provisions of the bill. These provisions have been worked out carefully to protect the rights of landowners and to prevent commercialization of the area.

Even on the clean and lovely St. Croix and Namekagon, time is running out. Unless Congress acts to protect them, their high quality may start to deteriorate as civilization closes in on them. Failure to act promptly could mean such a drop in quality that the rivers would no longer qualify for a National Wild and Scenic Rivers System. Such a failure would be a sad loss to the Nation.

Thank you.

Mr. TAYLOR. Our next witness is Representative William R. Anderson. I understand he can't be here, and in the absence of objection, his statement will be placed in the record at this point.

(The statement referred to follows:)

STATEMENT OF HON. WILLIAM R. ANDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. Chairman and members of the Committee: I respectfully submit my statement of: first, full and unconditional support for the concept of a National Scenic Rivers System; second, preference for the plan set forth in H.R. 6588; and third, most earnest endorsement of the Buffalo River of Tennessee for inclusion in the National Scenic Rivers System.

Risking the charge of undue presumption, I will offer my sympathetic appreciation of the difficulties inherent in the venture undertaken by the Committee. There are by conservative count 141 important and eligible rivers in the United States, each with its web of substantial tributaries; I suspect that someone sees a uniquely satisfying and irreplaceable beauty in every one of these waterways. This is doubtless, as it should be. But the Committee is charged with the task of judging among these many rivers, tributaries and their segments to select the few areas which possess the greatest scenic and recreational value for the Nation at large. In some respects the task is akin to judging a beauty contest on the basis of medical reports, poetic testimonials and selected photographs submitted in behalf of the contestants.

It has been my experience that Congressional Hearings are without exception, rich in adjectival constructions and metaphorical innovation. Nonetheless, I suspect that, by their nature, the Scenic Rivers Hearings will afford a remarkable opportunity to the Members of the Interior and Insular Affairs Committee to enjoy an unprecedented demonstration of eloquence. For my own modest contribution I can claim status as neither wilderness poet nor as a scientific analyst of the recreational tastes of the American people. I can only transmit the very clearly expressed views of the outdoorsmen of Tennessee and speak from my own personal observations and deep conviction.

I have dwelt in cities and ships for the greater part of my life, surrounded by men and their manufactures, intensely dependent upon the accoutrements of civilization. Yet, when at last I was able to build my home I chose a sight half a mile deep in a Tennessee wilderness tract, overlooking a mile of windy water at the end of a poor access road concerning which I would write "letters to the Editor" were it a public thoroughfare. And I count myself more fortunate with each passing season to have recourse to these quiet, tree-strewn, untrimmed acres by the water. I would think it a sad commentary on the quality of American life if, with our pecuniary and natural abundance, we could not secure for our generation and those to come the existence of, and reasonable access to a substantial remnant of a once great endowment of wild and scenic rivers. My introduction of a Scenic Rivers Bill (H.R. 6588) is motivated by the belief that if rational governmental action is not taken very soon, vital, expansive population and economic forces will irreversibly claim these last wilderness waterways for systematic exploitation in waste disposal, industrial processing and inexpensive transportation. As a vigorous exponent of rural economic development I appreciate very deeply the persuasive inclination to exploit any and all natural resources for industrial gain heedless of disfiguration wrought upon the land.

The nub of the problem is that we are a people of unparalleled economic vigor striving ceaselessly for economic growth while still wishing to retain our magnificent heritage of unspoiled wilderness for enjoyment, contemplation and the irreplaceable spiritual experience of simply wandering in the midst of a rich, undisciplined nature for a day or a week or even an hour. Somehow we must strike a balance between beneficial economic exploitation of our natural resources and our human need for reasonably accessible areas of natural beauty in which to enjoy the leisure that we earn. Where unspoiled rivers are at issue, we must move quickly or forever accept fouled, dammed or industrialized rivers as a cost of affluence. It seems that as urbanization and industrialization rapidly spread and intensify, quickly reducing the number of fresh, lush, wilderness rivers—the human desire to see, boat on, bask and fish in such rivers grows.

This legislation is an attempt to strike that balance between economic growth and the American heritage of beautiful, free-flowing rivers and streams.

Among the leading contenders for selection as National Scenic Rivers, one is in my District of Middle-Tennessee. To state the matter mildly, I fully support its inclusion for preservation as a Scenic River. It is the Buffalo of Tennessee.

I will leave to the very able delegations from the Tennessee Scenic Rivers Association and the Tennessee citizens for Wilderness Planning the detailed presentation of the Buffalo's qualifications. Its formal credentials are impressive. Long regarded by all who have known it as the classic float stream, it was studied in detail by the Bureau of Outdoor Recreation, and was highly recommended as a scenic river by that agency. The 84th General Assembly of Tennessee, in Senate Joint Resolution No. 24, 1965, highly recommended the Buffalo as a scenic float river and offered the assistance of various State agencies in carrying out a program for its development as a National Scenic River. Few rivers in America could be as deserving of preservation, and have as widespread recommendation as the Buffalo. With head waters in Lawrence County, it flows through Lewis, Wayne, Perry and Humphreys Counties before joining the Duck. I have personally inspected much of the length of this lovely waterway which is already popular with sportsmen, campers, canoeists and artists alike, and can make in its behalf a sincere personal recommendation.

I must further commend to the attention of the Committee two other unusually wild and beautiful streams in Tennessee for consideration in the category of rivers to be studied for possible future participation. Unlike the Buffalo both the Obed and the South Fork of Cumberland are deep gorge rivers. Both feature magnificently forested wilderness areas, outstanding fishing resources, and swift, clear waters. Due to the excellence of their qualifications, though both rivers are outside my District, I endorse their consideration for detailed study.

Mr. TAYLOR. Representative Clarence J. Brown, Jr.

STATEMENT OF HON. CLARENCE J. BROWN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. TAYLOR. We welcome you before our subcommittee.

Mr. BROWN. It is a pleasure to be with you.

Mr. Chairman and members of the committee: It is a pleasure to be able to appear before you today in support of a cause which has not only great nationwide support, but which is so popular and extremely desirable in my own district, the Seventh of Ohio.

I am here today to testify not only in support of scenic rivers legislation generally, but more importantly, to urge you to include the Little Miami of Ohio in any scenic rivers legislation which you may report.

I say that my testimony in favor of the Little Miami is more important than that in favor of scenic rivers legislation only because I feel it has become generally recognized that legislation in this area is so desirable.

I do not feel that I need spend much time on the urgency and importance of establishing a scenic rivers system. Nor am I really here to testify in favor of any one of the legislative proposals over another, but rather to explain why we in Ohio feel that the Little Miami should be, at the very least, included in the program for study.

I. WHY SCENIC RIVERS?

The need for sufficient recreational areas to meet the needs of our rapidly expanding population, largely concentrated in huge urban areas, is well chronicled. Population estimates tell us that our numbers may double by the year 2000.

Planners and government officials at all levels tell us that today we do not have enough recreational facilities. Clearly we must make provisions not only to correct the "recreational gap" today, but to plan ahead so as to provide for tomorrow.

But it seems to me that the need for scenic rivers legislation goes beyond merely satisfying our recreational needs. Our rivers are a crucial part of our national character and it seems to be ironic that we should be willing to ruin by our industrial and population growth one of the very significant factors in that growth—our marvelous rivers.

Our few rivers which still remain in their natural state—rivers which are so much a part of our natural resources and history—should be preserved as outdoor natural museum pieces.

Finally, as in all conservation or preservation issues, the problem is truly "now or never." We cannot go back, or at least not without an immeasurably greater effort and expense, to preserve what we have today.

If we want to provide a recreational system more significant than crowded municipal parks, if we want to preserve a very significant factor in our American heritage, if we want to establish a national rivers system in much the same way that we have established our admirable national park system, we must act now, before pollution, industrialization, and dams, have destroyed our last truly pristine river.

II. WHY THE LITTLE MIAMI?

I am happy to have been able to distribute to the members of the subcommittee, in addition to my statement, the very fine brochure entitled: "The Little Miami of Ohio—A Study of a Wild and Scenic River." The Ohio University Development Planning Institute prepared this brochure for the Ohio Department of Natural Resources.

I feel that the brochure expresses much better than I could ever do, in both words and pictures, the story of our Little Miami and why many of us in Ohio feel it should be a part of a national scenic rivers system. I hope that you will take the time to look through this brochure.

When you do, I feel sure that you, too, will agree that the Little Miami deserves inclusion in a national scenic rivers system.

The Little Miami, from its headwaters in the 7th Ohio District near South Charleston in Clark County, to its mouth at the Ohio River near Cincinnati, winds 105 miles and descends from its source elevation of 1,137 feet to the 448-foot level. With its three primary tributaries, it drains an area of 1,755 square miles on the eastern edge of an intensely industrialized and urbanized stretch of southwestern Ohio from Dayton to Cincinnati.

In the relatively short segment proposed for inclusion in this legislation, the Little Miami traverses a wide variety of topography. Its floodplain varies from a few hundred feet to 1½ miles. From the flat farmlands in Clark County the river plunges into a deep, narrow gorge at Clifton and later through steeply wooded areas and again through gently rolling hills.

Besides the many beautiful scenic areas, the river and the immediately surrounding countryside is rich in historical and recreational

features. Nineteen sites, from three prehistoric cultures, are located in the area near Cincinnati, a popular tourist attraction which should be preserved. The Adena culture, mound-building Indians dating from 1000 B.C.–700 A.D., is the oldest.

The first reported white contact with the Shawnees, then in the area, took place around 1770 and it is reported that Oldtown, very close to the river, was the birthplace of Tecumseh, famous Shawnee leader of the Indian resistance.

Mr. ASPINALL. Mr. Chairman, would my colleague from Ohio yield at this point?

Mr. BROWN. I will be happy to, Mr. Chairman.

Mr. ASPINALL. I think we are agreed that we would like to have the Little Miami in the study section of this bill. The gentleman from Pennsylvania already has it in his. We have one more witness that we would like to get to before we adjourn this morning, the only Senator that has appeared.

Would my good friend from Ohio be willing to have his statement placed in the record? We have already read it.

Mr. BROWN. I would be delighted, Mr. Chairman, and if I again can have your assurance that our colleagues will have the opportunity to look at this pamphlet and read it, I would be more than happy to yield to whatever distinguished Senator is in the audience.

Mr. ASPINALL. I would ask unanimous consent that his statement be placed in the record.

Mr. TAYLOR. So ordered.

The gentleman from New York.

Mr. KUPFERMAN. I just want to commend the gentleman from Ohio, not only on his statement but the additional material he presented to us, which so well explains the area. It helps us have a better understanding of the problem.

Mr. ASPINALL. May I say that the State of Ohio has asked for very little as far as national consideration is concerned, and I think they are in order at this time to ask for what our good friend Congressman Brown, whose illustrious father preceded him in the Congress, has requested.

Mr. BROWN. Thank you, Mr. Chairman, and I appreciate those remarks about both my State and my predecessor. I should like to say one of the difficulties I had in preparing testimony in reference to this particular piece of legislation has to do with just what the Little Miami River is, what category it falls in, because as near as I can tell, it falls in every category which has been considered in this legislation, in some part of its traversing over the fields and gorges and wooded areas of my congressional district. And I am sure, this river, like others, which have been suggested, lies right on the edge of an urbanizing area. If no action is taken on this river for 5 years, I am sure that the problem will be much more severe.

I appreciate the opportunity to appear before you and appreciate your interest.

Mr. TAYLOR. Thank you, Congressman Brown. I think you have convinced us that this river should be placed in the study section of the bill.

Mr. ASPINALL. If we call it a natural river, you won't object, will you?

Mr. BROWN. As long as it is covered in the bill I don't object to whatever you call it.

Thank you, Mr. Chairman.

(Mr. Brown's statement follows:)

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The first reported white contact with the Shawnees, then in the area, took place around 1770 and it is reported that Oldtown, very close to the river was the birthplace of Tecumseh, famous Shawnee leader of the Indian resistance. Other historical landmarks in the Little Miami area include: the second oldest (1788) settlement in the northwest territory; a Quaker meeting house built in 1800 which is still standing; Clifton Mill, built in 1835; two early taverns frequented by stage coach travellers, one of which, the Golden Lamb, is still serving and is known as one of the best and most famous hostelries and dining places in the Midwest; several covered bridges and Kings Mills, formerly the site of a large powder plant, active from the Civil War through World War II. This area was also the main line of the pre-Civil War "Underground Railroad" in Ohio. These, and many more historical sites, are threatened by the encroaching industrialization and "urban sprawl," the destructive bulldozer leveling ground for more subdivisions.

Local groups and citizens have taken some steps to preserve the values of the Little Miami. The Glen Helen, a 100 acre area in Greene County was a gift to Antioch College in 1929. Also in Greene County a Committee for a County Common is at work reserving 1800 acres near the Glen Helen in their natural state. Both areas indicate the interest of preserving the scenic environment, but I question that even with such interest enough can be done without outside help.

Today, however, the Little Miami and the surrounding area are still extensively used for camping, fishing, canoeing, hiking, riding, hunting, sightseeing, and field studies for historical, archaeological, biological and geological work. We are happy in Ohio to still have such a resource—but we need help to save it. The Little Miami is within an hour's drive of the huge metropolitan areas of Dayton and Cincinnati, not to mention many rapidly growing smaller cities.

If the Little Miami is not included (what is today the source of enjoyment for these people will be destroyed by them tomorrow).

III. WHY THE LITTLE MIAMI AS A SCENIC RIVER?

Despite my lack of eloquence in describing to my colleagues the beauty of the Little Miami, I want to close by emphasizing why I think the Little Miami belongs in Scenic Rivers legislation. The Little Miami meets the criteria I think relevant in selecting rivers for inclusion in this system. I would like to mention these criteria, tests if you will, for inclusion.

First, preserving the Little Miami is an urgent need of southwestern Ohio. Unlike perhaps some of the rivers being considered in the Far West, the Little Miami is close to an encroaching urban area. Thus it should be included both because tomorrow may be too late and those people of the area need recreational facilities now, and will need such green spaces more desperately tomorrow.

Second, the Little Miami would be an efficient, useful river to include. It is close to urban areas, so close that it can be used conveniently (if it isn't destroyed first.) Including the Little Miami would do more than preserve a scenic river; it would be a useful addition to Ohio and the Nation. But the Little Miami is utilitarian in another manner. Rather than being exclusively "wild", or "historic", or "scenic", the Little Miami within its stretches is all the types of rivers proposed; part is wild, part rich in historical features; part scenic, through pastoral farmland; and deep woods. In a sense, the Little Miami offers "more for the money."

Third, the Little Miami meets my "intrinsic" test for inclusion. No restoration is necessary to save it. It is now scenic and wild.

Finally, I would like to see the Little Miami included because the people of that region want it included, the local agencies want it included, and the State wants it included. The Federal government would be participating in a partnership rather than meeting continuing opposition. I am pleased to report that the State of Ohio has already passed scenic rivers legislation; and yesterday evening I received a telegram from Fred Morr, Director of the Ohio Department of Natural Resources, that he intends to name the Little Miami to the state system. This Federal legislation will clearly be met by state and local interest.

Mr. Chairman, the Little Miami may not be as wild as the rivers of the West, but I do not think it is fair to limit wild rivers to western rivers, or rivers outside of convenient travel time from large population centers. The Little Miami is as wild as rivers flow in Ohio and is still in its natural state. The north central region of the United States seems to contain few of the rivers suggested for inclusion. I think that the people of Ohio should be given the opportunity to participate in this much needed program, and if the Little Miami is not included now, it may be too late.

Mr. TAYLOR. We now welcome before our committee Senator Gaylord Nelson.

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. TAYLOR. Senator Nelson, it is a pleasure to have you with us.

Senator NELSON. Mr. Chairman and members of the committee, I have a statement here which I would like to submit for the record.

Mr. TAYLOR. In the absence of objection, the statement will be made a part of the record at this point.

Senator NELSON. There are some negotiations, as you know, going on about Northern States Power's holdings on the upper St. Croix. If the chairman has no objection, I might wish to submit a brief further statement in writing on some of those points, when they are clarified, if the committee records will be held open for a while.

Mr. TAYLOR. The record will be kept open in order that the Senator may put in this additional statement.

Senator NELSON. Mr. Chairman, I wasn't here—I was over in the Senate because we have got some business pending and some votes pending—so I didn't have a chance to listen to the testimony of Congressman Fraser, Congressman Reuss, and Congressman Karth, who preceded me.

I am well aware that these gentlemen are familiar with the St. Croix River, and that Congressman Reuss is very familiar with the Wolf. I don't see any point in my burdening you with any comments on the Wolf. I think Congressman Reuss presented it as well as anybody, and I won't add anything to the record.

I won't go into all the details of the St. Croix because I know you have already covered many of them. I will try to cover a couple of points that may or may not have been touched upon.

Senator Mondale is associated with the manager of the bill that is pending in the Senate and could not leave the floor to come over here, and he asked to be associated with my remarks about the pending legislation, and about the St. Croix River.

First, just as a general proposition, I feel that the concept of developing a wild rivers system and a scenic rivers system is a very good, creative contribution to dealing with some of our resource problems.

East of the Mississippi River there aren't any wild rivers in the true sense of the word, excepting some small streams here and there and

some sections in some of certain rivers east of the Mississippi such as the Allagash in Maine or the Wolf River in Wisconsin. A good 30 miles of that river which flows through the old Menominee Indian Reservation would qualify by any standards as a wild river. There is no development on it at all. It is in its natural state, it is free flowing and it has lots of white water. So, we east of the Mississippi, except for rivers here and there, do not have rivers that you would classify as wild rivers in the way that you would classify the Salmon or the Clearwater, for example, as wild rivers.

So I think that pending before you is a general concept of a wild and scenic rivers system which I think is a necessary and very important concept to adopt by the Congress at this stage in history if we are to preserve some of the magnificent rivers that are left, both west of the Mississippi and east of the Mississippi.

I sent up to the members of the subcommittee a copy of a magazine, "Wisconsin Tales and Trails," which is one of the finest magazines of its kind, I think, in the United States.

I would just like to refer you to a couple of things. Briefly, it will give you a picture of a bit of the river. If you will refer to page 24, you will see an aerial picture there of the upper St. Croix above Grantsburg. I was born and raised a few miles from there, and I have canoed and lived on that river half my life. That picture gives you an idea of what that terrain is like. There are a few small towns here and there along the upper river but it is beautiful, it is in its natural state, and it is a magnificent resource.

If you will turn then to page 26, you are looking there at the other part of the river—the lower St. Croix—and on page 26 you see the picture of some magnificent rock gorges on that stretch of the river. This is the part of the river below St. Croix Falls, below Taylors Falls. This segment of the river running from there down to the confluence with the Mississippi is referred to as the lower St. Croix. That is the part that one of the Congressmen was questioning Congressman Karth about, the lower St. Croix, where there are towns and there is development. But a lot of that river looks like what you are looking at in this picture. It has spectacular scenery, the rock gorges and high mountains, and is quite different from the river north of Taylors Falls.

The concept of the lower St. Croix in the original bill that Senator Mondale and I introduced was to provide for zoning, which the communities would do themselves and to provide adequate public access. There was no intent, on my part, or on Senator Mondale's part, when we introduced the original bill which passed the Senate, to pick up the shoreline of the whole lower river. You are looking at shoreline in places that is now selling from $25 to $50 a front foot. What we were thinking of in the main was that there would be local zoning to prevent damaging the scenic beauty along that river, and that the Interior Department would add some public access, boat launching and canoe launching places along the lower river.

That differentiates it from what we were considering for the rest of the river; namely, the acquisition of 100 acres a mile in fee from the dam at St. Croix Falls all the way up to Gordon, Wis., some 100 miles, of which 70 miles, on each side of the river, is owned by the Northern States Power Co.

Now, I understand that has been discussed a bit. I would just like to add a word or two.

Northern States Power Co. is a very progressive, public-minded corporation; everybody who knows them would call them a topnotch, high-grade corporate citizen. They acquired this land a half century ago. They have preserved it without any kind of commercial development or exploitation for almost a half century. They have been interested in that river as they are interested in the communities they serve. They recognize it as a great river, a great asset.

When I was Governor they were discussing at that time, 6, 7, 8 years ago, back as early as 1959, I believe, with our conservation department, a program of preserving that shoreline. I believe they discussed it on the Minnesota side with the Minnesota Conservation Department. So, discussions have been underway with our conservation department and now with the Department of the Interior over a period of the last 10 years. Time and again they have demonstrated their interest in seeing that this river is preserved in its natural state.

Their board of directors has not acted on this. I do not, of course, speak for them, but the board of directors has authorized their appropriate vice president to carry on discussions about this with the Interior Department. They are meeting, in fact, today in Minneapolis for some further discussions. This will be their second meeting.

If something could be worked out by which—it would be a brand-new concept but I think it is a magnificent one—by which this company would hold on to its land, to manage the land itself under the regulations of the Interior Department, and get the proper recognition for its efforts. I think it would be a really magnificent breakthrough and a good example which might be followed by other public-minded corporations around the United States and help us in instances like this solve some problems in terms of resource preservation.

I am hopeful that this can be worked out, but it is still in the discussion stage and I, of course, don't speak for them. Hopefully, they will have some kind of a proposal that they will be able to present to this committee prior to the markup of the bill. And that is the most I think anybody can say about it at this moment.

One more point, and that is all I think I need to make. It may or may not have been covered.

In the Senate-passed bill, as you are aware, the idea is that 100 acres a mile could be acquired in fee which if you meandered it the same distance from the river, would be 400 feet on each side of the river, each mile. I assume the concept is that you might want 200 feet some place, and 500 another, and 100 here and there, depending upon what the integrity of the shoreline of that river required, but in any event, the idea is that 100 acres a mile would be acquired by fee or by easements in perpetuity.

The next provision in the bill is that the appropriate Secretary may acquire easements not to exceed 220 acres a mile in addition to the 100 acres in fee or easement. In that case you are talking then about a strip of land 2,600 feet wide each mile or 1,300 feet on each side of the river.

I just want to make one comment about this. The price estimates that Interior will give you today, if it is today that they are appear-

ing, are price estimates based on the assumption that you not only will acquire the 100 acres a mile in fee but also that you will acquire easements on the additional 220 acres a mile along the whole length of the river.

My own view is that it is not necessary and not desirable to acquire 100 acres in fee and another 220 acres in easements along the whole length of a river. Some places, yes, you protect it with easements for the extra 220 acres. Some places you protect it with easements for an extra 100 acres. Some places you don't need to protect it at all beyond the first 100 acres.

So all I want to make clear is that the price tag on these rivers involves the assumption which I suppose Interior had to make that the total cost if you acquire 100 acres a mile by fee and 220 acres a mile by easement would be a certain figure. Actually, the cost is probably going to be less than that figure because I am sure that you wouldn't need more than half of that additional easement acquisition.

I think, Mr. Chairman, that covers what I have to say on the St. Croix recognizing that you have had previous witnesses who have addressed themselves to it. The details of the ownership along this river—county, Federal, State, and private—will be spelled out later by the Interior Department.

I have the figures here but they are their figures, so there is no use in me cluttering up the record with them at this time.

I might make one more point. The public support in my State, and in Minnesota too, for this proposal is remarkable. To my knowledge, there is not a single organization that I know of in the field of conservation or any other kind of an organization that has notified us that they are opposed to it. We have a long list of endorsements from almost every conservation organization in the State of Wisconsin. We have endorsements from city councils, and chambers of commerce and so forth.

This isn't to say that you may not run at some stage into a town board or county board who has reservations about it or who is concerned because it takes land off the tax rolls. Over the years, representatives of the Interior Department have met with county boards on both sides to explain to them what this scenic river concept was, what it would do for their community, and how it would enhance the quality of living there. I think we have practically unanimous support for this proposal with, of course, some individual exceptions, but I have been amazed at how broadly and enthusiastically this concept has been supported in my State.

Mr. TAYLOR. Senator, we thank you for a very fine statement.

The bill we have before us, H.R. 8416, designates four rivers, one in Oregon, one in New Mexico, and two in Idaho, as natural scenic rivers. It places many other rivers in the study stage, the potential additional stage.

The St. Croix River is in the latter stage. Are you satisfied with that designation?

Senator NELSON. No, I am not. We passed the bill, as you know, twice in the Senate with the St. Croix in it. Actually the St. Croix is the best studied river you have got. None of the other rivers in your bill have been studied as intensively as this one.

There is need to do a little more studying to decide on some public access questions on the lower St. Croix, but that is relatively simple, I think.

Mr. TAYLOR. You are requesting that the upper St. Croix be designated now as a scenic river in the bill and the lower St. Croix be left in the study stage?

Senator NELSON. No. I would like to see the lower St. Croix included, too, because I am satisfied that is is a very simple proposition. The proposition is this: When we originally introduced this bill back in 1965, the Interior people went out and did their study and decided upon six access points which total quite a few acres. They were authorized in the original bill not to acquire more than 1,000 acres for access points. They proposed taking much more frontage, in my judgment, than is necessary.

I personally feel that they ought to cut down on the river frontage they propose to take. Some places they propose to buy as much as a half mile of frontage. I think Interior's proposal is fine but I think there are some reasonable practical arguments against it.

If they took 300 feet frontage and moved back, then, away from the river, straight back, for some distance and then ballooned it out into 20 acres for some parking and for some picnic tables, they would solve the problem. You don't need a half mile of access on that river in any single place.

So I think all they would have to do is look at their access points, cut down the frontage and cut down the acreage. It is a very simple problem.

The protection of the remainder of the lower St. Croix, in my judgment, involves zoning to protect the scenic beauty of the shoreline. We have these beautiful gorges that you have looked at here. Obviously you wouldn't want somebody to design a beautiful house and cantilever it out over the river, which people are capable of doing and so are architects. You just want to be sure that they have a little setback zoning, and that you don't cut down the trees on the shoreline. This is the most I think that you could expect of the lower part of that river.

Now, there are access points all along that section of the river now—Hudson, Osceola, the State park at St. Croix Falls, Prescott, Wisconsin, Stillwater, Bayport. Each one of those places has access. Places like Stillwater and Hudson have marinas, but I think it would be valuable to have some additional public accesses, probably not as elaborate as were originally suggested by the Interior Department people in 1965. It would be ideal to do it that way, but I think it may be impractical to go that far.

I think it is important to include the upper St. Croix in the national system because we have a more serious problem in the East than you do in the West on rivers like the Salmon or the Clearwater. This river is about to be built up; it is not far from Minneapolis and St. Paul, and if we wait another 4 or 5 years, we may, and probably will, destroy substantial portions of the shoreline of both the Namekagon River and the upper St. Croix. I think that would be a great tragedy.

Mr. TAYLOR. I don't know when I have seen more beautiful pictures than you have here of the St. Croix Gorge.

Senator NELSON. Some of the most beautiful scenery in all the Midwest is along this river.

Mr. TAYLOR. The gentleman from California.

Mr. JOHNSON. I have one question on the upper St. Croix, where the property is mostly owned by private enterprise, and you say certain amounts of properties were necessary and you would agree to it, and then others should be taken in the way of easements instead of fee title.

Do you know what—say the Federal Government wanted to purchase this other arrangement that is being talked over and it didn't work out and the Federal Government went in to purchase a certain amount of area there in fee, and then the Federal Government went in to secure easements. What would be the difference in price? Do you have any idea?

Mr. NELSON. It is a very difficult thing to estimate. It would depend upon what you are asking for, what right you are taking away from the owner with the easement. We have had in Wisconsin, I think, the original and the broadest experience with easement. We have bought 155 or 160 miles of easements on both sides of the road running along the Mississippi River below where the St. Croix comes in. This is part of the Mississippi scenic river road concept originated by some thoughtful people in 1919, I believe. We bought those easements and all we were asking from property owners was a scenic easement except for certain places where we bought a little land where we wanted picnic tables and overlooks. All we were saying to the owner was, we would like this preserved in perpetuity in its natural state. It remains yours under this agreement but you are selling to us in perpetuity the scenic beauty of it. You cannot cut down trees. You cannot put up a billboard. You cannot put on it any kind of a structure. You could cut a tree with our consent, so to speak, so all we were buying was the scenic beauty and in some areas where we needed it, we got some land in fee for picnic tables and so forth. The first few miles—something like the first 80 miles on both sides of the Mississippi starting down from near LaCrosse, Wis.—went for about $700 a mile, which was very cheap.

We use easements in certain special situations, for example, where we find a trout stream springheads. The springhead is owned by a man and it has been in his family for many years. It is a beautiful spring. It is a nice little trout stream. He doesn't want to sell it. We really don't want to condemn it, although in our State the conservation department has the same power of condemnation that the highway department does except the highway department condemns and takes, whereas the conservation department has to condemn and settle the price before they can take.

We would go to these people and say, We want to preserve these springs and the integrity of this shoreline on both sides for 200 or 300 feet, and so we want to buy from you the right to protect it. You can't cut trees. You can't plat it. And hunters can use it.

Sometimes we paid half of the fee price value of it. Sometimes we paid as high as 75 percent, but we got all we wanted out of it. It may be better than an outright purchase because the property still remained on the tax rolls.

Mr. JOHNSON. How do you visualize this property adjacent to St. Croix up there in the upper reaches that is owned by the power company? Do you think that which we buy in fee and that which we take as an easement would be about the same?

Senator NELSON. No. It depends upon what you took. If you take in fee the first 100 acres, that is, 400 feet on each side of the river, and you take it in fee from any private owner who insists upon a fair market price, you would pay substantially more than you would pay for an easement behind it.

However, the results of all this are going to be that everybody's backland enhances in value and the new concept in this country will be, and it is coming now, that you will protect the shoreline of our fresh water assets for public enjoyment and you will have cluster developments away from the shoreline. As long as there is public access, you are going to be selling lots 10 and 20 years from now that are as valuable or even more valuable than those on the shoreline. You can live a half mile away or a mile away from the river, and if the integrity and beauty of the river is preserved, you and I would pay more than we would to be door-to-door with a whole lot of people right along a river or around a lake.

I am hopeful that we will come to some agreement with Northern States Power that will be very inexpensive and beneficial to both us, the Government, and to them, but I don't speak for them. If we can settle that 70-mile question in a fashion acceptable to the committee, I think the river is all ready to go.

If there is a slope and you are worried about somebody building a house on it, and if you say to the owner, we would like to buy an easement from you and all we want is that you don't put any structures on it, that might be one price. If there is property on a nice level area and it is back away from the river a way and it looks like it might be good for development and you didn't want them to develop it, although it was valuable for development, that would be another price. These two cases would be different. I think each case would have to stand on its own.

Mr. JOHNSON. Thank you.

Mr. TAYLOR. Can you say what the attitude of the power company is toward this legislation? That is, the Northern States Power Co. that owns 70 miles of the river?

Senator NELSON. They have been, in my judgment, very, very considerate of the public interest in this river and they were—long before any bill was introduced—discussing preserving this shoreline with our own conservation department.

Their desire and intent is to preserve it and they hope that they can work out something that is acceptable to the Congress and Interior and themselves in order to preserve it.

Mr. TAYLOR. Questions?

Mr. KUPFERMAN. Just one question on a related matter. In the magazine that you were good enough to bring before us, at pages 34 and 35 are pictures of the Wolf River and Congressman Reuss testified on that today.

Senator NELSON. Yes.

Mr. KUPFERMAN. I wondered if you concurred in his request for designation for the Wolf River.

Senator NELSON. Yes, I do. That is a really spectacular river, I think. It was up to the Menominee Indians to preserve it for all of history since it was a part of their reservation. Indians have a great respect for nature and its resources, so nothing was built on that river for 30 miles through the reservation.

The reservation then became a county, a few years back, while I was Governor. Nothing has been put on the river yet. Well, one structure that I know of. The river has been preserved.

The State in anticipation that there would be a wild and scenic rivers system is now leasing 30 miles of the shoreline of that river on both sides from the Menominee Indians for $150,000 a year in order to keep it from being sold for lots. It would qualify for inclusion in this system and it is a magnificent river.

I might make one more point that might be interesting to you. If you look on page 32—we had this picture in color and I wish I had brought it along—on page 32, the lower righthand corner, you see an aerial picture of the St. Croix at its confluence with the Mississippi near Prescott, Wis. When you look at it in color you see the beautiful clear blue clean St. Croix and you see the muddy Mississippi. In black and white you can even see how dramatic the difference in the quality of the water of the two rivers is. The St. Croix is just about the last river, it is the only one I can find—maybe Mr. Crafts knows of one—situated close to a metropolitan area in America that is still unpolluted. That is not because of planning but because Minneapolis and St. Paul grew up on the Mississippi instead of the St. Croix.

Mr. TAYLOR. Any other questions? If not, we thank you for your very fine testimony.

Senator NELSON. I thank you for your kindness.

(The prepared statement of Senator Nelson follows:)

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Mr. Chairman and members of the committee, I am pleased to have the opportunity to appear before you today. My reasons for coming here today are twofold. First, I want to endorse and support the concept of a National Rivers system to preserve and protect some of our nation's great rivers and secondly, I want to urge you to consider the inclusion of the St. Croix and Namekagon Rivers in Wisconsin and Minnesota in the initial National Rivers system.

This nation's great rivers are an integral part of our national heritage and have played a significant role in making this country great. Many of our great rivers—the Mississippi, the Colorado, the Hudson, the Rio Grande, the Missouri, the Suwanee, the Susquehanna, the Shenandoah—are steeped in history and are deeply ingrained in our folklore and culture.

These rivers—and many more—were the routes followed by the pioneers as they moved west, and as our great nation grew, they became the backbone of our commerce and transportation. Beyond this, our rivers are the sources of water for many of our great cities, and they afford many of our citizens unequaled recreational opportunities.

Yet, today most of these rivers are threatened by pollution which kills the fish in them and makes them unsafe for swimming or water skiing and by tasteless development along their banks which destroys their great natural beauty. We have, it seems to me, a unique opportunity to save at least some of our once great rivers by establishing a National Rivers system. We ought to take advantage of this opportunity for it might well be our last chance.

The establishment of a National Rivers system would be an excellent complement to our existing system of parks, recreation areas, seashores and lake-

shores, and national forests. Public participation in outdoor recreation has increased greatly in recent years, and in the years ahead there will be an even greater demand for recreational opportunities.

The concept of a National System of rivers is neither inconsistent nor incompatible with our concepts of park and recreational development. One of the great challenges facing us today is to make available to the public a broad spectrum of recreational opportunities. In our national recreational system, there really ought to be something for everybody.

The St. Croix River—and its main tributary, the Namekagon—were studied in detail by the Department of the Interior and the Department of Agriculture as part of their coordinated, broad-scale study, initiated in 1963, of the need to preserve a nationwide system of scenic or wild rivers. The conclusion of the joint study was that the rivers were fully qualified for inclusion in the national system.

North from its confluence with the Mississippi for some 130 miles, the St. Croix River marks the boundary betweeen Wisconsin and Minnesota. At a point near Riverside, Wisconsin, the St. Croix swings into Wisconsin and meanders in a northeasterly direction to its headwaters near Gordon, Wisconsin. Along its upper reaches, the St. Croix is joined by an equally beautiful river, the Namekagon.

The Upper St. Croix north of Taylors Falls, Minnesota, as well as its main tributary—the Namekagon—is an outdoorsman's paradise. There are many miles of riverbank covered with mixed hardwoods and conifer forests; along these stretches there is superb white water canoeing. Small mouthed bass and walleyed pike abound in these waters. Wildlife is abundant along the banks and adds an exciting dimension to a canoe trip along the river.

The lower St. Croix, south of Taylors Falls and St. Croix Falls, meanders through hills and gorges presenting some of the loveliest scenery in the Midwest. Timbered, gently sloping banks surround the river and its many narrow, winding sloughs. This area has already been developed to some extent; inclusion of this segment of the river in the National System would insure the protection of its scenic beauty and would develop it for broad recreational use by the public.

Based on plans developed by the Department of the Interior, the proposed St. Croix and Namekagon National Scenic River area would consist of about 85,000 acres of land and 21,000 acres of water, including 151 miles of the St. Croix River and 85 miles of the Namekagon River. Of the total land acreage, about 15,000 acres is in public ownership, including State and county forests and parks. Further, there are about 80 unsurveyed islands in the river which are in the public domain.

About 70 miles of the St. Croix River north of Taylors Falls has been owned for more than 40 years by Northern States Power Company. Northern States has not only maintained this stretch of the river in its natural state but also they have opened the area to the public for canoeing, camping and fishing. For their efforts, Northern States deserves the praise of all of us.

Over the years, Northern States has refused to sell or lease these lands or to exploit them in any way, and on numerous occasions in the past ten years, they have explored ways to preserve their holdings on the St. Croix in perpetuity for recreational uses. Northern States has, in the past, conferred with the Conservation Departments of both Wisconsin and Minnesota on how best to preserve these lands and cooperated fully with the joint Interior-Agriculture team in its study of the river.

Negotiations with the company are continuing in an effort to work out a suitable working agreement between the Federal government and Northern States Power Company to cover these valuable holdings. I am very pleased to see that private industry is both interested and willing to work with the Federal government in the development of public recreational lands. Such a partnership would represent a significant step forward in our efforts to develop quality public recreational lands and holds exciting promise for other such arrangements in the future.

On privately held land along the upper St. Croix and the Namekagon—other than that owned by Northern States—the Interior Department plans to acquire scenic and recreational easements which would cause as little disruption of the existing land use patterns as possible. On the lower St. Croix, the same recreational zoning technique that has worked so well at the Cape Cod National Seashore would be utilized. In the event that zoning does not meet the Secretary's standards, the acquisition of easements rather than purchase is planned.

Present plans call for six access points on the lower St. Croix and eight sites on the upper St. Croix and Namekagon. On the lower St. Croix, these sites would involve approximately 635 acres, not over 20 ownerships and not more than 10 improvements. On the upper river, exclusive of the Northern States holdings, 1,173 acres, 20 ownerships and 9 improvements are involved. Along the whole proposed riverway, about 16,800 acres would be protected by zoning.

It is critical that we move promptly to preserve the entire St. Croix River. Pressures arising from the tremendous urban expansion of the Twin Cities of Minneapolis and St. Paul threaten this last great, clean water river in the upper Midwest. The threats of urban encroachment, tasteless commercial development and pollution coupled with the wide variety of outdoor experiences which are available on the St. Croix make preservation imperative.

Mr. TAYLOR. I have here statements from Members of Congress. In the absence of objection, they will be made a part of the record at this point:

STATEMENT OF HON. ALVIN E. O'KONSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. Chairman: I appreciate the opportunity to present a short statement in support of legislation to establish the St. Croix National Scenic Waterway in the States of Wisconsin and Minnesota. Legislation which I introduced in the 90th Congress on January 26, 1967, H.R. 3983, provides for the St. Croix Scenic Waterway.

The original author of the bill, United States Senator Gaylord Nelson, I understand will testify before this Subcommittee. He is the Governor Gifford Pinchot of the State of Wisconsin, whose whole heart is behind conservation and wildlife projects. I am going to make my statement brief because Senator Nelson's background and interest in this project has been one of long standing and his statement will be far more effective than mine. For the promotion of Northern Wisconsin, I hope and pray that this Subcommittee will give approval to the legislation.

I was pleased that the Chairman of the Interior Committee, Congressman Wayne Aspinall, listed the St. Croix as one of the rivers for study in the National Rivers System in his bill, H.R. 8416, and I sincerely hope that it will be put in the category of immediate inclusion in the system, especially since it is so designated in the Senate passed National Wild and Scenic Rivers System, S. 119. The hearings conducted by the Senate Interior Committee in April, 1965, show wide support from interested individuals, sport and wildlife and conservation groups in the local and state area, as well as from all major national conservation organizations.

Mr. Chairman, I believe that the St. Croix River and its tributary, the Namekagon, fit very well the declaration of policy in Section 1(b) of H.R. 8416 that "certain selected rivers of the Nation which, with their immediate environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations."

Our precious heritage of natural and unspoiled beauty and unpolluted streams, once exhausted and destroyed, can never be replaced. We are now spending millions of dollars and thousands of man-hours in efforts to restore the Potomac River in our nation's Capital, the Great Lakes, and other important waterways to some degree of their original beauty and purity. We have a golden opportunity to save the few remaining scenic and wild rivers as part of our nation's heritage for this and coming generations.

Some rivers are work rivers, like "Ol Man River," the commercial and industrial Mississippi. Others, like the St. Croix and its scenic tributary, the Namekagon, should be enjoyed for their beauty and recreational aspects alone. Many people have called the St. Croix the last clean river in the United States. With its close proximity to the large metropolitan areas of Minneapolis and St. Paul, as well as to the smaller cities in Northwestern Wisconsin, it provides an easy access to countless hour of boating, fishing, camping and other recreational pursuits for young and old alike.

Mr. Chairman, the 10th District of Wisconsin which I represent and through which most of the St. Croix and its tributary, the Namekagon, flow, is an area which is pulling itself up by its bootstraps. Its once great stock of valuable timber has been cut; its mineral resources have been sadly depleted; its farm land, which has never provided too fertile a soil for efficient agriculture, cannot support successful farming operations. Yet, this area has gone from a depressed area to one of increasing self-sufficiency. The recreation industry, with its tourist expenditures, has contributed immeasurably to the economic growth and stability of the area. Keeping the St. Croix and the Namekagon as scenic rivers is vital to the economic well-being of the area and its residents. I sincerely hope that this Subcommittee, the full Interior Committee and this Congress will unite in "Saving the Scenic St. Croix."

At this time, I would like to list some of the local area and state groups which are supporting the St. Croix as a scenic river, along with sumbitting a copy of a Resolution adopted by the County Board of Supervisors of Washburn County on January 10, 1967. The list of organizations and the Resolution follow:

Wisconsin and Minnesota State Departments of Conservation
Wisconsin Wildlife Federation
Wisconsin Resources Conservation Council
Wisconsin Farmers Union
Wisconsin State Division of the Izaak Walton League
Wisconsin Federation of Women's Clubs
Save the St. Croix, Inc.
Five County Development Group of Ashland, Bayfield, Douglas, Iron and Price Counties
Hayward Lakes Resort Association
Southern Bayfield County Sportsman's Club
Ashland County Civic Club
St. Croix Alliance of Conservation Clubs
4-County Corners Sportsman's Club
Minnesota-Wisconsin Boundary Area Commission

PROPOSED RESOLUTION, ST. CROIX NATIONAL SCENIC RIVERWAY,
WASHBURN COUNTY, WIS., JANUARY 10, 1967

Whereas, the St. Croix and Namekagon Rivers flowing within and along the western boundary of the State of Wisconsin and through Washburn County in the State of Wisconsin and through adjoining counties of Douglas, Bayfiield, Sawyer, Burnett, Polk, Pierce, and St. Croix Counties, Wisconsin; and,

Whereas, the region has experienced economic decline and significant losses of population over the past 15 years, and due to the decline in the lumber, mining, and agriculture industries, the area must now look, in part, to the growing recreation industry for economic growth; and,

Whereas, the St. Croix and Namekagon Rivers comprise more than 200 miles of unpolluted, scenic, and undisturbed wild river and scenic riverway; and,

Whereas, these areas are of great scenic and historical value and possess a high value to the Nation, to Wisconsin, and to Washburn County as examples of unspoiled areas of great natural beauty, which are used by large numbers of Wisconsin and non-resident visitors each year for outdoor recreation and physical and spiritual refreshment; and,

Whereas, these areas are within easy traveling distance of over 50 million people, and the development of outdoor recreation resources within the proposed St. Croix River National Scenic Riverway will mean additional tourist expenditures, the establishment of direct Federal employment for both permanent and seasonal jobs and the generation of many more jobs in the tourist service industry; and,

Whereas, the establishment of the St. Croix National Scenic Riverway would preserve the scenic and historical beauty of these fine rivers in perpetuity for Washburn County and Wisconsin citizens and indeed the citizens of the Nation and for future generations, stimulate the development of an outdoor recreation industry, provide new jobs and new sources of income to people in the area, benefit the people of Wisconsin and the Nation, who visit these areas each year, and over the long run enhance the local property tax base by attracting new summer home development by persons desiring to use Washburn County's unspoiled lakes and wild rivers;

Be it therefore resolved, by the Washburn County Board of Supervisors, that they favor legislation providing for the establishment of a St. Croix River National Scenic Riverway in the States of Minnesota and Wisconsin.

STATEMENT OF HON. JOHN D. DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman and Members of the Subcommittee, for the record, my name is John D. Dingell and I am a Member of Congress from the Sixteenth District of Michigan. I welcome this opportunity to present my statement in support of the bill, H.R. 493, which I introduced on January 10, 1967. The purpose of my bill can best be described, I believe, by quoting from President Johnson's message on Natural Beauty. The President said: "* * * the time has also come to identify and preserve free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory."

The need for Congressional action is urgent. As Secretary of Interior Stewart L. Udall said in his report to Congress, "The time to act is now, before it is too late."

A study launched by the Department of Agriculture in 1963 reported that we have in the United States approximately 100,000 miles of rivers and tributaries that average a flow of at least 550 cubic feet a second. But the truly wild, unspoiled river is almost a thing of the past. There are, however, several free-flowing rivers or segments that still retain enough of their original character, or which can be restored, to provide the distinctive type of outdoor enjoyment and inspiration that millions of Americans seek every year.

Many of these waterways also have historical significance. In the era of early settlement and exploration, they were the pathways used to open up the country. Under the provisions of my bill, these historical values would be preserved and protected.

In drafting H.R. 493, I purposely made it broad in scope, broader in fact than some of the other scenic rivers bills that have been introduced. My bill designates segments of 16 rivers as scenic river areas; whereas, some of the other bills include fewer rivers. In addition, I want to point out that H.R. 493 provides for orderly classification and subsequent development of the scenic rivers included. It also provides for systematic additions to the system over 5 and 10 year periods.

At this point, I think we should carefully consider the growing demand for outdoor recreation and open space, for these factors are an important part of the scenic rivers proposal. In the United States we anticipate that by 1975, water-based recreation needs will increase by 170 percent over what they were in 1960. and by 400 percent by the year 2000.

In discussing this same challenge, Secretary of Agriculture Orville Freeman had this to say: "Every year, 9 out of 10 Americans—some 175 million of us—are on the move in search of outdoor fun—places to picnic, swim, hunt, fish, play, or just to relax and enjoy the fresh air and sunshine. Great as the demand for such facilities already is, we expect it to triple by the end of this century.

"This growth will flow from four major factors: (1) population, expected to nearly double by the year 2000; (2) disposable income, likely to quadruple; (3) leisure time, to increase by one-third; and (4) auto travel, headed for a fourfold increase over present levels."

This, the Secretary said, is the dimension of the recreation challenge.

While affirming his belief that the challenge can and will be met, he warned, "There is one sure way to fail to meet it—that is by attempting to resolve the recreation challenge by itself. We cannot meet it piecemeal. We can adequately meet it only in the context of the total environmental challenge."

Suburban sprawl and megalopolis are also serious problems. Every year we are losing two million acres of rural area to urban use. The bulldozers and subdividers are gobbling up green space and converting it to jungles of asphalt and concrete at an alarming rate to provide for the population pile up. Somehow we must find a way to strike a balance. Somehow we must find a way to retain a part of "America, the Beautiful" while there is yet time.

In conclusion, Mr. Chairman, I see our scenic rivers as a vital part of America's future—a vital part of Countryside, U.S.A. Therefore, I urge enactment of H.R. 493 to assure unspoiled, unobstructed waterways for all of us, now and for those to come in the years ahead.

STATEMENT OF HON. ALBERT H. QUIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Chairman Taylor and distinguished members of the Subcommittee, it is a privilege for me to have this opportunity to appear before you today and to express my wholehearted support for pending legislation designed to reserve and preserve certain of our great riverways and their adjacent lands by establishing a National Wild and Scenic Rivers System.

As you know, I have authored and introduced a bill identified as H.R. 6289, to establish the St. Croix National Scenic Riverway in my own State of Minnesota and in neighboring Wisconsin. It is my understanding that the purpose of my legislation can and will be accomplished with the passage of the National Wild and Scenic Rivers System legislation now under consideration by this body. For, with the refinements in definitions and classifications that have been made since the Senate approved legislation to create the St. Croix National Scenic Riverway during the last session of this Congress, it now appears more appropriate to include this proposal as an integral part of any National Rivers System.

The expansion of the term "wild" river and the addition of the "scenic" river concept are wise and certainly essential if we are to accomplish our goal of maintaining certain of our great rivers in their natural and unspoiled state for the enjoyment of present and future generations. The St. Croix and its tributary, the Namekagon River, possess unique scenic and natural values that qualify them for inclusion with each of these respective categories. The peculiar problems of satisfying simultaneously public recreational interests and protecting local property rights and the promoting of local and State development interests can be resolved, it seems to me, by designating the lower St. Croix as a "scenic" river and the upper limits as a "wild" river—with the appropriate development of each.

This dual designation of the St. Croix and its Namekagon Tributary and their proposed inclusion in a National Rivers System continue to enjoy widespread support in Minnesota. Minnesota authorities are anxious to cooperate with their Federal counterparts in a joint effort to preserve the natural attributes of this riverway.

I respectfully urge, therefore, that the Subcommittee give favorable consideration to legislation to establish a National Wild and Scenic Rivers System—a system that will assure that the St. Croix River and other great natural landscapes will continue to be sources of scenic beauty and recreational pleasure—and will not vanish into oblivion.

STATEMENT OF HON. JOHN A. BLATNIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman, I appreciate the opportunity to testify in support of a National Scenic Rivers System which would include the St. Croix River. We all know and recognize the great importance of protecting and preserving our rivers with special beauty for future generations. I congratulate the committee for holding these important hearings. These hearings provide a real forum to air the opinions of those affected. Your hearings represent a cross section of witnesses. They include people who actually use the river or intend to use it. These witnesses include industrial as well as recreational interests.

The outdoorsman's paradise aspect of this scenic river has been described by my colleagues, Representative Fraser, Senators Nelson and Mondale and others. I agree that there is a definite need to protect and preserve such scenic beauty on certain portions of the river. Certainly the clean water of the St. Croix is a rarity in 168 when we find virtually all of our rivers poisoned in some degree by pollution.

I have long fought for conservation of our natural resources. The St. Croix truly represents one of the most scenic waterways in the Midwest. Our Special Subcommittee to inspect flooded areas in the Upper Mississippi River Basin visited this area in early 1965. The estimate at that time of the total flood damages including emergency costs was about $5 million in the St. Croix Basin. There is currently a study under way to determine the feasibility of flood control improvements in this area. I mention this only by way of pointing out the complexities of conservation and water management.

I feel certain that the thorough hearings that are being held on this subject matter will result in an excellent bill when it is reported out of committee. Many Americans will be grateful for the foresight that is being displayed by this committee.

STATEMENT OF HON. CHARLES E. BENNETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I appreciate this opportunity to appear before the Committee, hearing testimony on legislation to establish a National Scenic Rivers System.

As a long-time supporter and sponsor of conservation legislation, including the Wilderness Preservation System and the Land and Water Conservation Act, I am in complete agreement with the objectives of the scenic rivers proposal. I believe the legislation being discussed today before the Committee is comparable to those two landmark Acts.

Congress should enact a scenic rivers bill at the earliest possible moment. I believe as President Johnson said in 1965 in his message to Congress on Natural Beauty that it was time to ". . . preserve free flowing stretches of our great scenic rivers . . ."

As a life-long Floridian, I have a parochial interest in seeing one particular river in the United States preserved for and enjoyed by future generations in its present state of natural attractiveness. Rich in scenic beauty and archeological and historical values, it is unique in many of its fine qualities, being the most southern of all the rivers under consideration.

This is the Suwannee River, immortalized by Stephen Foster in his famous folk song, "Old Folks At Home." He made the Suwannee famous throughout the world, and more than any other stream in America, it is close to the hearts of all of us.

"The Suwannee River receives its initial flow of water from the Okefenokee Swamp, gains additional water from such strange names as the Alapaha and Withlacoochee Rivers," the Florida Development Commission observes, "and knives its way through beautiful banks of limestone, adds clear, cool water from innumerable springs, takes on more from the Santa Fe River and flows lazily into the Gulf through a swamp area much the same as that which gave it birth."

While I am not the Member of Congress who represents the Suwannee River area at this time and cannot speak for the people who live in that area, I did once represent the counties through which the river flows when I first came to Congress and still have a great interest in that part of Florida. The Suwannee flows through eight counties in Florida, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison and Suwannee. Historically, all of these counties have derived their main source of income from agriculture. During the last thirty years the increase in population has not kept pace with Florida as a whole, and from 1940 to 1950 the area actually experienced a population decline.

The Suwannee River valley should become a National Park, for some very basic reasons and should be part of the National Scenic Rivers System.

First, it meets the requirements of a scenic river. It is free-flowing, in an area not over populated and has outstanding beauty, recreational possibilities, and historical richness.

Second, it is the only Florida river being actively considered by the National Park Service and Congress to be included in the scenic rivers legislation. I understand proposals have been made by Florida conservation groups to also include for study the Wacissa River, in Jefferson County in North Florida, and the Oklawaha River in the Ocala National Forest in Central Florida; and some have suggested the source or southerly reaches of the St. Johns River. I support these study proposals, also.

Third, the area is not over developed and there is no indication that it ever will be. There are only two towns of large size on the river's banks, White Springs and Branford, both with populations under 700. The total population of the twelve counties the Suwannee runs through (eight in Florida, four in Georgia) was 123,508 in 1930 and 125,450 in 1960.

Fourth, the Suwannee River area which lies in the middle part of Florida, the nation's first tourist state, is thus not far from the traveling public. As the National Park Service reports in its economic study prepared by the University of Florida: "There are few other areas remaining in the United States, if any, which provide as extensive a river and forest area in the natural state which are also in a location which is readily accessible to a very large proportion of the population of the nation." Almost 90 percent of the tourists coming through Georgia and into Florida move over highways that bring them across or close to the Suwannee River. These tourists and visitors

are usually on their way to the great population areas of our state, in the central and south portions of Florida. A Suwannee River National Park would be of tremendous benefit to all Americans. The Suwannee River has national interest, not just local and state support. A check of vehicle license tags indicates that about half the people who use our State parks come from other states. A Suwannee River National Park would follow the same pattern.

The full development of the Federal Government would have significant and beneficial influence on the area. The University of Florida economic study estimated that over one million persons would visit the Suwannee National River Park and spend $27 million annually, thus opening a new business in the area.

The Suwannee River as part of the scenic rivers system has wide support in Florida. The Florida Audubon Society has submitted a statement to the Committee in behalf of the legislation, and the Florida Federation of Garden Clubs and the Florida Federation of Women's Clubs have repeatedly expressed their support of the pending bills. The Florida Conservation Council, composed of 13 state-wide groups, urged the passage of legislation on a Suwannee National River Park on March 6, 1968.

I know there is some active and vigorous opposition to the Suwannee proposal, but I believe this would diminish or die if a more exact and reasonable proposal could be made as to what definitely would be done.

Mr. Chairman, I am hopeful the Committee will report a bill establishing a National Scenic Rivers System, including at least for study the Suwannee River, one of America's great rivers, which should be preserved for the future enjoyment of all our people. Thank you.

STATEMENT OF HON. WILLIAM HENRY HARRISON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mr. Chairman an issue on which there is virtual unanimity among Wyomingites in public office is that of the exclusion of the upper Green River of Wyoming from any legislation calling for creation of a wild or scenic rivers system.

I appreciate this opportunity to articulate my concurrence in this strongly held sentiment and to ask this committee to remove the Green River from any reference whatsoever in any legislation that might be forthcoming from your deliberations.

Water and the latitude to use it judiciously for both economic development and scenic enhancement are of immeasurable importance to Wyoming's future. Already our entitlement to waters of the Colorado River system is imperiled by the legislative progress of the land debated Central Arizona Project. We cannot look optimistically to the decades ahead if that perspective reveals that the rivers vital to our growth are locked tight into a system which precludes their use by the State through which they flow.

If the Green River of Wyoming is included in a wild or scenic rivers system I fear the effect upon our use of Colorado River waters in our future growth as a State.

I respectfully ask of this committee that it consider how well Wyoming has respected the natural beauty and freedom of flow of this river, and trust to the continued good judgment of Wyoming and her people by agreeing in your councils not to include the Green River in any legislation before you.

STATEMENT OF HON. DON FUQUA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, last year I told the Senate Interior and Insular Affairs Committee that the preservation of our nation's scenic wonderlands in their natural state for future generations is a laudable undertaking. The fact that this nation has now passed 200 million in population and will continue to grow at an increasing rate makes it imperative that we increase our efforts to wisely preserve a part of our natural heritage.

The problem which confronts my people with regard to the Scenic Rivers Bills now pending before this committee is that no one, and I emphasize the phrase "no one", knows what would happen if the Suwanee River should be included in this measure.

Thus, it has been virtually impossible for anyone to come up with an opinion as to the wisdom of the plan. There will always be problems and many cases of hardship when you consider measures of this type, but it seems to me that the problems for our people are magnified.

The Suwannee River was placed in the original bill without consultation and the National Park Service has never been able to tell the people in my district exactly what they can and would do. I am not attempting to find fault but I think it right and proper to point out that the Park Service officials have reportedly made conflicting statements about certain basic portions of the bill.

This was not done from malice or a deliberate attempt to delude anyone, but was rather done because these officials were placing their own interpretation on the bill and acted in what they thought was good faith.

I want to point out that my own relations with the National Park Service have been excellent and they have made a genuine attempt to help me resolve some of the personal problems which this legislation has caused me.

My purpose in testifying is to ask that you not consider any of the proposals which would take the Suwannee River in the active category immediately. There are a number of bills which place it in the study category and this is much more preferable to our people.

The National Park Service earlier this year sent a survey team into the area to survey the stream and they tell me that we should have the benefit of their report about the latter part of May. This will mark the first time that we will have had in writing detailed plans as to what would be done with the river if it should become a part of the Scenic Rivers system.

It should be pointed out that the Suwannee River is almost entirely privately owned, with the exception of very small parcels owned by the State of Florida and a few county governments. I doubt that all of this government owned acreage would exceed one per cent of the area involved.

I urge you not to report out a bill which would include the Suwannee River immediately. This would make a mockery of the good faith efforts of the Governor of Florida and the National Park Service, in full and complete cooperation, to present a detailed plan that our people can consider and give us the benefit of their thoughts as to changes which might need to be made to meet local conditions.

At this point I would like to repeat a portion of the statement I made to the Senate Committee last year:

"Last year several measures were introduced which were termed the 'Wild Rivers Bill.' Unfortunately, none of the authors nor any government agency showed the two Congressmen in Florida through whose districts which the Suwannee River flowed the courtesy of informing them of this action.

I do not question the right of these gentlemen to introduce such legislation, but I feel it would have been more considerate had they informed us of this act, so that we might have better informed ourselves.

That, however, is water over the dam.

The measures which have been presented in the 90th Congress contain the Suwannee River to some extent. Either the Suwannee is to be included at the outset, or it is to be studied for possible inclusion.

When I found out that the bills had been presented to the 89th Congress, I did not grab a 'soap box' and denounce the program, but diligently tried to inform myself. I met with officials of the National Park Service to discuss this program and what could be expected if it should pass.

Since it so directly affected the economy of a large portion of my district in Florida, I asked that a large public hearing be held. At this session many questions came up and much heated debate followed.

It was at this point that I asked that a series of eight meetings be held at a later date, so that the National Park Service could answer the questions which had been posed and which could not be answered at that time in full.

Generally speaking, the people of my section are reasonable men and women. I talked with large numbers of them who said they thought maybe the idea had merit, and wanted to know what could be expected if this legislation passed.

I might point out that there is virtually no Federal land along the Suwannee from the point of its inception in Georgia to the point where it empties into the Gulf of Mexico, after meandering through the northern section of Florida.

I have received a large number of letters both pro and con regarding this measure. Many who have never read the bill demand that we blindly support the

measure, while others violently opposed, demand that we see that it is removed from consideration. I think the gentlemen on the committee know as well as I that I do not have the power to accomplish the latter."

What I do hope to accomplish is to commend the idea of preserving certain of our nation's streams in their natural state. This concept has my support.

I rely on the Representatives from the other streams which are being considered to point out to you that peculiar problems which might be attendant to such legislation in their areas.

The people in my district are reasonable men and women and they genuinely want to know what would happen to their beloved river if it should become a part of the Scenic Rivers system. This the National Park Service is going to do for them in about 90 days.

I believe that you will agree with me that they should have this opportunity and that you will leave the Suwannee in a study category as it appears in the Senate bill, rather than considering it among the first streams in the nation to be included.

STATEMENT OF HON. RICHARD H. FULTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. Chairman and Members of the Committee: There is a great need that action be taken now, before it is too late, to assure that areas of our nation are preserved in their natural state.

Failure to take such action could mean that future generations will be denied a part of their heritage . . . the opportunity to share in their nation's past.

H.R. 15429, the Scenic Rivers Act, will assure that certain of our free-flowing rivers will be retained in their natural state. This legislation has my strongest support and endorsement.

My State of Tennessee has been fortunate in being the center of vast electric power facilities through the harnessing of our major rivers by the Tennessee Valley Authority. Our area is grateful for this.

However, we also recognize the need to set aside certain of our rivers to be enjoyed for their natural beauty.

Tennessee is also fortunate that there still exists within its borders a number of water systems which meet all the specifications outlined by the Secretary of the Interior to qualify them to be a part of the Scenic Rivers Areas.

One such river is the Buffalo, from its beginning in Lawrence County to its confluence with the Duck River.

Two deep-gorge rivers, the Obed and the Big South Fork of the Cumberland, are also imminently qualified for inclusion in the Scenic Rivers Act.

The Tennessee Citizens for Wilderness Planning has effectively detailed the qualifications, as well as the cost estimates, for inclusion of these waterways in their testimony before this Committee. I fully endorse the efforts of the Tennessee Citizens for Wilderness Planning, and it is my hope that the Committee will include these three Tennessee rivers under the provisions of H.R. 15429.

I have introduced legislation which would include the Buffalo River in the Scenic Rivers Act. At this time, I would like to recommend that the Obed and the South Fork of the Cumberland also be included, at least in the category of rivers to be studied for possible future participation.

Mr. TAYLOR. This appears to be as much as we can do at this stage, and the subcommittee will meet again at 2. The committee stands adjourned.

(Thereupon, at 12:15 p.m. the subcommittee adjourned, to reconvene again this afternoon at 2 p.m.)

AFTERNOON SESSION

Mr. TAYLOR. The subcommittee will come to order.

Our first witness this afternoon is Dr. Edward C. Crafts, Director of the Bureau of Outdoor Recreation, Department of Interior.

Dr. Crafts, again we welcome you to the subcommittee.

STATEMENT OF EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. CRAFTS. Thank you, Mr. Chairman, it is good to be here again.

I have a prepared statement which I believe has been made available to the committee members. It is a rather lengthy statement. I would like it to appear in full in the record, and I would like to read rather substantial portions of it, because I think it may help to clarify some of the questions raised this morning, and to illustrate some the major differences between the various pending bills.

Mr. TAYLOR. In the absence of objection, the statement will be printed in full in the record.

Mr. CRAFT. This is a complex set of bills, and a number of complex questions involved. I hope that this testimony may prove helpful to the committee.

I am appearing today on behalf of the Department, representing the Secretary. He asked me to express to you his deep regret that he could not adjust longstanding out-of-town commitments for today and tomorrow in order to appear himself. I know he had intended to do so, because he had told me this—he told me to prepare this draft of testimony before he learned the date of the hearings.

The Senate passed a bill in the first session of this Congress to establish a wild and scenic rivers system. That, coupled with the early consideration of the pending bills by the House committee in this session, is deeply appreciated by the administration. The committee is to be congratulated for so doing, particularly in view of the fact that it carries one of the heaviest legislative schedules of any House committee.

I think I can skip a good bit of the second page, insofar as reading it goes, because it reviews the origin of the scenic rivers proposal insofar as we are aware of it. It came out of the recommendation of the Outdoor Recreation Resources Review Commission in 1962.

I should point out that the Departments of Agriculture and Interior in 1963 began about a 2-year study of a large number of rivers with a view to ultimately coming before the Congress for appropriate legislation.

Initially there were some 650 rivers that were screened. That was cut down to 67, which received preliminary field reconnaissance, and some 22 that received more detailed study and consideration.

While there is some switching back and forth between the 22 and the 67, for the most part, the rivers named in what I shall subsequently refer to as the four major bills before the committee come out of those 22 rivers.

So I hope that this study by the two departments has proved helpful.

In January 1967, President Johnson repeated a hope expressed earlier that some of our scenic rivers might be preserved in their natural state.

In February of last year, the administration sent a proposal to the Congress—somewhat revised proposal. But prior to this time—and I wish Mr. Saylor were here, because I think he felt in an earlier hearing this year that I had things a little mixed up, and I did at that time, but I have them straight now. Prior to the administration's proposal

of February 18, Congressmen Saylor and Dingell introduced scenic river bills on the 10th of January, in the first session of this Congress.

Mr. Saylor's bill in the 89th Congress and his bill of this year were, I believe, the first bills to turn from the term "wild rivers" to "scenic rivers."

Senator Church reintroduced the bill as it passed the Senate, and in due course last August the Senate again passed a bill by unanimous vote. There is a slight error in the testimony. It indicates the vote was 72 to 0. I am told it was 84 to 0.

That bill is before you today.

Prior to this, however, Mr. Aspinall, after, I am sure, the most careful consideration of all the various pending proposals, introduced H.R. 8416 in April.

H.R. 6166, which Mr. Reuss sponsored, is the bill identical to the one submitted by the administration. For purposes of simplicity, I will refer to it as Mr. Reuss' bill, although sometimes this is objected to by members. I notice he did not indicate it was introduced by request. So I hope he would not object to my referring to it in that manner.

Therefore, the four bills that to me appear to be the major bills before the committee are the chairman's bill, Mr. Saylor's bill, the Senate-passed bill, and Mr. Reuss' bill. They are all different in various aspects.

I call those major bills, without any intent to play down the various other bills that are before you, or the bills that relate to individual rivers.

Then on page 4 of my testimony, I list what we believe to be the major documents before this committee insofar as they emanate from the Interior Department. The first item which I list is the Secretary's letter of February 18, 1967, which submitted the administration bill.

Although the letter to Mr. Aspinall of August 14 which is in the record, was dated a few days after the Senate action of August 9, it was under preparation some time before. As a consequence, the administration has not expressed a position of preference between S. 119 as it passed the Senate and the various pending House bills. I hope to indicate some of those major differences, and can answer questions on those differences.

Mr. ASPINALL. Let me understand what you mean, Doctor. You mean that although the Secretary or the administration has not taken any position upon these differences, you wish to point them out to us?

Mr. CRAFTS. That is correct.

Mr. ASPINALL. But you do not wish to take any position on them?

Mr. CRAFTS. Yes, I think I can take a position on them, Mr. Aspinall.

Mr. ASPINALL. All right.

Mr. CRAFTS. Yes.

Mr. TAYLOR. Go ahead.

Mr. CRAFTS. The attachment to my testimony which is of some length follows the last page of the text, page 17. It is a summary of the major differences between these four bills. We have an index of the subject matter covered, which may be helpful for reference purposes. When we get to the question and answer part, I will probably be re-

ferring to that, and will try to explain any of our statements there.

It is the first real comparison that I am aware of that has been put before the committee with respect to these four major bills. We attempted to cover not only the obvious differences, such as the differences in the rivers to be designated in the system, and those which would be earmarked for further study, but also methods of boundary designation, administration of the rivers, State and local participation, the effects on water rights, mining, FPC, acquisition, condemnation authorities, other uses, such as timber harvesting and grazing and so on, as well as the relationship of the costs of the different bills to the potential of the Land and Water Conservation Fund as ordered reported out by this committee, I believe, yesterday or the day before.

And I can get into that.

I see little point in describing the bills. The cogent differences are summarized in the back.

But it seems to me the most significant questions which frequently come up are (a) the differences in the rivers to be immediately designated, (b) the more significant recommendations of the Department for amendments in the chairman's bill, H.R. 8416, and (c) the significant differences between the Senate-passed bill and H.R. 8416 if amended as the Department recommends.

On the next page is a little tabular summary of the four bills, which may be helpful. The first column shows the difference in the number of rivers for immediate designation. They range from four in H.R. 8416 to a maximum of 16 in H.R. 90; in the next column estimated costs of acquisition for the designated rivers; followed by the percent that estimated fee title acquisition cost would be of total acquisition cost; the estimated cost of development. But we do not have in here, and I am not sure we could get it until we came down a little more specifically on boundaries—maybe we could give you an estimate if you want it—the annual maintenance and operation costs.

The acres to be acquired, both in fee and less than fee, are shown, and the comparison between the different bills as to the number of rivers to be studied is likewise contrasted.

It seemed to me that this little one-page sheet summarizes the differences pretty effectively—the number of rivers, estimated cost, estimated land involvement, and the rivers which would be ordered for study within a specified time.

The following page relates only to the rivers named for immediate andoah River down appear only in Mr. Saylor's bill.

I would like to point out some significant differences in mileages between the bills, even though the names are the same. So the fact that the Saint Croix-Namekagon is named in the Senate-passed bill, and is likewise named in Mr. Saylor's bill, the two bills provide for a considerable difference in mileage. The same applies as between the administration bill and Mr. Saylor's bill on the Cacapon. The Illinois appears in the designated category only in the Senate-passed bill. Even in the first four rivers, there is a 10-mile difference in boundary of the Rogue as between—two bills have 85 miles, two bills have 95 miles.

There is a very substantial difference in the Salmon. This is prob-

ably the most outstanding difference, the mileage ranging from a minimum of 105 in the Senate-passed bill, to 340 in Mr. Saylor's bill. The Chairman's bill and Mr. Reuss' bill are the same.

On this list, those rivers for immediate designation from the Shenandoah River down appear only in Mr. Saylor's bill.

The point here is that the rivers are quite different not only in name, but quite different in length.

I think referring back to the table on the preceding page you will note that the development costs, in relation to the acquisition costs, underrun the acquisition cost except in the chairman's bill. Usually the ratio is the other way around. Usually in a national park or national recreation area, the development costs end up by being two, or sometimes more than twice the acquisition costs.

The probable reason the development costs are higher than the acquisition costs in the chairman's bill is that so much of the land and the rivers named is already in public ownership. But this is only a supposition on my part as to the reason for this difference.

Further, and this is a very broad estimate, we estimate that to make the necessary studies of the rivers so specified in the bills for study would average about $50,000 per river. This means that the costs of the study part of the bill could range from a minimum of $1 million in the chairman's bill, to $3.3 million in H.R. 90.

As I say, these are very crude estimates.

The fourth paragraph of the Department's report of last August makes clear that any combination of the designated rivers, as indicated in the chairman's bill, in Mr. Reuss' bill, or in the Senate-passed bill, would be acceptable for designation at the present time. If you combined the rivers in those three bills up to the point of the Shenandoah and stopped—we did not include Mr. Saylor's bill in this policy statement—utilizing the longest length indicated, the estimated cost of acquisition would be about $38 million.

Now turning to the Department's proposed amendments.

When we reported on these bills on August 14, we reported on a group of them, but we directed our comments to H.R. 8416. I believe there are some 17 amendments.

I am sorry the number is so large, because I think it is misleading.

Most of these amendments, in our judgment, can be properly interpreted as clarifying or perfecting, and not of consequence substantive.

We do believe that amendments 1, 2, 4, 6, and 17 are substantive suggestions, and I would like to mention those.

With respect to the first amendment that we propose, the bill, as introduced, provides for the identification of boundaries through maps. Our preference would be that the boundaries be established after we have made more thorough on-the-ground surveys than we have at the present time. I believe there is language in the report which proposes that the boundaries generally will not extend to a width of more than a quarter of a mile from either side of the river. Another way of expressing it is that the maximum that could be included per mile would be 320 acres.

Now, under this provision, as I am sure you realize, this would let us squeeze in and out like an accordion—come down to a hundred

feet, and then bulge out at other places. The Department prefers this as a policy position. It is not as specific as individual maps. I do not believe we are in a position to present more than the maps before you. We have maps on every one of the designated rivers around the back of the room. But whether we are prepared to come down and say this is where the boundary ought to be, at this particular point, right now, we are not in that position.

The question has also been raised whether the intent of the administration here is 320 acres per mile, or an average of 320 acres per mile over the full length of the river per mile.

In other words, if you applied the 320 acres on a per mile basis, this gives you less in and out room than if you had a hundred mile strip and applied the 320 acre-mile average over the full hundred miles.

There has been some difference of opinion within the Department on this, both as to intent and as to what it should be. I am instructed to indicate to you today that the Secretary's preference—and he told me this personally—would be to apply an average, if this approach is used, of 320 acres per mile on the whole stretch of the river rather than on the per mile basis.

I am also advised—although I am not prepared to go into detail on this—that there is a precedent for this in the width designation of some of the parkways that have been established.

I think that is all I can say about that amendment.

But this is a substantive difference.

The second difference is that the chairman's bill provides for four classifications, and for some, I believe, subclassifications, or two subtypes in addition to these classifications.

We have no objection to this classification. In fact, we think it is desirable.

But we think it would be better to make the classification again after there has been what I guess the Park Service formally terms a master plan made, that we would be in a better position to make the classification than we would to indicate it at the present time. So our suggestion is that the administering agency be directed to classify according to the classes and to the definitions of those classes as soon as they can after the rivers are included in the system, but not now, because we do not feel we know quite enough about it.

The fourth amendment, as I understand it, would prevent the Secretary from acquiring land, either public or private, within the boundaries of any political subdivision of a State without the consent of that political subdivision.

Now, this may be a question of understanding or interpretation.

Our attorneys interpreted this provision of H.R. 8416 to apply, not only to the acquisition of public lands within a political subdivision of a State, but also the acquisition of private lands. This may or may not have been intended. If it was intended to apply to both public and private lands, it gives, in effect, a veto power to the county or the city over acquisition of any lands. As I say, we may have misinterpreted this, but this is the way our attorneys read the bill.

We recommend, therefore, that the private lands be subject to eminent domain, but not the State-owned lands, or the lands owned by a political subdivision of the State if that political subdivision is follow-

ing a plan of management and protection that the Secretary finds compatible with the purposes of the Act.

There is also included a clarifying amendment here to make clear that Land and Water Conservation Fund moneys can be used for the purposes of acquisition. I believe that this relates to a possible problem of the Forest Service where it might be acquiring lands outside authorized boundaries of the National Forest. I believe the Land and Water Conservation Fund Act in general limits the Forest Service to the use of such funds within the boundaries of the forest as established at the time the Land and Water Conservation Fund Act passed.

So this is really only a clarifying point.

Another substantive amendment is that as we read the bill, that all federally assisted water resources projects constructed on or directly affecting a river included in the system be precluded. This turns in part on interpretation of water resource projects. Again we are advised that sewage treatment plants might be construed as water resource projects, and we think that construction of such plants might be desirable.

So we have recommended that the bill be amended to preclude water resources projects that would have a direct and adverse effect on the values for which the rivers are established. I would judge here that the intent is the same.

The last substantive amendment concerns special provisions with respect to the Allagash River and that portion of the Wolf River administered by the State with Federal financial assistance.

There was considerable discussion of the Wolf this morning. I can give you some specific cost figures and so on on it if you wish to go into that further.

The Allagash was not mentioned this morning. This is a stretch of a hundred or 120 miles in northern Maine which is being purchased and administered by the State. The expenditures by the State is being matched by a grant from the Land and Water Conservation Fund. We are putting into it $750,000, and the State voted a bond isue. That money is available, titles are being searched, and the land is under acquisition now. It would be administered as a State wilderness river. The widths are somewhat different. There is a maximum width under the State law of a mile on each side of the river for fee acquisition. I emphasize "maximum." And a maximum 2-mile width for scenic acquisition.

But this does not seem to us to be a hindrance to including this river, administered by the State and owned by the State, as part of the National System of Scenic Rivers if the Governor of the State so recommends. And we offer an amendment to that effect.

Essentially the same thing applies to the Wolf—although the pattern is a little different. Again, without going into the details on the Wolf, the part in Langlade County will be handled exactly the same way as the Allagash was handled—it is going to be a State river with State management. The State is acquiring greater widths than are provided for in these bills. And we have a commitment I believe for over a period of several years for about $511,000 out of the Land and Water Conservation Fund to match the State inputs. The lower part of the river would be strictly in the pattern of the scenic rivers legislation as it may pass, and be a federally administered river.

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We think it makes sense to combine the two. If a person canoes on them he is not going to care which agency is administering it. And one part of our designation that is affected here with the respect to both our amendment on the Allagash and the Wolf is that the amendment as so drafted would apply the Federal Power Commission restrictions that are otherwise in the bill to these two rivers.

Now, if I may proceed to the differences between the Senate-passed bill and the chairman's bill in the light of the amendments which we have offered.

There are, I think, six of those that we consider significant.

On the classification of rivers, the Senate-passed bill, and the House bill—when I say the House bill I am talking about the chairman's bill as the administration would recommend it be amended.

The House bill proposes that these rivers be classified into these various types, and provide for the designation of high density use areas and so on. The Senate-passed bill is simpler. It provides for only two general types—wild and scenic.

In the light of the chairman's question, if he asks our preference, I think the best statement is to say that we do not consider this to be a highly consequential matter, but in the long run, I think we would prefer the House version.

The second difference is restrictions on acquisition of lands by condemnation proceedings. The Senate-passed bill is rather complex. It precludes condemnation of any lands and interests therein except "scenic easements," without the owner's consent, if 50 percent or more of the whole area is in public ownership.

There is no such provision in the House bill.

The Senate-passed bill also precludes condemnation of State-owned lands and under certain conditions, county-owned lands, and lands within incorporated cities where less than 50 percent of the whole area is in public ownership.

The House bill is simpler. As we recommended the bill be amended, it precludes condemnation of State-owned lands and lands owned by any political subdivisions if they follow a management plan that is acceptable to the Secretary of the Interior.

We prefer the House provisions as we recommend H.R. 8416 be amended.

On the applicability of the mining and mineral leasing laws, there are differences between the House bill as we would recommend it be amended and the Senate passed bill. Both bills continue the applicability of the mining laws.

Neither bill affects the valid mining claims existing at the date of enactment. If, however, the claim is validated after that date, both bills make mining operations subject to appropriate regulations. Mineral leases issued after the date of enactment would also be subject to such regulations under both bills.

But in addition, the House bill provides that the mining claims validated after the date of the act would give the claimant title only to the mineral deposits in the claim, and the right to use the land surface as needed for mining purposes.

The House bill also includes provisions with respect to the withdrawal of Federal lands that constitute the bed and banks of a river,

from the operation of the mining laws, and here again we prefer the House bill.

On the proposed water resources projects, H.R. 8416, as we recommend it be amended, precludes the Federal agencies from assisting any water resource projects having a direct and adverse effect. Such provision also would apply to rivers under study. On this point, the Senate bill is silent. We prefer the House bill.

The Senate-passed bill establishes a National Wild and Scenic Rivers Review Board. It would be a high level board to conduct continuing studies and furnish reports to the Congress on the development of these rivers.

This is absent from the House bill.

The origin of this proposal was with Senator Jordan of Idaho. I have talked with Senator Jordan who is one of my many friends in Congress, and I know his concern. This is one reason why the Senate cut down the length of the Salmon so substantially. This again was a compromise.

But I am fearful that the review board as established in the Senate bill would move us in the direction of attempting to develop a cost-benefit ratio to put on the scales the value of wilderness or wilderness river against the much more readily tangible evaluation of the worth of water for irrigation and power. And it seems to me that if at any time the Congress in its wisdom decides that a river that has been designated needs to be de-designated, this can be done—although I recognize that it is harder to accomplish this than not to designate it in the first place, because you do not de-establish national parks, you normally do not de-designate wilderness areas.

This was the purpose behind this amendment. I understand the problem. But we would prefer that it not be included. Because we think in the consideration of these bills, as we go through Congress, what this may lead to can be done without the formality of the procedure provided in this bill.

The last difference is the appropriation authorization difference. The House bill has a specific limitation on the amount authorized to be appropriated and the Senate bill is open ended. The classic posture of the Department is that it prefers an open ended appropriation authorization. But I realize that this is not the pattern of recent legislation.

Now, on these other individual bills—the St. Croix, the Wolf, the Buffalo, Mr. Kyl's bill on the Lewis and Clark, I think you have a recommendation from the administration on Mr. Kyl's bill. I would like to talk of that in a moment.

St. Croix and Wolf have been discussed at length. It is in the Senate passed bill. We would like to see it in.

Mr. TAYLOR. Does that apply to both?

Mr. CRAFTS. The St. Croix and the Wolf—yes, sir; it applies to both.

The Buffalo, we are just not quite ready on that one. But I think we should have a report up to you on the Buffalo within the near future.

It seems to me, as the chairman pointed out, there is some significant relationship between the pattern that is developing on these bills and

the Wilderness Act. The basic thrust of all these bills is to preserve certain segments of these rivers in their relatively free flowing and unpolluted condition with minimum shoreline strips so we will know what the rivers of America looked like in the years to come, certain portions of them.

The pattern of designating a few initially, establishing the system, and then requiring subsequent additions be by act of Congress, follows the pattern of the Wilderness Act.

Conservation groups I think, as would be expected, support this legislation strongly, as do many Members of the Congress.

But Federal legislation has come to the point where it is over a period of years, going back about 6 years when the concept was perhaps originally advanced. And it takes time for legislation of this character and this significance and this complexity to shake down and mature, and receive the appropriate consideration that it merits in both the executive and legislative branches. And in due course, something usually comes out that is really meritorious, such as the Wilderness Act and the Land and Water Fund Act.

I think we are about at that point now.

I should in all fairness point out the bills are not without opposition. Sometimes this opposition is due to a lack of understanding. And in view of the number of bills and the differences in the provisions, it takes a great deal of intensive study to understand these bills and their differences and just what they would do.

Sometimes the opposition is a philosophical objection to additional Federal acquisition of any sort—although as the table in the middle of my testimony shows, this would be relatively small. Sometimes it is due to concern about the particular resource, minerals or grazing, or water or timbering. And sometimes, as it came out this morning, it is about the conflicting approach of building dams in these segments, water impoundments for water supply, or flood control, or irrigation or power.

All of these matters have been considered, and the total pattern of the rivers of the United States, what is being proposed here, either the maximum bill, Mr. Saylor's bill, or any of the bills that do not go so far in the total context of our national system of rivers I believe is relatively modest.

This bill does rank high on the list of priority conservation measures. I say this bill—I mean a scenic rivers system bill ranks high. It has been mentioned last time I think in the budget message. And I urge your favorable consideration of one of these four major bills. I have indicated our preferences. I have indicated how we feel about the rivers for immediate designation.

Now, we have here, if you want us to go through this, these maps—there are four maps here that we can flip for you, that show you at a glance really the difference in the impact between these four major bills. I really would like to do that.

Before I do that, I missed one thing. On page 9—this is purely perfecting, but it is not in the Department's report—on page 9 of the chairman's bill, line 15—and we just noticed this yesterday—I think the river is to Klamath rather than Klamath Falls, because we believe the intent was to go from the junction of Scott River downriver on the

Klamath through that wild section to the mouth of the river, rather than go upriver to Klamath Falls. So, if I am correct, I think the intent would be to strike the word "Falls."

We also have around the room individual maps for each of the rivers that would be designated in any of the four major bills. We have overlays of them so you can see how the bills differ, both as to length of the river that would be designated, which ones, and so forth. This would take considerable time. You have other witnesses. We can leave these here. We can come up and explain them to you at another time. Or if there are specific ones, we can go into them now.

I think our homework has been done pretty well on these 17 rivers.

If I may, Mr. Chairman, just to show you by ready contrast the difference here visually between these four bills. Do you wish me to do that?

Mr. TAYLOR. Yes, go ahead.

Mr. CRAFT. This is H.R. 8416, the chairman's bill, and the orange shows the four rivers that would be designated immediately, and the black are the rivers on which study would be directed. Of course this bill, and I believe all the other bills, make it possible for the Secretary of the Interior, and I believe the Secretary of Agriculture, in their discretion, to study other rivers of their selection, and to make recommendations to Congress.

The significance of the naming of them for study is that we are directed to study these, and by a certain time.

Now, this is what you might call the difference to the fullest extent in the other direction. You can see the difference. This is Mr. Saylor's bill. The orange, again, are the ones that would be designated now, and the black are the ones on which studies would be directed. There is a very substantial difference between these two bills as is apparent by just a quick look at the map.

This is the administration's proposal, which you see in a sense is sort of halfway between measure. It would designate more than the chairman's bill, it would study a few more, as the figures in the testimony show. It would not be as inclusive as Mr. Saylor's bill.

And this is the Senate-passed bill, which, as far as designations—is somewhat different than Mr. Aspinall's bill, but it is closer to that than are the other bills, and it designates a few more rivers for study.

As I say, the mileage of the designated rivers and the names of the rivers are shown on about the middle of my testimony.

I think, Mr. Chairman, that completes my prepared remarks. I shall try to answer questions as you wish.

May I say one more thing before I stop. I did not go into an explanation of the attachment.

There is a lot of detail in here, but it is significant. If you turn to the last page, the very last page, this relates to the rivers to be established under the four different bills, it relates to the mileage proposed in the four different bills, and it shows an estimated cost of acquisition. And because it seemed to me that this question would come up, and it already has come up, as to how can these acquisition costs be funded within the Land and Water Conservation Fund. If you recall, when we testified on that legislation, we explained that the administration considered the alternative levels of funding for the next 5

years—a $400 million level, a $300 million level, and a $200 million level. That latter is the far right—alternative three. Under the chairman's bill, as we have tentatively programed that money out, as between how it goes to the Forest Service, the Park Service, and how much to new park authorizations—already enacted ones—and the scenic rivers—we have tentatively programed out $9 million for acquisition in the first 5 years if the Congress enacts the $200 million level. This would cover the requirements of Mr. Aspinall's bill.

I should say, too, that of course this is very tentative because adjustments can be made within this total. But this is the way it is programed at this time.

I should also point out that these acquisitions presuppose something that may not happen. They presuppose fee acquisition for an average of 100 acres per mile—400 feet, and easement acquisition for the balance of the acreage between 400 and 1,320 feet.

Now, it is quite possible that both the fee acquisition and the easement acquisition would be less than that. It would not be more than that. If these cost figures are realistic, this is the anticipated amount or the highest you would get, not counting escalation. However, the history of all of this has been that the cost estimates are always low. So my guess is these figures are not too high.

The St. Croix, one little comment—Senator Nelson pointed out this morning negotiation is underway with Northern State Power Co., and so on. We do not know what is coming out of that, but the indicated acquisition cost estimate from Taylor Falls on up, is $7 million. This applies to estimates made before the Northern States Power question entered into the picture. The Park Service has just given me a newer figure which indicates that the range here might be anything from between $3 and $4 million to about $7 million. So we may be a little bit off on that.

But I thought you ought to know how these costs related to what the Land and Water Conservation Fund capabilities might be.

Thank you, sir.

(The prepared complete statement of Mr. Crafts follows:)

STATEMENT OF EDWARD C. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

I am privileged to testify today on behalf of the Secretary of the Interior in support of legislation to establish a National scenic rivers system.

Secretary Udall asked me to express his deep regret that he was unable to adjust prior out-of-town commitments in order to appear personally. I know he had every intention of testifying himself because of the importance attached to these pending bills as one of the 4 or 5 major conservation legislative items now pending before the Congress.

The Senate passed a bill in the first Session of this Congress to establish a wild and scenic rivers system. That, coupled with the early consideration of the pending bills by the House Committee in this Session, is deeply appreciated by the Administration. The Committee is to be congratulated for so doing, particularly in view of the fact that it carries one of the heaviest legislative schedules of any House Committee.

The genesis of the idea for giving special legislative protection to certain remaining sections of America's rivers was perhaps first given National impetus by the report of the Outdoor Recreation Resources Review Commission in 1962, which endorsed the concept.

In 1963, the Departments of Interior and Agriculture jointly and in cooperation with the various States, screened some 650 rivers for study as possible

wild rivers. Out of that initial screening, some 22 rivers received detailed consideration and 67 rivers received preliminary reconnaissance. Although there has been some switching back and forth, in general the rivers that are proposed for establishment in the four so-called major bills were selected from the 22 that were studied in most depth by the two Departments and cooperating States.

In 1965, President Johnson in his message to the Congress on Natural Beauty suggested that it was time to "* * * preserve free flowing stretches of our great scenic rivers * * *" In March, 1965 an initial wild rivers system bill was submitted to the Congress by the Administration. Early in 1966, the Senate passed an amended version by a vote of 71 to 1. The House did not act in the 89th Congress.

In January, 1967, in his message to the Congress on protecting our natural heritage, the President reiterated his hope that a portion of the Nation's great scenic rivers might be preserved in their natural state.

On February 18, 1967, the Administration again recommended to the Congress legislation to implement the President's proposal. But prior to either of these 1967 actions of the Administration, Congressmen Saylor and Dingell introduced scenic river bills on January 10, 1967.

The following day, Senator Church with 38 co-sponsors reintroduced in the Senate S. 119, a wild rivers bill identical to that which the Senate had passed in the previous Congress.

In due course, on August 9, 1967, the Senate passed a revised version of S. 119 by a vote of 84 to 0. That bill is before you today.

Prior thereto, however, Chairman Aspinall on April 12, 1967, after most careful consideration of the various pending proposals, introduced H.R. 8416. Likewise, H.R. 6166, which is identical to the Administration's proposal of February 1967, was introduced by Congressman Reuss on February 27.

During the past five years, interest in the establishment of a National system of scenic or wild rivers or identification of individual rivers for such action has increased continuously and there are now before the House some 17 bills. However, the four principal bills proposing a National approach are H.R. 8416 by Mr. Aspinall, H.R. 90 by Mr. Saylor, S. 119 by Senator Church and 39 other Senators, and H.R. 6166 by Congressman Reuss. It is to these four bills that my testimony principally will be directed.

I have summarized the above chronology of pending bills because this is the first time to my knowledge that Departmental witnesses have appeared before this Committee in support of such legislation. The scope of the proposals and the variety of their provisions make their consideration complex and difficult.

In addition to the four so-called "primary" bills (and I say this without intending any adverse reflection whatsoever on the numerous other pending bills), the key documents include:

1. The Secretary of the Interior's letter of February 18, 1967, submitting the Administration proposal at that time.

2. The Secretary of the Interior's letters of August 14, 1967, and September 18, 1967, reporting on several pending House bills including the bills by Chairman Aspinall, Mr. Saylor, and Mr. Reuss, but not commenting on S. 119 as passed the Senate, except in the summarization of the principal differences between the bills attached to the September 18 letter.

The fact, therefore, is that up to this point, even though the report to Mr. Aspinall of August 14 followed by a few days the Senate action of August 9, the Administration has not expressed a position of preference as between S. 119 as it passed the Senate and the various pending House bills. I shall attempt to identify major differences and answer questions on specific points as between the various bills, if deisred.

3. The attachment to this testimony summarizes the differences between the four major bills in more detail than heretofore presented. It includes not only the obvious questions such as which rivers are to be included in the system, and which rivers would be earmarked for further study, but also such other matters as methods of boundary designation, administration of designated rivers, State and local participation, effects on water rights, mining, the Federal Power Commission, acquisition and condemnation authorities, other uses including timbering and grazing, and estimated costs of acquisition by rivers scheduled for establishment as well as the relationship of these costs to the potential of the Land and Water Conservation Fund under the various levels of funding discussed at earlier testimony before this Committee on February 6 concerning H.R. 8578.

There is little point in this testimony to describe what the bills would do. This is covered both in summary form and in depth in the key documents referred to above and that are before you.

Perhaps, however, the most significant questions are (a) the differences in the rivers that would be immediately designated under the various bills; (b) the more significant recommendations for amendment in H.R. 8416; (c) significant differences between the Senate-passed bill and H.R. 8416, if amended as recommended.

Following is a brief tabular summary of the number of rivers that would be immediately designated by the four key bills, the cost of acquisition and development for such rivers, acres to be acquired as well as the number of rivers on which study would be required:

SUMMARY OF NUMBER OF RIVERS AND ESTIMATED COST AND ACRES TO BE ACQUIRED TO ESTABLISH A NATIONAL SYSTEM OF SCENIC AND WILD RIVERS UNDER 4 SPECIFIED BILLS

Bill	Rivers to be established							Number of rivers to be studied
		Estimated cost			Estimated acres to be acquired			
	Number	Acquisition (millions)	Percent fee title is of total cost (percent)	Development (millions)	Fee acquisition (acres)	Less than fee acquisition (acres)	Total (acres)	
H.R. 4816 (Aspinall)	4	$5.3	22	$6.1	455	4,145	4,600	20
H.R. 90 (Saylor)	16	100.7	25	18.1	21,375	192,445	213,820	66
S. 119 (as passed by Senate: Wild, 7; scenic, 5; of these 12, 3 are part wild and, part scenic)	9	25.3	24	9.9	8,485	76,395	84,880	28
H.R. 6166 (Reuss-administration)	9	35.1	21	10.3	9,050	81,515	90,565	35

Not only is the number of rivers to be immediately established different, but also the specific rivers named are different. Even for the same rivers, the mileage to be included in the designated segments may vary substantially, as shown in the table on p. 125.

It is significant that the indicated development costs in relation to acquisition costs are substantially less than the normal ratio in park and recreation areas of development to acquisition. Usually, development costs run two to three times acquisition costs.

In this instance, the development costs are expected to be below acquisition costs except in the case of H.R. 8416. The probable reason is the considerable portion of the land that is already in public ownership.

If it is estimated that approximately $50,000 per river would be needed to execute the studies that are directed by the various bills, this cost could range from $1 million for H.R. 8416 to $3,300,000 for H.R. 90. These are very crude estimates but do give the Committee some indication of the level of the costs are believed to be reasonable.

The fourth paragraph of the Department's August 14 report makes clear that any combination of the designated rivers as listed above in the Chairman's bill, in the Administration's recommendations, or the Senate-passed bill, would be acceptable for designation at the present time. The cost would vary depending on the length adopted but if the maximum length in any one of the three bills would be enacted, the estimated acquisition cost of such a combination would be about $38.3 million.

Although the Department's report proposes 17 amendments to H.R. 8416, most of these may be categorized as perfecting or clarifying. Five amendments are considered to be the most significant substantively. These amendments are Nos. 1, 2, 4, 6, and 17.

Amendment 1. (Section 3, pages 5 and 6 of H.R. 8416)—Bill provides for identification of boundaries of four rivers through maps.

Department report recommends that map references in bill be deleted and provides that boundaries of four river areas be established after on-ground surveys have been made. The amendment envisions that boundaries generally will not extend to a width of more than 1,320 feet (one-quarter of mile) from either side of river. This envisions the maximum that could be included to be an average of 320 acres per mile including both sides of the river.

Amendment 2. (Section 3, pages 5 and 6 of H.R. 8416)—Bill provides that four designated rivers be classified according to types, i.e., wild, natural environment, pastoral, historic and cultural.

Department report states it to be premature for bill to make classifications in absence of more detailed knowledge of rivers. Thus the report, while expressing no objection to the proposed classification, does not recommend that the rivers not be classified in this legislation but on the contrary, the administering agency be directed to classify according to the specific classification as soon as practical after they are included in the system.

Amendment 4. (Section 6, page 12 of H.R. 8416)—Section 6(a) prevents the Secretary from acquiring lands (public or private) within the boundaries of any political subdivision of a State without consent of the political subdivision.

Since all lands would be within county boundaries, the Bill could preclude acquisition of any lands, public or private, by the administering agency and defeat the purposes of the bill. The Department recommends that private lands be subject to eminent domain but not State-owned lands, or lands owned by a political subdivision of the State if it is following a plan of management and protection that the Secretary finds consonant with the purposes of the Act. It also recommends a clarifying amendment that Land and Water Conservation Fund Act moneys be allowed to be utilized for Federal acquisition of lands for scenic river purposes under the bill.

Amendment 6. (Section 7, pages 14, 15, and 16)—Bill would preclude all Federally assisted water resource projects constructed on or directly affecting a river included in the System by this bill or a subsequent Act.

Because certain "water resource projects" are not adverse or necessarily detrimental to a scenic rivers program, the Department's report recommended the bill be amended to preclude water resource projects that would have a direct and adverse effect on the values for which any such river was established as determined by the Secretary.

Amendment 17. (Section 11, pages 21 and 22 of H.R. 8416)—The Bill is silent with respect to any special provisions for the Allagash or for that portion of the Wolf River administered by the State with Federal financial assistance.

The Department report recommends the addition of language to afford the States of Maine and Wisconsin protection in acquiring lands along the Allagash and Wolf Rivers respectively for scenic river purposes.

The recommended amendment provides that upon application by the Governor of the State for designation of the Allagash Wilderness Waterway in Maine or the segment of the Wolf River in Langlade County, Wisconsin as part of the national scenic rivers system, the Secretary may make such designation if the State or local administering agency agrees to manage and protect it in a manner satisfactory to the Secretary. Such designation shall preclude the Federal Power Commission from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project works on or directly affecting such rivers.

There are six major differences between H.R. 8416 as the Department proposed it be amended and Senate-passed S. 119, as follows:

1. CLASSIFICATION OF RIVERS

H.R. 8416 as proposed to be amended provides that the administering agency will classify rivers as soon as practicable after they are included in the system as to their type into wild, natural environment, pastoral, and historic and cultural rivers, and provides further for the designation of high density use areas and unique natural and historic river areas. The Senate-passed S. 119 provides at time of designation for only two general types of rivers for inclusion in the system, namely, wild and scenic.

2. RESTRICTIONS ON ACQUISITION OF LANDS BY CONDEMNATION PROCEEDINGS

Senate-passed S. 119 precludes condemnation of lands or interests therein (other than "scenic easements"), without the owner's consent, where 50 percent or more of the wild or scenic river area is in public ownership. H.R. 8416 contains no such provision. Where less than 50 percent of the area is in public ownership, S. 119 precludes the condemnation of (1) State-owned lands; (2) county-owned lands as long as the county is following a management plan in accordance with the purposes of the Act; and (3) lands within incorporated city, village, or borough when such lands have been zoned in accordance with purposes of the Act.

H.R. 8416 precludes condemnation of (1) State-owned lands; and (2) lands owned by any political subdivision of the State as long as the subdivision is following a management plan for such lands in accordance with the purposes of the Act.

3. APPLICABILITY OF U.S. MINING AND MINERAL LEASING LAWS

Both H.R. 8416 and Senate-passed S. 119 continue the applicability of such laws. Neither bill affects valid mining claims existing on the date of the Act. Mining claims validated after the date of the Act and mineral leases issued after such date will be subject to appropriate regulations.

In addition, H.R. 8416 provides that mining claims validated after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

H.R. 8416 further withdraws the minerals in Federal lands, which constitute the bed or bank of a river included in the system by Act of Congress or which are within one-quarter mile of such river, from the operation of the mining and mineral leasing laws. H.R. 8416 also withdraws, for not more than an eight-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study.

4. PROPOSED WATER RESOURCES PROJECTS

H.R. 8416 precludes Federal agencies from assisting by loan, grant, or otherwise any water resource projects having a direct and adverse effect on a wild or scenic river area included in the system, as determined by the appropriate Secretary.

H.R. 8416 also contains a similar provision with respect to the rivers listed in the bill for future study for addition to the System.

Senate-passed S.119 does not contain such provisions.

5. NATIONAL WILD AND SCENIC RIVERS REVIEW BOARD

Senate-passed S. 119 creates a national wild and scenic rivers review board to conduct studies and furnish reports to the Congress on the developments on each national wild or scenic river area. The board consists of the Secretaries of Interior, Agriculture, Army, the Chairman of the Federal Power Commission, and involved State Governors. H.R. 8416 does not contain such provision.

6. APPROPRIATION AUTHORIZATION FOR ACQUISITION OF PROPERTY

Senate-passed S. 119 authorizes the appropriation of such sums as may be necessary. H.R. 8416 authorizes the appropriation of not more than $6,500,000 for the acquisition of lands and interests therein.

I have not commented specifically on other pending bills before the Committee, such as the several ones relating to the St. Croix, one bill by Congressman Laird relating to the Wolf River, H.R. 7020 by Congressman Hammerschmidt relating to the Buffalo, and H.R. 14180 by Congressman Kyl relating to a Lewis and Clark Riverway. I shall, however, be glad to try to answer questions on these bills if desired.

In conclusion, I might point out that in some rather significant respects the Scenic River System bill appears to be a companion measure to the Wilderness Act. The basic thrust of all these bills is to preserve segments of rivers that are now largely undeveloped in a free-flowing and relatively unpolluted stage, along with minimum shoreline strips so that we shall have for posterity examples of what the rivers of America were in their natural or semi-natural condition.

The proposal contained in all the bills to designate a few rivers initially to specify certain additional ones for study, and to require that subsequential additions be by act of Congress follows the same general pattern as the Wilderness Act.

There is strong support for scenic rivers legislation throughout the country among conservation groups and I believe by the general public that is becoming increasingly concerned about the quality of our environment.

Federal legislation has gradually come to the point where it is today over a

period of years originating with a concept going back about six years. It takes time for legislation of this sort to mature, to receive proper consideration in both the Executive and Legislative branches and then in due course legislation of real merit is enacted, such as the Wilderness Act, the Land and Water Conservation Fund Act, and the many other conservation measures that have been enacted since 1960.

The bills are not without opposition—sometimes due to the lack of understanding, sometimes due to a philosophical objection to possible additional Federal acquisition (although this would be relatively small in the case of the river strips), possibly due to a concern over what would be permitted with respect to minerals, use of waters, timber harvesting, and so on, concern over the effect of such dedications on impoundments for water supply, flood control, and for power. All of these matters have been considered and the designation of such a system would impair primarily in the designated areas, some freedom of action that now exists, particularly with respect to impoundments.

However, the Administration believes public sentiment generally reflects strongly a conviction that the time is now ripe for enactment of these bills. They rank high on the priority list of conservation measures. The United States can poorly afford not to do to a reasonable degree what these bills propose. I urge your favorable consideration.

SUMMARY OF MAJOR DIFFERENCES IN H.R. 8416, REPRESENTATIVE ASPINALL; S. 119, SENATOR CHURCH (AS PASSED BY SENATE); H.R. 90, REPRESENTATIVE SAYLOR; AND H.R. 6166, REPRESENTATIVE REUSS

1. TITLES

Aspinall: National Scenic Rivers Act of 1967.
Senate-passed: Wild and Scenic Rivers Act.
Saylor: Scenic Rivers Act.
Reuss: Scenic Rivers Act.

2. TYPES OF RIVERS (CLASSIFICATION)

Aspinall—4 types: wild, natural environment, pastoral, historic and cultural; plus 2 areas: high density use, unique natural and historic river.
Senate-passed—2 types: wild, scenic.
Saylor—3 types: Class I (wild), Class II (natural), Class III (pastoral).
Reuss—1 type: scenic.

3. INITIAL RIVERS DESIGNATED

[Figures in brackets indicate estimated miles]

Aspinall	Senate	Saylor	Reuss
Clearwater (Idaho) [190].	Clearwater [190].	Clearwater [190].	Clearwater [190].
Rio Grande (New Mexico) [50].	Rio Grande [50].	Rio Grande [50].	Rio Grande [50].
Rogue (Oregon) [85].	Rogue [85].	Rogue [95].	Rogue [95].
Salmon (Idaho) [255].	Salmon [105].	Salmon [340].	Salmon [255].
(Total, 4.)	Illinois (Oregon) [40].	Cacapon (West Virginia) [100].	Cacapon [120].
	Eleven Point (Missouri) [35].	Eleven Point [35].	Eleven Point [90].
	St. Croix-Namekagon, (Minnesota and Wisconsin) [235].	St. Croix-Namekagon [185].	St. Croix-Namekagon [185].
	Wolf (Wisconsin) [24].	Wolf [75].	Wolf [24].
	(Total, 8 (Namekagon included in St. Croix).)	Shenandoah (West Virginia) [20].	Shenandoah [20].
		Flathead (Montana) [215].	(Total, 9).
		Green (Wyoming) [84].	
		Hudson (New York) [300].	
		Klamath (California) [140].	
		Missouri (Montana) [180].	
		Skagit (Washington) [150].	
		Suwannee (Georgia and Florida) [250].	
		(Total, 16.)	

4. METHOD OF BOUNDARY DESIGNATION

Aspinall: Refers to maps that are to be prepared designating boundaries.
Senate-passed: Narrow ribbon concept along river not to exceed 320 acres per mile—to be detailed on maps at a later date.
Saylor: Refers to maps that are to be prepared designating boundaries.
Reuss: Narrow ribbon concept along river not to exceed 320 acres per mile—to be detailed on maps at a later date.

5. DESIGNATED RIVERS TO BE STUDIED

Aspinall: 20.
Senate-passed: 28.
Saylor: 66.
Reuss: 35.
All bills proposed to study each of the following rivers:
Delaware, Pa. & N.Y.
Gasconade, Mo.
Guadalupe, Texas
Niobrara Nebraska
Penobscot, Maine
Pere Marquette, Mich.
Pine Creek, Pa.
Susquehanna, N.Y. & Pa.

6. ADMINISTRATION OF DESIGNATED RIVERS

Aspinall: Interior-Rio Grande; Agriculture-Clearwater, and others agreed upon by the two or directed by the President.
Senate-passed: As agreed upon by Interior and Agriculture or directed by the President.
Saylor: As agreed upon by Interior and Agriculture or directed by the President.
Reuss: Interior-Rio Grande, St. Croix-Namekagon and Wolf; Agriculture-Clearwater and Eleven Point; others by agreement or direction of the President.

7. STATE AND LOCAL PARTICIPATION IN ADMINISTRATION

Each bill similarly provides for Federal administering agency to enter into cooperative agreements with States or local governments to participate in administration of area and to promote cooperation in planning and administering system components which include or adjoin State or locally owned lands.

8. ADDITIONS OF STATE AND LOCAL RIVERS TO THE SYSTEM

Allowed for in all four bills.
Aspinall: by State legislative act with Secretary of the Interior's concurrence.
Senate-passed: by Governors recommendation with Secretary of the Interior's concurrence.
Saylor: No specific provision.
Reuss: by Governors recommendation with Secretary of the Interior's concurrence.

9. APPROPRIATION AUTHORIZATION

Aspinall: $6,500,000 for acquisition only.
Senate-passed: Such sums as may be necessary (Senate report estimates cost at $40,000,000).
Saylor: Such sums as may be necessary.
Reuss: Such sums as may be necessary (Executive Communication estimates $35,000,000).

10. FISH AND WILDLIFE JURISDICTION

All bills preserve existing State jurisdiction.

11. WILDERNESS ACT

Provisions guaranteed wherever applicable in all four bills. In all bills the Act applies whenever the wild and scenic river area is also in the Wilderness System, and in case of conflict, the more restrictive provisions apply.

12. WATER PROVISIONS

A. Existing water rights

None of the bills change existing water rights.

B. Water reservations

Aspinall: Does not specifically make a reservation of waters for purposes of the Act. (Specific reservation is unnecessary, however, since Federal legislation authorizing Federal lands to be used for a particular purpose reserves sufficient unappropriated water flowing through the Federal lands to accomplish that purpose.) Arizona v. California 373 US 546 on doctrine of *implied reservation.*

Senate-passed: Specifically reserves waters of a wild or scenic river area, subject to existing rights, to extent required for scenic river purposes.

Saylor: Similar to Senate provision.

Reuss: Similar to Senate provision.

C. Interstate compacts

Aspinall: Specifically provides that bill does not affect any existing compact.

Senate-passed: Similar to Aspinall provision.

Saylor: Similar to Aspinall provision.

Reuss: No provision.

D. Access rights to navigable streams

Aspinall: Specifically affirms the right of access by States to beds of navigable streams.

Senate-passed: Similar to Aspinall provision.

Saylor: Similar to Aspinall provision.

Reuss: No provision.

E. Water pollution cooperation

All bills identical in providing that Federal agencies shall cooperate with the Secretary and with States for purpose of eliminating or diminishing pollution of waters within a scenic river area.

13. MINING AND MINERAL LEASING

All of the bills continue the applicability of existing mining and mineral leasing laws, except that mining activities on mining claims perfected, and on mineral leases issued, after the date of the Act will be subject to appropriate regulations.

In addition—

Aspinall: Withdraws the minerals in Federal lands, which constitute the bed or bank of a river included in the system by Act of Congress or which are within ¼ mile of such river, from the operation of the mining and mineral leasing laws. It also withdraws, for not more than an 8-year period, the minerals in the Federal lands adjacent to the rivers specifically listed in the bill for further study. Provides that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

Saylor: Provides that mining claims perfected after the date of the Act will give the mining claimant title only to the mineral deposits in the claim, together with the right to use the land surface.

Reuss. Provides that mining claims perfected after the date of the Act will give the mining claimant title only to mineral deposits in the claim, together with the right to use the land surface.

14. FPC PROVISIONS

Aspinall: Would prevent the licensing of dams or other project works on or directly affecting any rivers designated as part of the system; precludes Federal agencies from assisting by loan, grant, or otherwise any water resource projects on or directly affecting any such river. Also provides similar protection for the rivers specifically listed in the bill for future study.

Senate-passed: Unless specifically authorized by Congress, precludes the Federal Power Commission from licensing *new* dams or project works in any national wild or scenic river area. Also provides similar protection for the rivers listed in the bill for future study.

Saylor: Provides that *no* dam or other project works shall be constructed, operated, or maintained in any designated national scenic river area or in certain river areas to be studied for such designation, unless specifically authorized by the Congress.

Reuss: Similar to Senate provision.

15. ACQUISITION AUTHORITY

All bills provide that lands or interests therein may be acquired by donation, purchase with donated or appropriated funds or exchange. Land owned by State or Indian tribe may be acquired only with consent. No acquisition of county-owned land without its consent as long as county is following land management plan approved by Secretary.

In addition—

Aspinall: On exchange of properties of unequal value cash equalization provision is *permissive* rather than mandatory. Silent on availability of L&WCF for land acquisition.

Senate-passed: Lands in NPS, NWR, and revested O&C Railroad and reconveyed Coos Bay Wagon Road grant lands are not to be exchanged. Where scenic easements are acquired prior uses shall not be affected. L&WCF available for land acquisition.

Saylor: L&WCF available for land acquisition.

Reuss: L&WCF available for land acquisition.

16. CONDEMNATION LIMITATIONS

All bills provide no condemnation authority of city, village, or borough land as long as local zoning is approved by Secretary.

In addition—

Aspinall: Precludes condemnation of lands owned by, or within boundaries of any political subdivision of a State or held by or for an Indian tribe, or owned by a State, unless (1) in the case of lands within a political subdivision, there are not in effect valid zoning laws approved by the Secretary, or (2) in the case of lands owned by a political subdivision, the subdivision is not following a land management plan, approved by the Secretary. (Amendment suggested in our report to bring into line with Senate version.)

Senate-passed: Precludes condemnation of lands or interests therein (other than scenic easements), without the owner's consent, where 50 percent or more of the wild or scenic river area is in public ownership; none of the other bills contains such a provision. Where less than 50 percent of the area is in public ownership, limits the acquisition of a fee title, by condemnation or any other method, on both sides of the river to a total of not more than 100 acres per mile.

Saylor: Limits condemnation of a fee title to not more than one mile on either side of the river, and condemnation of a less than fee title to not more than two miles on either side of the river.

Reuss: Generally limits the acquisition of a fee title, by condemnation or any other method, on both sides of the river to a total of not more than 100 acres per mile.

17. FEE TITLE—LESS THAN FEE TITLE

Aspinall: Sec. 6(a), fee title or any interest in land may be acquired wherever land acquisition authority exists within authorized boundaries.

Senate-passed: Sec. 5(a) limits authorized boundary to a total of not more than 320 acres per mile. Sec. 5(d) limits fee acquisition to 100 acres per mile other than to avoid severance. Cannot condemn a fee or interest in land (other than "scenic easement") when 50 percent or more of acreage within the entire river area is owned by Federal, State, or local government. "Scenic easement" is defined in section 5(e).

Saylor: Sec. 4(c) on land acquisition includes interests in lands and defines "scenic easement". Appropriate Secretary can acquire fee by condemnation not more than *1 mile* on either side of stream. Can condemn interests in land up to *two miles* from either side of the stream.

Reuss: Sec. 4(a) limits authorized boundary to a total of not more than 320 acres per mile. Section 4(c) on land acquisition includes interests in land. Fee acquisition limited to 100 acres per mile other than acreage needed for public use and access and to avoid severance.

18. DEVELOPMENT—USES

A. Roads

Aspinall: no specific provision.

Senate passed: allowable if they don't substantially interfere with the public use and enjoyment of area.

Saylor: Class I (wild)—no new roads. Class II (natural)—no new roads paralleling stream within 1320 feet.

Reuss: no specific provision.

B. Bridges

Aspinall: no specific provision.

Senate-passed: allowable if they don't substantially interfere with the public use and enjoyment of area.

Saylor: no specific provision.

Reuss: no specific provision.

C. Powerlines

None of these bills mention powerlines.

D. Grazing

Aspinall: no specific provision.

Senate-passed: allowable use.

Saylor: Class I (wild)—not allowed. Class II & III—allowed but subject to regulation.

Reuss: no specific provision.

E. Timber Harvesting

Aspinall: no specific provision.

Senate-passed: allowable if they don't substantially interfere with the public use and enjoyment of area.

Saylor: Class I (wild)—not allowed. Class II & III—allowed within ½ mile as long as bistas are not altered.

Reuss: no specific provision.

19. NATIONAL WILD AND SCENIC RIVERS REVIEW BOARD

Only Senate passed bill would establish a Review Board consisting of Secretaries of the Interior, Agriculture, Army, Chairman of the Federal Power Commission and Governors to conduct continuing studies which would measure the balance of benefits and detriments of national units of the system to the State as compared with values of the river to the State for other purposes such as reclamation, and make reports to Congress.

20. COST OF ACQUISITION FOR DESIGNATED RIVERS

[Dollar amounts in millions]

Name	Miles [1]	Total acquisition	Programed for 5 years under H.R. 8578 [2] alternative levels [3]					
			Level I, $400		Level II, $300		Level III, $200	
			Amount	Percent	Amount	Percent	Amount	Percent
Senate bill (S. 119):								
Clearwater	190	$0.7						
Eleven Point	35	2.4						
Illinois	40	1.3						
Rio Grande	50	.08						
Rogue	85	3.9						
St. Croix	235	9.1						
Salmon	105	.16						
Wolf	24	7.7						
Total	764	25.3	$19	75	$9	35	$8	35
Aspinall (H.R. 8416):								
Clearwater	190	.7						
Rio Grande	50	.08						
Rogue	85	3.9						
Salmon	255	.6						
Total	580	5.3	19	100+	9	100+	9	100+
Reuss (H.R. 6166):								
Cacapon	120	5.7						
Clearwater	190	.7						
Eleven Point	90	5.2						
Rio Grande	50	.08						
Rogue	95	4.8						
St. Croix	185	7.2						
Salmon	255	.6						
Shenandoah	20	3.1						
Wolf	24	7.7						
Total	1,029	35.1	19	54	9	25	9	25
Saylor (H.R. 90):								
Cacapon	100	4.8						
Clearwater	190	.7						
Eleven Point	35	2.4						
Flathead	215	1.1						
Green	84	5.6						
Hudson	300	9.0						
Klammath	140	3.4						
Missouri	180	1.2						
Rio Grande	50	.08						
Rogue	95	4.8						
St. Croix	185	7.2						
Salmon	340	.8						
Shenandoah	20	3.1						
Skagit	150	9.0						
Suwannee	250	39.9						
Wolf	75	7.7						
Total	2,409	100.7	19	19	9	9	9	9

[1] Length of river segment.
[2] Total acquisition cost in each of 3 level programs is $35,000,000.
[3] Levels I, II, and III refer to the proposed alternates for the total program under the Land and Water Conservation Fund Act during the years, 1969–73, in average annual amounts of $400,000,000, $300,000,000, and $200,000,000. respectively.

Mr. TAYLOR. Thank you, Dr. Crafts, for a most helpful statement.

Most of these rivers, scenic rivers, would be administered by the Secretary of the Interior?

Mr. CRAFTS. Well, some would be administered by the Secretary of Agriculture, and some would be administered by the Secretary of Interior, depending on the bills.

The administration of some would be as agreed upon by the two Secretaries or as directed by the President. The bills vary in those provisions. My belief, is, however, that generally those that are out-

side the National Forests would be administered by the Secretary of Interior, and those inside the National Forests, or mostly inside, would be administered by the Secretary of Agriculture.

Mr. TAYLOR. Would there be any other exceptions?

Mr. CRAFTS. Well, there are the ones I mentioned. If you accept our suggestion of the Allagash and part of the Wolf, they would be administered by the States.

Mr. TAYLOR. Now, this morning the Congressman and Senator recommended that Wolf be brought in, in this bill, as one of the Federal rivers.

Mr. CRAFTS. Yes, sir.

Mr. TAYLOR. Your recommendation is that it be administered by the State?

Mr. CRAFTS. Which—the Wolf?

Mr. TAYLOR. Yes.

Mr. CRAFTS. The portion of the Wolf that is in Langlade County, or the northern portion of the Wolf that is so designated would be administered by the State of Wisconsin. This is what they are buying now. They are in the actual purchase process. They are buying a wider area. This would be a State administered wild river. And there is only 24 miles in the southern portion that would be financed wholly from Federal funds and administered by the Federal Government. Here you have an anomaly, like you have on the Flaming Gorge Recreation Area. There you had two Federal agencies, here you have a State administering part and the Federal Government administering part of the area.

I do not believe this would cause any trouble. We work very closely with the State of Wisconsin. And our recommendation here is for, as I say, this area in the lower part to be a scenic river in the classic sense of the other Federal rivers—the northern part is a State wild river which would become a part of the system.

Mr. TAYLOR. Now, do you recommend designating any additional scenic rivers, in addition to the Aspinall four? And the ones you have mentioned?

Mr. CRAFTS. I have to waffle on that, Mr. Taylor. The posture of the administration is—if you look on page 8 of my testimony, and draw a line below the Shenandoah River—that is about half way down there—that is where Mr. Saylor's list starts going on down—draw a line across the page at that point. Any of the rivers above that line the Administration believes would be acceptable and would concur in. So you see I cannot tell you this is the list and no other list. This is explained in the fourth paragraph of the Department's report of August 14, where we say "We believe it would be appropriate to start the system either with the four rivers mentioned in H.R. 8416, as a minimum, or any combination of the additional rivers designated as the initial units of the system in H.R. 6166 or S. 119."

Mr. TAYLOR. You heard the Congressman this morning from Arkansas stating he did not want the Eleven Point. Do you have any comments on that?

Mr. CRAFTS. Yes. We disagree with the Congressman from Arkansas.

Mr. ASPINALL. Would the gentleman yield to me?

Let me ask you, Doctor, what work you have done within that area in order to find out what those people want?

Mr. CRAFTS. The Eleven Point was one of the rivers that was in our group for most intensive study. We floated the river. We have talked to the people. We have consulted with the corps. It is my understanding that the Water Valley project which has been controversial, has been recommended by the corps for deauthorization. This means we no longer have the question of what you might call competition between corps impoundments and the scenic river values. I think, if I understood the Congressman right, his concern went to a feeling that this river perhaps should be dammed up for purposes of flood control, and so forth.

If he is talking just about the narrow strip along the river, I can say that, although we have not held public hearings, we have consulted with the people, we have been in the area, and we have a report on the Eleven Point, which we can make available to you if you would like to have it.

Mr. SAYLOR. Will the gentleman yield to me at that point?

First, I think we ought to get this established in the record real early.

Mr. Crafts what is the position of the Department of Interior on this legislation? Is this local in character, or is this a piece of legislation which is national in character?

Mr. CRAFTS. It is national in character.

Mr. SAYLOR. Well, if it is national in character, what will be the position of the Department of Interior if that which the Department of Interior recommends should be included, and the local Congressman thinks it should be excluded, and two members of Congress who sit in the other body thinks it ought to be included. Because that is the situation we have on one of these rivers.

Mr. CRAFTS. Well, I think, Mr. Saylor, that we, of course, give very heavy weight to the views of the Congressman from the District, we give very heavy weight to the views of the Senators from the State, we give weight, as we understand it, to the views of the people in the area. But some of these things must be decided, and this is the characteristic pattern usually—like Assateague, for example, which Mr. Morton went through—where there was local opposition, but nationally at least it appeared to be wanted. I would have to say that we arrive at our light of all of these considerations. As you well know, we do not always go along with local Congressmen.

Mr. KYL. Will the gentleman yield?

It seems to me this gets into a little more difficult area when we talk about study of rivers.

Now, suppose a Congressman from a certain district with one of these rivers is opposed to the river being set aside at the present time and even in present disposition, is opposed to studying the proposition.

Now, we certainly cannot block up the study of that river for all time to come.

Mr. CRAFTS. I have not talked to Mr. Gathings. As I mentioned in my testimony, these bills are complex. I am not sure whether he was talking about eliminating it from establishment, or eliminating it from study.

I do not have the study rivers listed on the different bills.

I think the elimination of it from a study category is kind of meaningless, because there is another provision in the bill that authorizes the executive branch to study any river it wants to. The elimination of a river from the study category means that it is not mandatory on the executive branch to study that river, and that the study need not be done by a certain time.

So I think the elimination of a river from a study category is really of little significance.

Mr. TAYLOR. The Congressman from Texas this morning recommended eliminating Guadalupe River from the study category. You say that has very little significance. I judge then you would not have any strong feelings on whether we should or should not do that?

Mr. CRAFTS. No, I do not believe we feel strongly on that, Mr. Taylor. The Guadalupe River is not proposed for establishment as part of the system in any of the bills. It is in the study category in all of the bills. I think we prefer to see it in, but I do not think that it would bother us much to have it taken out.

This is I guess hedging my answer. But as I say, I do not think it is of great significance. We could go ahead and study it anyway.

Mr. TAYLOR. Explain to me the difference between a wild river and a natural environment river.

Mr. CRAFTS. Well, the best thing I can do is to read the language in the bill.

A wild river, according to H.R. 8416—and we have no better definition——

Mr. TAYLOR. I have read both, but I wonder if you can enlighten me.

Mr. CRAFTS. We are willing to accept the definitions. I think a wild river is a degree wilder than a natural river. A wild river to me is a real wilderness river. A natural environment river can be a river which, as it says here—the surrounding territory has been changed, but the river itself and its immediate border are pretty much as it was.

Mr. TAYLOR. I have only one additional question.

The Aspinall bill lists 20 rivers for the study stage. Are you recommending any additions to that list?

Mr. CRAFTS. Let me look at my table here.

We recommended in the Administration 35 rivers for study, and I guess while this particular question has not come up—I guess I would say that the Administration posture on the 35 rivers stands. But again I do not think it is a major point at issue.

Mr. TAYLOR. In other words, in your opinion the Administration would back those listed in the Reuss bill?

Mr. CRAFTS. Yes, we would favor those in the Reuss bill, but we would not I think shed a great many tears if it ended up 20. Because I do not think this study category is too significant.

Mr. SAYLOR. In other words, Mr. Crafts, you would not object if you had all 66, would you?

Mr. CRAFTS. No, sir, I would not object. We might study some of those even if they were not in the bills. The only thing is we are directed to study the ones in the study category, and by a specific time; that is the only distinction.

Am I wrong? The counsel is correcting me.

Mr. WITMER. Mr. Chairman—there is one further significant differ-

ence, isn't there? Those that are named for study are given protection against licensing for a limited period. That is not given to others.

Mr. CRAFTS. This is true in the cases of Mr. Aspinall's bill and the Senate-passed bill.

As I said earlier, we think this is a very valuable point, and a good point.

Mr. WITMER. But since we were addressing ourselves principally to the bill——

Mr. CRAFTS. I am glad you corrected me on that. I think that is significant.

Mr. ASPINALL. It is the only real significance there is between including the rivers for study and bringing them in through a study later on.

Mr. CRAFTS. I think you are right, Mr. Chairman. When we go before the Appropriations Committee, we might find it a little easier to have a responsiveness in the Appropriations Committee if rivers were named for study than if we were simply seeking money to study rivers which the Congress in its wisdom, after going through this procedure, had elected not to name. It might help us that way.

Mr. TAYLOR. The gentleman from Colorado.

Mr. ASPINALL. Dr. Crafts, would it be possible for you to list the rivers in the Aspinall bill and in the other bills and give your priority?

Mr. CRAFTS. For designation or for study?

Mr. ASPINALL. For study. Do you want to go to that extent, with the reconnaissance work you have done at the present time—or would you rather have them in a grouping like we have them?

Mr. CRAFTS. Do you mean dividing up the study rivers into first, second, and third priority for study? Is that what you mean?

Mr. ASPINALL. That is right.

Mr. CRAFTS. No, sir, I would rather leave them the way you have them.

Mr. ASPINALL. Let me ask you this question.

We were talking aobut the Eleven Point River. Are you talking about the Eleven Point River in Missouri and Arkansas, or are you talking about the Eleven Point River just in Arkansas, or the Eleven Point River just in Missouri?

Mr. CRAFTS. Well, let me try to clarify that if I can here on the map.

Unless we have made some error on these maps, the chairman's bill provides that the river from Thomasville, Mo., down here to Black Rock, Ark., is to be studied.

Mr. Saylor's bill, H.R. 90, provides that this section of the Eleven Point in blue be designated. There is no provision in the bill for study of the rest of it.

The Senate-passed bill in this case goes beyond Mr. Saylor's bill and has nothing in Arkansas, and provides that from this point in Missouri near the Arkansas line up to Thomasville be designated.

So all three bills are different.

The administration bill, as it originally came up, proposed the entire stretch that in your bill Mr. Chairman is proposed for study—the administration bill proposes it for designation.

But as I said earlier, the administration is agreeable to accepting any of it—any combination of designation that are in these other three bills.

Mr. ASPINALL. As far as the present studies are concerned, the value for any designation are in Missouri rather than Arkansas.

Mr. CRAFTS. Well, it would appear to be that way, because there appears to be relatively little disagreement about the designation in the Missouri portion. One solution might be—I do not know whether any of the bills are like this—it would be to designate this portion in Missouri and to study that part in Arkansas.

Mr. ASPINALL. Or to leave it out, and study it later whenever we get through with the others.

Mr. CRAFTS. Yes, sir.

Mr. ASPINALL. I want to thank you very much, Mr. Director, for your presentation. In my opinion it has been very effective and very logical. I want to say to my colleagues and to the representatives of the Department, and those interested in this legislation, that I have no pride of authorship in my particular bill. I do feel that we should have something more, though, than just a single river authorization as we are beginning to talk about a program to study the question of setting aside certain rivers.

In my own personal opinion—I might as well state here, so that everyone will understand it—where the States can and are willing to do their job, I would rather have them do it than the Federal Government.

I would state also that as far as the relationship to pollution is concerned, wherever a State, like my State, has seen fit to set a floor in treating pollution matters and that floor is way above the limitations that the Federal Government has so far seen fit to state, I think it is a State responsibility.

Now, Doctor, would you explain for me first, just what your philosophy as head of the Bureau of Recreation is as far as concerns the necessity of establishing a scenic rivers, or wild rivers, or whatever you want to call it, program for the Federal Government?

Mr. CRAFTS. Well, Mr. Chairman, of course I have been trained as a resource manager and a conservationist.

Mr. ASPINALL. I do not necessarily believe that the Federal Government can do everything any better than the State government.

Mr. CRAFTS. No. But I thought your question was the importance of establishing a system.

Mr. ASPINALL. That is right.

Mr. CRAFTS. This is why we think we have a good program in the Land and Water Conservation Fund program where the States get half or more of the money. We encourage the States. In the administration of that Fund, we have encouraged the States to go into what you might call the wild or scenic river business. These are some that I have not mentioned. We have in Oregon the Deschutes River acquisition for a State scenic river. We have in Vermont a series of stream bank acquisitions and all this sort of thing.

We have found, however, with a few exceptions such as in Wisconsin and Maine, which are the outstanding examples, that the States are not moving very fast in this direction. I think there are certain rivers, just as there are certain parts of the Nation that are of national character and national significance. I also think that quite often in a situation of this sort, the Federal Government is looked to

for leadership. I think that if the Federal Government would establish a moderate system, that the States might follow along. There is provision in one or more of these bills for the States to do this. It encourages them in this regard. The State rivers can be added into the national system with the approval of the Secretary of the Interior. Their work can be aided by the Land and Water Fund work.

The States did not establish a system to my knowledge of State wilderness areas. There are some exceptions, but the States with major systems of State forests in this country I believe postdated the initial creation of a National Forest System. There are some exceptions, I know. I think that pollution-wise and impoundment-wise, there is a need for a national system.

Mr. ASPINALL. But if the States, in cooperation with the Federal Government, establish the antipollution measures that it is intended they establish, then you can remove pollution as far as the rivers are concerned from this program; isn't that right?

Mr. CRAFTS. Yes.

Mr. ASPINALL. All right. I think we should keep that in mind.

Now, is there any particular value to the size of a river for it being established as a scenic river?

Mr. CRAFTS. You mean the length, the width?

Mr. ASPINALL. Either one.

Mr. CRAFTS. You need to have enough to see that it doesn't lose the character which you are attempting to establish, otherwise it might be so small that it is eaten away by attrition.

Take—maybe this is not a good example, but you are going to be out looking at this pretty quick—the Tall Trees unit of the Redwoods. There is no point in the world in my judgment to establish the Tall Trees unit of the Redwoods as a separate unit disconnected all by itself and give it a national status, because it can blow down, a fire can hit it—it is too small.

So I think the same thing applies here. You need to have a large new unit to be able to be assured that it, I guess you would call it the ecology, or the forces of nature won't, by attrition, destroy what you are trying to establish. That is all the bigger it needs to be.

Mr. ASPINALL. Well, I think perhaps the Cottonwood River of Arizona is a beautiful little stream, a scenic part of the area, which should be established. No one here suggested to bring in the Cottonwood River of Arizona—it goes from Flagstaff on south—or says that it be a part of the river system. My friend from Pennsylvania suggested that the Yampa perhaps be made a part of the scenic river system in Colorado.

Mr. CRAFTS. Well, there are parts—I know a little bit about Arizona.

Nobody suggested that the river down through Oak Creek Canyon, which is the most scenic river in Arizona, be established, either.

The Salt River up above the head of Roosevelt Lake I think was proposed for study in one of them—it runs up into the Apache Indian Reservation—and that is an extremely scenic and attractive river, particularly in its upper areas. As to the lower parts of the Gila and the Salt, I cannot see it, because a lot of times there is no water there, and so on.

But that Oak Creek Canyon area, certainly it meets the qualifica-

tions. You run into a problem there which may be insurmountable. It is almost solidly built up with private homes, resorts, developments, and it would just be a cleanout process.

Mr. ASPINALL. Isn't that after all the guiding criteria we are working here now—that there be no development as such on any of these rivers?

Mr. CRAFTS. Well, I think we are trying to stabilize the development that is there, and to pick segments of rivers in which the development has not proceeded to the point where it does not meet some of these classifications.

I know it is our intent that if you have one of these rivers established, and you find a summer home there, and it can be handled in a way that in the judgment of the Secretary it is not incompatible with the purpose of the river, the intent would be to leave it. We would not clean out everything.

Mr. ASPINALL. I do not have any quarrel with what you are saying. But why didn't you pick the Madison River in the State of Montana?

Mr. CRAFTS. Well, I do not know whether the Madison was in one of those groups or not. I think the Madison was in one of the bills. It is in the administration bill for study.

But you see, we did not pick this one, either, this stretch of the Missouri. There are many we did not pick. You can go on and on. We did not pick the Buffalo in Arkansas. This stretch of the Missouri River, in Mr. Kyl's bill, runs from some miles below Robinson's Bridge on up to Fort Benton—a stretch of 180 miles or something like that.

The only question we really have on Mr. Kyl's bill is the length. We think this river qualifies. There are others that we think qualify.

You could also pick the Colorado River in the Grand Canyon, too. I mean there are lots of others that could be picked.

Mr. ASPINALL. There is no necessity of taking care of that river, is there?

Mr. CRAFTS. No; it is already in a National Park. The Yellowstone—part of that was picked. There are any number of rivers coming off the Sierras here, and stretches of these rivers could be chosen. The Feather is one. There is a whole series of rivers coming off the west slope of the Cascades.

I mean there is no end to this.

So that is what I meant when I said—there is no proposal for the Federal Government to do it all. This is a pioneering thing—just like the wilderness bill was. I think it is a moderate and modest approach to asking for that which is basically new and basically needed. There is plenty of latitude and opportunity for State and local participation in the proposed program.

Mr. ASPINALL. All right.

You have gone all the way around my question. But why did you pick the ones that you did? Where did you get the pressure from—your Department or outside of your Department—to pick the ones that you finally picked?

Mr. CRAFTS. We had a directive from the two Secretaries to make a study of this.

Mr. ASPINALL. I do not care about the Secretaries. The Secretaries listen to a whole lot of minorities.

Mr. CRAFTS. All right. We picked 22 rivers. First we started with 650. We obtained suggestions from everybody we could think of. We screened those 650 by an office procedure—by maps, by knowledge of people who knew about the river. This was an office job. We cut down the list of rivers to 67. Then we went in and looked at places. Again it was a judgment procedure. We eliminated some of those 67, and within the limits of our financial resources and manpower, we concentrated on 22, which seemed to be the best. Of these 22, five had received previous study.

Then we did a field job on the remaining 17. We got reports on each of the 22.

The Allagash was thrown out. I can go down that list of 22. The Allagash was thrown out because the State of Maine is administering it as a wilderness waterway.

The Buffalo, Arkansas, was not put in because we think a proposal may be submitted for a somewhat different approach on that river.

Mr. ASPINALL. The fact is there is opposition to the Buffalo?

Mr. CRAFTS. No, sir; that is not why we threw it out.

Mr. ASPINALL. It may not be why you threw it out, but there is opposition to the Buffalo, and it has been before me for the last 3 years.

Mr. CRAFTS. The Buffalo in Tennessee is one which we would like very much to have put in.

I do not know how to answer your question better, Mr. Chairman, other than to say we exercised a judgment among this group of 22 within the limits of what we thought was financial possibility, and within the limits of what we thought were highest priorities. I cannot give you any better answer.

Mr. ASPINALL. And to authorize anywhere from 12 to 20 rivers for establishment immediately in the scenic river category—we would have the Bureau of the Budget making the determination as to what rivers were to be given attention, wouldn't we?

Mr. CRAFTS. You probably would.

Mr. ASPINALL. Now, Dr. Director, will you please furnish for the committee—I do not want it at this time—the procedure by which you arrived at the $50,000 apiece study for each one of the rivers in the study section.

Mr. CRAFTS. Yes. It is a very superficial procedure. But I will give you a statement on that for the record.

Mr. ASPINALL. I will be glad to have it. It just simply means to me more than likely we will be asked to come back and authorize another $50,000 a river, or for some of them, anyhow.

(The information to be furnished for the record follows:)

JUSTIFICATION FOR STUDY COST OF $50,000

Based on our experience during the Wild Rivers Study and experience of the National Park Service in its studies of particular rivers, we estimate the average cost per river of making a detailed study as called for in the proposed legislation to be $50,000. This figure includes allowance for a field study team including development planning, the preparation of a study report, and travel and other related miscellaneous expenses.

A breakdown of the $50,000 follows:

Personnel costs (3 man-years)	$42,000
Miscellaneous (travel, materials, per diem, etc.)	8,000
Total	50,000

The figure may vary depending on the particular river being studied. For example, study of a large river like the Susquehanna in New York and Pennsylvania with its extended length and complicated land ownership and use pattern, will be more costly than of a smaller river like the Klamath in California, where most of the land is already in public ownership, and where there is little development. However, we believe $50,000 to be a reasonable average.

Mr. ASPINALL. Now, as I understand the attempt in the bill which bears my name, there is not any desire to name any of these rivers, as such, wild rivers, natural environment rivers, pastoral rivers, or anything like that. The attempt is to call them scenic rivers. And if they possess these qualifications that are in the different definitions, then they come into the scenic river program.

We do not intend to call any of them wild rivers, as such. You may designate them as wild rivers.

On page 2 it says "The following types are eligible for inclusion in the management scenic rivers system." Then we go ahead and set forth six classifications—four classifications I guess it is.

Then we set forth another group, and we give two more designations to that. And if they qualify within that group, they are placed in the national scenic river program.

Isn' that better than trying to describe what a wild river is?

Mr. CRAFTS. Maybe, Mr. Chairman, there is some misunderstanding or misinterpretation on our part.

You know what you intended—I don't. I am not a lawyer. What led us to that conclusion was that on page 5 in section 3, where the rivers start to be named, the Rogue River, that segment, and so on "to be preserved as a wild river." The next one, the Rio Grande, "to be preserved as a natural environment river." And so on. Each of these rivers named—the Salmon, "to be preserved as a wild river." I guess that is what led us to that conclusion.

Mr. ASPINALL. Well, rivers today may be as wild as all get out—tomorrow there may be no water in it whatsoever, at least in my country. And that is one of the difficulties I have.

I notice that all of the bills except mine, or the one that bears my name, have openended authorizations. That has been contrary to the desire of this committee.

You have, do you not, the necessary information on each one of the rivers so that we can use a closed appropriation figure, not only for study, but also for implementation.

Mr. CRAFTS. You tell us which rivers you are going to include, and we will give you the information.

Mr. ASPINALL. I would like to have that information, Mr. Chairman.

Mr. CRAFTS. You want it on your bill as it now stands, Mr. Chairman?

Mr. ASPINALL. I will take it on yours—mine as it now stands, yours as recommended, or if you have some information——

Mr. CRAFTS. I think we could give it to you on all of them.

(The information furnished for the record follows:)

ESTIMATED COST OF ACQUISITION AND DEVELOPMENT FOR RIVERS DESIGNATED IN S. 119, H.R. 8416, H.R. 6166 AND H.R. 90

[Dollar amounts in millions]

Name	Miles	Estimated acquisition costs	Estimated development costs	Estimated total costs
Senate bill (S. 119):				
Clearwater	190	$0.7	$1.0	$1.7
Eleven Point	35	2.4	.6	3.0
Illinois	40	1.3	.2	1.5
Rio Grande	50	.08	.5	.6
Rogue	85	3.9	1.5	5.4
St. Croix	235	9.1	3.9	13.0
Salmon	105	.16	1.2	1.3
Wolf	24	7.7	1.0	8.7
Total	764	25.3	9.9	35.2
Aspinall (H.R. 8416):				
Clearwater	190	.7	1.0	1.7
Rio Grande	50	.08	.5	.6
Rogue	85	3.9	5.1	5.4
Salmon	255	.6	3.2	3.8
Total	580	5.3	6.2	11.5
Reuss (H.R. 6166):				
Cacapon	120	5.7	.3	6.0
Clearwater	190	.7	1.0	1.7
Eleven Point	90	5.2	1.5	6.7
Rio Grande	50	.08	.5	.6
Rogue	95	4.8	1.7	6.5
St. Croix	185	7.2	1.0	8.2
Salmon	255	.6	3.2	3.8
Shenandoah	20	3.1	.2	3.3
Wolf	24	7.7	1.0	8.7
Total	1,029	35.1	10.4	45.5
Saylor (H.R. 90):				
Cacapon	100	4.8	.2	5.0
Clearwater	190	.7	1.0	1.7
Eleven Point	35	2.4	.6	3.0
Flathead	215	1.1	1.0	2.1
Green	84	5.6	1.3	6.9
Hudson	300	9.0	.5	9.5
Klammath	140	3.4	.7	4.1
Missouri	180	1.2	2.2	3.4
Rio Grande	50	.08	.5	.58
Rogue	95	4.8	1.7	6.5
St. Croix	185	7.2	1.0	8.2
Salmon	340	.8	3.4	4.2
Shenandoah	20	3.1	.2	3.3
Skagit	150	9.0	.7	9.7
Suwannee	250	39.9	2.0	41.9
Wolf	75	7.7	1.0	8.7
Total	2,409	100.7	18.0	118.7

Mr. ASPINALL. In the matter of condemnation proceedings—and here is where we are getting into more difficulty on this kind of legislation—why are State-owned lands or subdivisions, political subdivision lands, so much more sacrosanct in their classification than private lands are as far as the matter of condemnation is concerned?

Mr. CRAFTS. Well, this condemnation matter is extremely difficult and extremely unpopular.

First of all, I think you asked about State and private lands. Or did your question go to the local government, too?

I cannot find the place in my testimony, but I think that the lands owned by a political subdivision are not subject to condemnation if they are managed under a plan of management that the Secretary finds is compatible with the purposes of the bill.

Mr. ASPINALL. Yes. But if they do not meet your regulations and standards, then what happens?

Mr. CRAFTS. Then I think it ought to be possible to condemn them if they are in key spots and this is a necessary component. I know this is a very unpopular posture today, but as a last resort, if they are in key spots, whether they be public or private, they need to be managed either in a way that fits the intent of the legislation or they need to be acquired and either leased back or sold back on appropriate terms and conditions. And I can cite you one example from my own experience, which goes back quite a few years when I was in the Forest Service. In the Boundary Waters Canoe Area, with which you are undoubtedly familiar, there was no provision for condemnation. We negotiated and negotiated and negotiated. Gradually we acquired most of the lands through negotiation over a period of time.

Every time we bought a piece of land through negotiation, we enhanced the value of the land of people who would not sell. What was left were high-priced resorts, private hunting lodges owned sometimes by major companies, other organizations of one sort or another, and ultimately we were at a stalemate—there was no further possibility.

So the situation we were in there—and it is not entirely comparable to what we have here because that was a big area. But we had a few resort people who were benefiting by the expenditure of Federal money, benefiting by the cooperativeness of the many other landowners, mostly the small ones.

They had what in effect was a national park or wilderness area around them. They enjoyed all the benefits from it.

We finally went to Congress and reviewed the history of these 10 or 15 years of negotiation, and asked them for condemnation authority—went before the Agriculture Committee. And it was given to us at that time.

The situation has been cleaned up. Without it, it never would have been cleaned up. I think the Federal Government paid more in the long run than it would otherwise pay.

Mr. ASPINALL. I did not make myself clear, Doctor. What I am trying to find out is what are you going to do if the State and the local political subdivisions do not cooperate with you.

Mr. CRAFTS. Under the bill, as we recommend it be amended, if the political subdivisions will not cooperate and the land involved is in a key spot, then we would exercise eminent domain.

Mr. ASPINALL. But you do not have it under this bill, as I understood your statement.

Mr. CRAFTS. We asked for it under this bill.

Mr. ASPINALL. Was your testimony to that effect?

Mr. CRAFTS. I believe so.

Mr. ASPINALL. I thought your testimony was to the effect that you wanted condemnation authority for private property, but not for State-owned land or public——

Mr. CRAFTS. Let me read the sentence, Mr. Chairman. It is in the middle of page 11.

The Department recommends that private lands be subject to eminent domain, but not state-owned lands or lands owned by a political subdivision of the state if it is following a plan of management and protection—consonant with the purposes of the Act.

Mr. ASPINALL. That means you do want the authority.

Mr. CRAFTS. Yes, sir; we want it if there not these——

Mr. ASPINALL. Then an affirmative statement that you wanted it would have been far better than to say if they would cooperate you would not need it. This is what I was trying to get clear in my mind.

Mr. CRAFTS. We want it under these conditions; yes, sir.

Mr. ASPINALL. That is all, Mr. Chairman.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. First, Mr. Crafts, let me congratulate you on trying to work through a maze. All I can tell you is that I will assume some of the responsibility for putting you in the terrible spot you find yourself since I introduced the first piece of legislation a long time ago. And nobody asked your department down there to help me. I did have some help from some other people. I had a whole list of rivers people wanted in, and some wanted out. We used the best judgment of those I could associate with myself to draft the original bill.

Sure, I have more rivers in my bill than anybody else has in theirs, because I have been in this game long enough to know when you are in that position everybody starts shooting at you, and I have to give in. Some rivers I am going to fight to keep in. I am going to fight to keep the Tennessee in.

Your statement that this is a national policy, if we adopt this bill, as far as I am concerned, overlooks any local Congressmen. I do not expect to run over anybody. I expect to serve notice on them if some of the people in the area want it. Then they should try to get back home and solve the problem themselves.

Now, I do have one question.

Mr. ASPINALL. Would my colleague yield?

I would feel better if he would answer me as I would like him to answer me. He has criss-crossed my State with his proposal like nobody's business. Is he going to give on this?

Mr. SAYLOR. I will give a little bit on yours. It depends on how much I get in return. I am a poker player. I have not been in this game nearly as long as the chairman, but I have learned a good many of his tricks. I have watched him. I have sat at the feet of Gamaliel, and I have learned. I hope he does not envy the fact that his student has been more than apt.

Dr. Crafts, on page 5 of the report which the department sent up is a matter which gives me some concern, and I would like to have some explanation.

Mr. CRAFTS. Is this the August 14 report?

Mr. SAYLOR. This is the August 14 report.

This says:

> There are no maps in existence to identify the boundaries of the four river areas designated by the bill as the initial components of the National Scenic Rivers System. We do not believe it is feasible to identify detailed boundaries for such areas until surveys are made on the ground. The amendment therefore deletes a reference in the bills to maps and provides for the boundaries of the four river areas to be established after the surveys have been made. The amendment envisions the boundaries generally will not extend to a width of more than 1,320 feet from either side of the river.

My question is twofold:

First, what do you do about rivers that are not navigable rivers and,

therefore, the title goes to the center of the stream? This is the first question.

Mr. CRAFTS. I cannot answer that. I would like to ask our attorney, Mr. Wolph, to answer that, if I may, please.

Mr. WOLPH. If the rivers were not navigable as of the date of statehood, then the Federal Government in a Federal area, or the adjoining owner in a non-Federal area, would own the bed of the stream.

Mr. SAYLOR. That is right. But what I want to know is how much land are you going to take? Do you take 1,320 feet from the center of the stream, or 1,320 feet plus a half of the width of the stream?

Mr. WOLPH. It would be from the side of the stream which we have construed as being the ordinary high-water mark.

Mr. SAYLOR. All right.

Now, this 1,320 feet from just a rough estimate, that is about 320 acres a mile; is that correct?

Mr. CRAFTS. That is right.

Mr. SAYLOR. Well, now, does this not set a whole new precedent of taking 320 acres a mile? Is it necessary to take that much land?

Mr. CRAFTS. Well, as I said, Mr. Saylor, this is a quarter of a mile on each side. That 1,320 is a quarter of a mile. This is the maximum. And it is not always necessary. This would let it be possible to go out beyond this in some places and pull back below it in some places.

Also we made the point—I do not know whether it was before you came in or not—that the intent was that the fee-taking would be limited to 400 feet on each side of the river and the difference between 400 and 1,320 would be easement purchase if at all.

Now, I do not think this is without precedent. These parkways—and I cannot cite the width—there is certainly precedent there with respect to the parkways in that National Park System. The distance that we are talking about here is less than either the State of Maine or the State of Wisconsin is taking on the rivers that it is establishing.

Mr. SAYLOR. I am not concerned so much, Mr. Crafts, about the 1,320 feet. I am concerned about the apparent inflexibility that you tie yourself into.

Mr. CRAFTS. No.

Mr. SAYLOR. In other words, there may be some areas where you do not need it.

Mr. CRAFTS. That is right. This is a maximum. You do not have to go out that far.

Mr. SAYLOR. That is what I would like. In other words, there might be some places you need more. This is the thing that I thing you ought to have.

Mr. CRAFTS. All right. The way it reads now—if this is a mile, the maximum you can go—you go in and out any old way you want to within that mile. But it cannot be more than this average of a quarter of a mile. To give us more flexibility, what the Secretary personally would prefer would be, for example, that if there is a hundred-mile river, we could go in and out and apply the quarter-mile average, not on a mile-per-mile basis, but on the full hundred miles. This would give us more flexibility.

Mr. SAYLOR. This, I think, would be desirable.

Mr. CRAFTS. This requires the insertion of only a few words, I think, in the bill.

Mr. SAYLOR. Could you provide this?

Mr. CRAFTS. We can supply this to you; yes, sir.

Mr. SAYLOR. That is all, Mr. Chairman.

(The information supplied for the record follows:)

LANGUAGE TO PROVIDE A MORE FLEXIBLE APPLICATION OF THE 320 ACRES PER MILE

The new section 3(b), as proposed under amendment No. 1 on page 5 of the Department of the Interior report of August 14, 1967, on H.R. 8416 would be revised to read as follows:

"(b) The agency charged with the administration of each component of the national scenic rivers system designated by subsection (a) of this section shall establish detailed boundaries therefor as soon as practicable after the inclusion of such component in the system. Such boundaries may be revised from time to time, but may include on both sides of the river *an average, based on the total river miles of such component,* of not more than 320 acres per river mile. Such agency shall publish notice of such detailed boundaries in the Federal Register, together with appropriate descriptions."

Mr. TAYLOR. The gentleman from California.

Mr. JOHNSON of California. Thank you, Mr. Chairman.

Mr. Crafts, I want to commend you for a very fine statement here. It has pointed up what this is all about, as far as I am concerned, much more than anything I have read or heard before.

There are several things in my mind that I would like to try to clear up.

This morning we were told that the Department of the Interior was in negotiations with the private landowners on the St. Croix and other small tributaries.

Now, if I understood them right, it was that the private landowners are asking you to establish a national scenic riverway on these rivers. They in turn would enter into either a sale of a certain portion of the land in fee, and then easements, or all easements, and then they would ask to be the operator for operation and maintenance, is that right?

Mr. CRAFTS. You are talking about the St. Croix in this particular situation, Northern States Power?

Mr. JOHNSON of California. Yes.

Mr. CRAFTS. Well, in the first place, I do not know, because the meeting is underway right now in Minneapolis. So I do not know what they are going to come out with.

We have met with them—I did not personally, but our representatives did—about a week ago, and out of that meeting came confusion, to be perfectly candid.

Also it was apparent that at that time the company was not quite sure what it wanted to do, and I am not sure that we were sure what we were able to do. But the best that I can indicate to you at the present time—and a week from now we can tell you, I think—now I can only conjecture—is that what is contemplated is a conveyance of fee title to a narrow strip, 400 feet, on each side, and a leaseback under such terms as I am told can keep the land on the taxrolls—and I do not really understand this—to allow the company to carry on its normal management processes, but within the restrictions that would be required under the act.

As I have just described it, it does not quite make sense to me. But it is not intended or contemplated on our part that this land would remain with the company by title or lease, and that the immediate

strip along the river would be managed by the company. This would be managed by the Department, as would the rest of the river.

Mr. JOHNSON of California. Now, when we come down to the Wolf River, which is going to be partially developed by the State, through the water and land conservation fund moneys, both Federal and State, and be managed by the State, I presume that they would follow the criterion to be laid down for the lower end of the river, and the way that was handled.

Does that meet your minimum standards?

Mr. CRAFTS. It is far more—it is more than our minimum standards.

Mr. JOHNSON of California. Well then, when you get into the Indian reservation or the Indian lands there, I understood them to say they are being leased now for protection purposes at a fairly good figure to the Indian tribe or organization, what do you intend to do? Buy the lands from the Indians?

Mr. WOLPH. We could acquire them only with the consent of the——

Mr. JOHNSON of California. What is that?

Mr. WOLPH. Under the terms of H.R. 8416, as we recommend it be amended, we could acquire the Indian lands only with the consent of the tribal governing body.

Mr. JOHNSON of California. So they are generally protected in any legislation.

What is the negotiation?

Mr. CRAFTS. I just was going to say. We have conferred with the Indians.

Early in 1967, the Menominee Indians met with the Wisconsin Congressmen and Senator Nelson and the representatives of the Interior Department.

The Indians are in favor of scenic river status for the Wolf River in Menominee County. However, they hope the Government will lease rather than buy their lands so they will have an annual income rather than a lump-sum payment.

Insofar as I know, that is the status at the moment. And I think further discussions would be necessary if the Wolf is included.

Mr. JOHNSON of California. Also I understand from your chart that there will be enough money to carry out the program as provided for in the Aspinall bill, 8416, in the way of acquisition, if the increased moneys are provided for in the land and water conservation fund, I presume.

Mr. CRAFTS. In the first 5 years. Now, you will notice in the administration bill, we could carry out only 25 percent during the first 5 years. More of it could be carried out after that. The same with these other bills.

But as far as the first 5 years are concerned, the acquisitions in those river areas provided for in Mr. Aspinall's bill could be handled if the money were authorized and appropriated.

Mr. JOHNSON of California. Now, naturally there will be not too much in the way of development, although development will probably run into a considerable sum before it is over with.

Mr. CRAFTS. The development is shown, Mr. Johnson, in summary form for the different bills in one of those tables.

Mr. JOHNSON of California. Yes. It could go up considerably more, I imagine.

Now, that money you figure would be available also as the lands are acquired in that 5-year period—would you be able to develop this?

Mr. CRAFTS. Well, the first thing that would be necessary, with respect to lands administered by the Park Service—their customary procedure is to develop what they call a master plan for the area. I would expect that that could be done. They would be dependent upon development money for appropriations in the normal process from the Treasury. I have one of the assistant directors of the Park Service sitting right behind me, Mr. Swem, under whose jurisdiction this would come.

Do you care to elaborate on this any?

Mr. SWEM. I do not think further elaboration is in order. That would be the procedure, that we would make a detailed master plan study of the river involved. It happens in the case of the St. Croix River we have completed a detailed study, and we are right now firming up our master plan recommendations. This is not true of the other rivers. We have not done this on the Wolf River.

Mr. JOHNSON of California. On the St. Croix, you anticipate you would make the development on the river as well as acquire the land, the necessary easements, and then lease back these facilities to the private holders of the land on the St. Croix?

Mr. CRAFTS. You are speaking of Northern States Power?

Mr. JOHNSON of California. Yes.

Mr. CRAFTS. We just do not know, Mr. Johnson. We just plain do not know. We have either our solicitor or associate solicitor out there today, and we do not know what he is coming back with in the way of a proposal. This thing is very much in a state of flux with respect to that particular piece of property on the St. Croix.

The effort there, the intent there, is for the company to take some action which will reduce the cost to the public, and yet at the same time not surrender such rights as it feels that it must retain. We have to decide whether we can get sufficient control that we feel we must have to carry out the intent of the act. Whether the two parties can come together, I just do not know.

Mr. JOHNSON of California. Well, that is the way I understood the Senator this morning—even to the extent of tax considerations to the company, looking forward to being able to use as far as their agreements with the Government.

And I was amazed to find out that this particular river is the furthest one ahead in the master plan. Do I understand that you people have actually studied this for a master plan, and you have it ready to submit?

Mr. SWEM. We hope to soon have it ready; yes.

Mr. JOHNSON. What is the progress on the other rivers that are in the bill under the Aspinall bill—the Clearwater, the Rio Grande, the Rogue, and the Salmon? How far are you along with those?

This St. Croix is not in the Aspinall bill, but it is in the administration's bill, was in the Saylor bill, and in the Reuss bill. Of course the Reuss bill is the administration's bill.

Mr. CRAFTS. Well——

Mr. JOHNSON of California. Who picked the priority for——

Mr. CRAFTS. I might say, Mr. Chairman, on the Aspinall bill, the Department of Agriculture would administer the Clearwater, Interior

would administer the Rio Grande, and the other two, the Salmon and the Rogue, would be as agreed upon between the two Secretaries, or as directed by the President.

However, the Department of Agriculture in its report on H.R. 8416 recommends an amendment which gives the Secretary of Agriculture administration of the Salmon. The Department of the Interior concurs in this recommendation. So, if the Congress adopts that amendment, the Rogue is the only river which at this stage we do not know who would administer.

Mr. KYL. Will the gentleman yield at that point?

Mr. JOHNSON of California. Yes.

Mr. KYL. Is it not true that we have studied the 180 miles as completely as any other river that we have contemplated for inclusion in this bill?

Mr. CRAFTS. I would say that the St. Croix perhaps more. But other than that, I think your statement is correct.

Mr. KYL. I might add at this point, if the gentleman from California will yield for just one further remark, that in the case of this stretch of the Missouri River, the gentleman from Iowa spent a year getting an agreement on all phases of legislation necessary to include it in some kind of preservation like this, from all of the interests he could find in the State in which it is located.

Mr. CRAFTS. I might say, Mr. Kyl, I think it was before you came in this afternoon I spoke a little bit about this river, and maybe one of our problems on why it was not in—not on merit, but on the fact that we received a directive, and it was that formal resolution and directive from the Senate Interior Committee, as you well know, to study this river again. This time it was from Fort Benton, Mont., to Yankton, S. Dak. This study will be completed in about a month.

On this stretch of the river, while this has not gone through the Bureau of the Budget yet—I am speaking of Interior's posture—the only substantive difference that we might have with you on this bill, to the best of my knowledge, is on the length—whether to extend it into the game range, and whether to stop it at Virgelle or thereabouts.

Mr. KYL. This would be a kind of in-house administrative difficulty.

Mr. CRAFTS. Well, it is not in-house within Interior. It is how we are going to come down, and we could not very well come down until we have completed our study, which is just around the corner. I do not know how soon this committee might take action, but I expect if this is the situation as you describe, I at least would make every effort to try to get an Interior position on this up to the committee for its consideration.

Now, I cannot tell you offhand—do any of you know the estimated cost of the acquisition of this river?

I do not have that figure in mind. We would have to get it. It is easy enough to get.

But on the merit of the river stretch, on what you plan widthwise, on what the general indications are with respect to management, we are in accord with you.

Mr. KYL. I thank the gentleman.

Mr. JOHNSON of California. To put it another way, I presume the National Park Service is the logical agency to make the master plan

study, regardless as to who will have jurisdiction—whether it be the Forest Service or the Secretary of the Interior, or whether it be——

Mr. CRAFTS. I do not think the National Park Service would make the master plan study of the rivers that were to be administered by the Secretary of Agriculture. I think that would be carried out by the Forest Service.

Mr. JOHNSON of California. Well, in most cases generally the Park Service is asked to do their work.

Mr. CRAFTS. To do the Forest Service, recreation planning?

Mr. JOHNSON of California. Not the total recreation planning, but a master plan. I think the Park Service has quite a bit to do with the—around some of the reservoir facilities we have had, that come under the jurisdiction of the Forest Service in the end—the Park Service. After the Bureau and the corporations get through, the Park Service makes the master plan?

Mr. SWEM. That has been true in the case of master planning for some of the reservoir areas—that is where national forest lands may be coming down right to the reservoir water surface. We have not prepared plans for the regular national forest lands.

Mr. JOHNSON of California. The only master plans you will make is where you figure you will be the agency to administer the National Scenic Riverway?

Mr. CRAFTS. If I may interject—the best estimate we have at the moment on the cost of the Lewis and Clark Waterway, the lengths that we are thinking about, which are somewhat shorter than the length in your bill, the best estimate we have at the moment is $2 million for acquisition and $2.2 million for development.

So it would add to the acquisition cost of these bills, if that river were included, about $2 million.

Mr. JOHNSON of California. Now, I presume that you have sufficient funding then to take care of the studies that are necessary for whatever we authorize in this legislation?

Mr. CRAFTS. We do not have moneys available to carry out the studies on the study rivers. I think that is a fair statement. We would have to seek moneys through the Appropriations Committee for this.

On the master planning aspect, if it reaches that point, I think Mr. Swem should talk to that.

Mr. SWEM. On the studies we have been talking about, we would work them right into our regular study program. For example, just referring briefly to the upper Missouri again, we do have a master plan study scheduled there for the month of May, as part of the regular study activity.

Mr. JOHNSON of California. On the upper Missouri?

Mr. SWEM. Yes.

Mr. JOHNSON of California. As I understand it, you have enough money over a 5-year period to fund, if this other bill passes, from the Land and Water Conservation Fund. And you will have and make the necessary requests for master plan moneys, or these can all be master planned as they are acquired?

Mr. CRAFTS. Yes; we would ask the money, that is right, as they were approved by the Congress.

Assuming this other bill passes and the money is appropriated, we have scheduled $9 million for acquisition the first 5 years under

the level that the subcommittee reported the other day to the full committee.

Mr. Aspinall's bill has an estimated acquisition cost of something over $5 million. So there is some leeway in there.

For example, if it were decided to add the upper Missouri, an additional cost of $2 million, if this figure is right, could be handled. If it were decided to add the St. Croix in there, at least a portion of it could be handled. We would come to the committee for appropriations—assuming my $50,000 per river is right on the average for study rivers—we would come to the committee for appropriations out of the general funds of the Treasury. Then after the Congress acts and designates the river, or directs that it be designated, then the Park Service would make its master plan.

Mr. JOHNSON of California. That is what I am trying to get straightened out. When do you start the master plan? Seemingly the master plan is already started on a river that is questionable whether it will go in or not. And then say we pick up the other rivers, if we put in four or five—how do they come along as far as priorities are concerned?

Mr. CRAFTS. We are scheduling the master plan on the Missouri for a number of reasons. The Missouri has been studied and studied and studied. The Park Service has a report on it several years old. We have been studying it for about 2 years. It has just about been studied to death. We thought it was pretty certain that if any of these bills are going to pass, be established, this upper Missouri, this wilderness section of Missouri, was a prime candidate and would probably be included. So they went ahead on that basis.

Now, Mr. Swem will have to answer why the master plan on the St. Croix was undertaken.

Mr. SWEM. Well, that has involved quite a history, too. As brought out earlier today, the State has been interested in this river for some time. It was one of the first rivers studied in the overall wild rivers study.

We have been asked for more detailed information, particularly as it pertained to costs for the St. Croix River. And we feel that in order to supply that, we should make a master plan study of any river that we would be administering.

Mr. CRAFTS. Part of that goes back to Senator Nelson's point this morning. He felt that on the section of the river below Taylor Falls, down to the junction with the Mississippi, that the Park Service preliminary estimates were unreasonably high. And he envisioned isolated tracts to be acquired and this sort of thing. I do not know what the basis of the Park Service estimates were. But he made the statement this morning that he felt that the Park Service estimates as initially developed were unreasonably high. And I think this probably motivated the Service in undertaking the master plan.

Mr. JOHNSON of California. The gentlemen testifying this morning were asking that the upper reaches be included as one being authorized at this particular time, and the other set aside for study. I presume you do not have a master plan on the lower reaches of the St. Croix River.

Mr. SWEM. We do not. We are studying that right now. That will all be pulled together within a relatively short period of time.

Mr. JOHNSON of California. Your master plan concerns the upper reaches that they——

Mr. SWEM. Only momentarily.

Mr. JOHNSON of California. What is that?

Mr. SWEM. Only momentarily.

Mr. CRAFTS. They finished the part from Taylor Falls up. They are studying the part from Taylor Falls down right now. The whole thing will be done very shortly.

Mr. JOHNSON of California. Well, I doubt whether the lower reaches get in this first authorization.

Mr. CRAFTS. Well, they may not. I do not know. They are in the Senate-passed bill.

Mr. JOHNSON of California. We have others that will probably go in there, and naturally they would expect the plan to start on the ones that are authorized, so that they could get their development in and acquisition taken care of.

I have no objections to it, but I certainly want to make sure that in this particular instance, where you are thinking about leasing it back to private enterprise, with the Federal Government's expenditure of funds, that the operation of the scenic rivers is not different, as far as the public is concerned.

Mr. CRAFTS. This is precisely the same thing which the Secretary told us when he gave us our directions to go out there and consult with them. We agree with you completely. We must protect and manage it the same way.

Mr. JOHNSON of California. Because in the establishment of the National Scenic Rivers program, I agree if a State is willing to do it, with assistance from the Federal Government, and operate and maintain it, fine. But if the Federal Government has to do it, either under Forest Service jurisdiction, or under the Secretary of Interior, I think we should have one basic pattern, philosophy, of authorization.

That is all, Mr. Chairman.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. Thank you.

Mr. Crafts, I have one question.

On page 8 of your testimony if we were to approve the Aspinall bill, does that mean Clearwater—is that 190 miles?

Mr. CRAFTS. That is right.

Mr. SKUBITZ. We would take 320 acres in each mile; is that correct?

Mr. CRAFTS. That is what I was discussing with Mr. Saylor a few moments ago.

As it is worded now, it means that the maximum that could be taken under a combination of fees and easement would be 320 acres per mile.

Now, most of this would be easement. It does not mean we would have to take that much, or that we would take that much. It means this is the maximum, and the maximum fee part is much less than that. That is 400 feet as contrasted to a total of fee and easement together of 1,320 feet out. So you see, it is one-fourth of the——

Mr. SKUBITZ. I was using your figure of 320 acres per mile.

Mr. CRAFTS. That is the maximum, not for fee acquisition, but fee plus easement acquisition.

Mr. SKUBITZ. What percentage would go for fee and what percentage for easement?

Mr. CRAFTS. Most of it would go for easement, and much of it is already in public ownership. The Clearwater runs through the national forest, which is already in public ownership.

Mr. MCCLURE. That is the point I wanted to bring out. Could you give us the mileage of this 190 miles which is already in public ownership?

Mr. CRAFTS. I think I can.

We are talking about Mr. Aspinall's bill. There again we are talking in maximum of a total of 60,000 acres; all except 3,000 is already publicly owned.

Mr. MCCLURE. Would the gentleman yield.

Mr. SKUBITZ. How much of that 57,000 acres that you have identified there is within the presently designated wilderness area?

Mr. CRAFTS. I would have to take a look at the map. We have a map of the Clearwater, and it shows the wilderness area. I can give you a judgment estimate very quickly.

We estimate we would only purchase on the Clearwater, under Mr. Aspinall's bill, 75 acres. We would obtain easements on 695.

Mr. SKUBITZ. I am pleased——

Mr. CRAFTS. It does not amount to anything, really.

Mr. SKUBITZ. I took the total mileage and multiplied by 320 acres, divided this into $5 million and came out with $28 per acre. It did not make sense.

Mr. CRAFTS. No, no.

Here is the Clearwater. You see the green national forest land, and this shows land status as well as boundaries, because here is the section of privately owned land. This is solid national forest, except for a few inholdings in here.

Here is the boundary of the primitive area——

Mr. MCCLURE. Wilderness area.

Mr. CRAFTS. I do not know whether this has been converted to wilderness or not.

This part of the Lochsa is outside, or it forms the boundary for a little stretch. This part is inside. You put the two together and you have, I do not know, maybe 20 percent, 15, 20 percent in the wilderness area.

Mr. MCCLURE. If the gentleman would yield further—just for the record, that is the portion of the Selway-Bitterroot Wilderness Area which comprises nearly a million and a half acres of wilderness land.

Mr. SKUBITZ. You have clarified my point.

Mr. JOHNSON of California. The gentleman from Iowa, Mr. Kyl.

Mr. KYL. I have several questions, but I am not going to ask all of them now.

I have some misgivings about this legislation for a number of reasons. In the first place, I think it is going to stop some State activity or postpone State activity.

Before I get to the questions, I want to read three sentences from the 56-page brochure which the State of Ohio prepared with regard to the Little Miami, a beautiful stream.

To expedite preservation and development of the river and valley, it is recommended that the project be directed by the Ohio Department of Natural Resources.

No. 2:

An advisory board should be established by the Director of the Ohio Department of Natural Resources to provide local representation and augment the State's role in administering the project.

The third sentence:

It is recommended that federal wild or scenic river legislation include provision for grants that cover up to 100 percent of the land acquisition and easement costs.

That is a pretty honest summation of what the States are looking for, to do a State job with 100-percent Federal funds. And I am afraid that this legislation may very effectively stop a lot of State activity, and especially when we consider all of the hundreds of rivers that should in some respect be preserved or kept clean or in some other way safe for future generations.

Let me get to these questions.

According to your testimony, in 1965 President Johnson in his message to the Congress on natural beauty suggested it was time to "reserve free flowing stretches of our great scenic rivers."

Now, that is the general gist, that is the beginning. We want to keep these rivers free flowing, which means we do not want to put dams on them. We heard this morning testimony about a river that floods, but not because of the river.

If Stillwater, Minn., should have a tragic flood, do you think the designation of the river through this town as a natural or scenic or wild river would make one bit of difference insofar as reconsideration of dams is concerned?

Mr. CRAFTS. If I follow you, you mean if they have a flood, are the people going to want a dam to see they do not have a flood again?

Mr. KYL. Yes.

Mr. CRAFTS. I think so. They are going to want a dam.

Mr. KYL. They are going to want a dam.

Mr. CRAFTS. Yes, sir.

Mr. KYL. And the Congress can at any time it desires change the status of any of these streams from free-flowing streams to a stream which is protected for flood control and river stabilization.

Mr. CRAFTS. That is right. And I made that statement here today.

Mr. KYL. Now, so far as your office is concerned, is the real purpose of this act to preserve these rivers, or is it recreation?

Mr. CRAFTS. Well, I do not know. I am not sure I get the full distinction. There is not much point in preserving just for the sake of preserving. You have ecological remnants, you have natural areas. But even those, you reserve them for scientific study and this sort of thing. It depends how broadly you consider recreation. If you consider it to encompass the enjoyment of the rivers by canoeing, by walking, by looking, even by the fact of knowing that they are there, then I would say that recreation is a principal purpose.

Mr. KYL. The point I want to make absolutely clear is this. Your answer to the question will help establish the point.

We have a category of streams now possible, a category which also includes land areas, and we call them national recreation areas. Now, when we consider this bill, any of the bills which are introduced on the subject, are we talking about developing national recreation areas or

national preservation areas—if you have to have a choice between those two terms.

Mr. CRAFTS. Well, you face me with a choice which really does not exist in the bills. But I just cannot answer it in that way. I think you are talking about having national preservation areas for the purpose of enjoyment of these reservations.

Mr. KYL. Are we going to build, as the Ohio study suggests, swimming pools?

Mr. CRAFTS. Oh, no.

Mr. KYL. Places for boating, motorboating, water skiing? Are we going to prohibit these activities on these rivers which are preserved in the wild scenic river category?

Mr. CRAFTS. The bill is very open on that.

Our concept is that this would vary some. Of course if you use some of the classifications of a wild river, then I think probably activities of this sort might very well be prohibited—might be a canoe river, like the Allagash is—this prohibits motorboats, except on some of the big lakes, for safety purposes.

If you are talking about some of these high density areas, I think you might permit some of these things.

I think there would be considerable variation within the scope, and depending upon the condition.

I do not think we are talking about—except possibly in the wild river category—what amounts to an elongated stretch of a wilderness area, with a river going down the middle of it.

Mr. KYL. Actually the gentleman knows I know he does not mean this. But we have an awful lot of people who have been in this room who have been interested in this legislation who are concerned not with saving beautiful streams but with recreation, and recreation to attract tourists, money, dollars.

Mr. CRAFTS. Well, I think that the purposes are to preserve segments of America's rivers in as nearly a natural state as we can, but permitting a minimum type of recreation development—trails, boating, but generally in the wilderness areas they prohibit motorboats and also in a substantial portion of the Boundary Waters Canoe Area. In some places you would have to use motorboats for safety.

But I do not think you would have the extent of recreation development and facilities that you normally contemplate in a national recreation area. You would not have that.

You would not have overnight accommodations and this sort of thing. Hopefully, you would have this sort of development on private land outside.

You might have a simple type of picnic facilities, and this sort of thing. I think my figures indicate that the developments contemplated here run about a third of the cost of acquisition. The normal ratio between development and the cost of acquiring a recreation area is about 2 to 1.

What is contemplated for scenic river areas generally is a very simple type of development.

Mr. KYL. A lady wrote me a letter and said, "We want this bill passed because we have always planned to build a cabin on the banks of this river, and we want this river to be preserved for us."

Did I answer her properly when I said if this bill is passed and that river is included, she will not build a cabin on the banks of the river?

Mr. CRAFTS. I think you did. This is one thing that concerns me about the lower part of the St. Croix. As I understand it, it is pretty heavily developed with private homes and cabins.

Mr. KYL. I have had letters from people who have cabins who oppose it because they will lose the cabins.

Mr. CRAFTS. An occasional one might be left that fits in naturally. But there is no point in setting up a Federal reservation with Federal money, and then dividing it up into lots for summer homes.

Mr. KYL. Now, we have talked a lot about buying land and easements. One of the Members of Congress this morning noted that it would be much cheaper to get easements than to get a fee.

We have a somewhat similar situation existing on Jacks Fork Riverway. In your experience in that connection, have the easements been inexpensive compared to fee?

Mr. CRAFTS. I cannot speak about Jacks Fork as such. But quite often the easements will cost almost as much as the fee.

Mr. KYL. That is the only response I need to the question, sir, and I thought that that was true.

Now, Mr. Aspinall's bill has a limitation of $6.5 million on it.

Mr. ASPINALL. $5.3 million.

Mr. KYL. This one says $6.5 million.

Mr. ASPINALL. The gentleman was right as far as my appropriating section is concerned. But as far as their figure downtown is concerned, they have cut it back. That is where the difference is.

Mr. KYL. Well, the figure in the bill is probably closer to accurate, but I think it is still a long way short of being practical.

Mr. ASPINALL. I have no quarrel with that.

Mr. KYL. The gentleman a moment ago said they had some cost estimates on the upper Missouri study and are using this simply as a comparison here, approximate cost.

When I went into this subject, trying to find out what this land would cost, and what comparable land had been costing in the area—about one-third of the area where we plan to purchase acres, in that case I did not come up with anything like $1 million acquisition for land costs. But I think perhaps I was—you were including in your study some breaks along the river which the people up there do not want to lose, and which we kind of maneuvered out of my bill to get a piece of legislation they all agreed to.

Mr. CRAFTS. That could well be. I do not have the details on the upper Missouri here, Mr. Kyl. But most of the land, as you know, is publicly owned now. I think about two-thirds of it is Bureau of Land Management land. The other land is mostly owned by the livestock industry. Along that stretch of the river, cattle come down to the water. Those breaks are heavily grazed and eroding. I am sure included in this cost estimate is a substantial portion of these breaks. I must say this, that if your bill excludes those breaks, I think it is a mistake from the standpoint of preserving that waterway in any sort of a natural environment, because starting from the table lands and going down the breaks and along the cottonwood flats, and into that river, those breaks need to be grazed sufficiently lightly to permit very rapid range improvement and reestablishment of the grazing cover.

Mr. KYL. Now, these people up there are willing to do that. But I am afraid you just killed me. Because if we include the breaks, the senators and the representative from the area will not go along with us, and under our "A.M." doctrine, this will automatically eliminate us from consideration.

Mr. CRAFTS. I am not trying to kill you or your bill. I am telling you what I think on the merits. This is almost essential from the standpoint of having a meaningful Missouri Wilderness or Scenic Riverway if it is to have any lasting stability, because these breaks are tearing apart. They are just going to get worse and worse. To rehabilitate that country with short grass plains and light rainfall, it takes considerable effort. It is not a matter of just taking the livestock off.

Mr. KYL. And 10 years.

Mr. CRAFTS. It means reasonable use to allow reproduction. It means affirmative efforts in reseeding. It is expensive and precarious. It is a difficult thing to rehabilitate the breaklands.

Mr. KYL. I would just ask you one more question.

Do you think the cost estimates that we have here are reasonable?

Mr. CRAFTS. You mean in general?

Mr. KYL. Yes.

Mr. CRAFTS. Or just——

Mr. KYL. Let us take the Aspinall bill—is this a reasonably accurate figure for acquisition for easements and so forth?

Mr. CRAFTS. My experience has been, Mr. Kyl, that we always underestimate.

They are the best that we could come up with. We are cognizant of our experience of underestimating. They are based on anticipated acquisitions in fee and easement. I should point out that there is no safety factor cranked in for price escalation. We are talking of acquiring the necessary lands in 5 years for the four rivers in the chairman's bill, if we have condemnation authority. Such authority may never be used, but is a very persuasive thing to know that it is there. It greatly helps the matter of negotiations, not as a threat—although it could be construed as such.

If we have condemnation authority, I believe we can do this in 5 years.

I think the cost estimate is reasonable. However, if we do not have condemnation authority, if it goes on past 5 years, I think it is probably too low.

Mr. KYL. I thank the gentleman.

Mr. JOHNSON of California. The gentleman from Idaho, Mr. McClure.

Mr. MCCLURE. Thank you, Mr. Chairman. I am a little puzzled because you have indicated to me some of the—in your statement—the rather exhaustive comparison between the various bills before this committee, and yet have not compared the very basic philosophy, it seems to me to be differently expressed in the bills, and that is what we are trying to accomplish by the establishment of this system of scenic rivers.

If I understand your statement, contained here just in the last several minutes, you think of a wild river as being a narrow strip of wilderness area. And if I understand the implied definition contained in the

Saylor bill, and all of the rivers contained in it, would include a very great number of rivers, portions of which are relatively highly developed at the present time.

Mr. CRAFTS. Well, maybe I was misleading you. I was thinking of a wild river as distinct from a scenic natural environment or some of these other classes. I was speaking of a particular class of river. Even that would not be entirely comparable to wilderness, because as I said, it would permit some of these minimal type of developments.

I think maybe natural environment rivers is a more descriptive term of the whole category of what we are talking about, which in essence is to attempt to preserve the status quo of these rivers.

The basic thing is no dams, let them be free-flowing—this is one of the key things. Pollution control is another thing—relatively unpolluted.

This I think is essential, and a narrow strip along the shore so that as you travel the river, you appear to be in a natural environment. One of the best examples that I can cite to you offhand is the Connecticut River from its mouth on up to Hartford, which is in the heart of the eastern megalopolis. If you go up that river in a boat and look at that shoreline as you go up, you think you are way out in the country—in a natural environment—because along most of that strip of that river there is a narrow band of trees and so on. You don't see the houses and the highways and the other developments that are back there. Sometimes that strip may be only 10, 12 yards wide.

When you go along that river on the roadways nearest to that river, which is up on the first bench, you get an entirely different impression of the Connecticut River.

I am just using that as an illustration. What it means to me, and what I think we are talking about is to keep a few segments of our remaining undeveloped rivers in a natural state. We are talking about a very small fragment of our whole national river system. But most of the rivers in time will have developments down to the shore, or very close to the shore. On some there will be a staircase series of lakes, like those in eastern Arkansas, and the big corps developments in Arkansas, Missouri, Oklahoma, and up the Missouri River until you get to Fort Peck, and also down in the southeast part of the country.

We are trying to pick out the residuals to keep so that won't happen.

Mr. MCCLURE. You are referring to the esthetic quality of the total environment, including that which you see from the river?

Mr. CRAFTS. Yes, sir; I am.

Mr. MCCLURE. Now, how do you correlate that to the terrain in the Western United States where the mountains rise for miles out of the river? Is your desire to control the usage on all those miles of hillsides?

Mr. CRAFTS. No; not at all. This is, of course, impractical, and it is not intended—and this question came up this morning, whether the intent was to take a scenic easement from line of sight. Some of the line of sight out of some of those western rivers can be 50 miles, as you well know. This you cannot do. So you compromise, and you maintain a strip, as specified in here, of a maximum of a quarter of a mile, I think it is, on each side. You compromise.

Mr. McCLURE. Now, in connection with this compromise, and taking the strip, the relationship of this to a wilderness concept, is it your intention or desire to regulate grazing, for instance, within this strip?

Mr. CRAFTS. Yes. And it is not a wilderness, sir, unless it is in a wilderness area. In a wilderness, under the terms of the Wilderness Act—the intention is that grazing would be permitted to continue, but not overgrazing. The intention is that the occasional ranch along the river would be allowed to stay, unless it turned into a honkytonk or something of that sort. The intention is that controlled timber harvesting would be permitted—this type of thing.

Mr. McCLURE. You also mentioned in your statement a moment ago that it was designed primarily to maintain the status quo.

Mr. CRAFTS. Well, the status quo within limits—the status quo where it is still pretty good. I am not trying to duck you. I am trying to be as responsive as I can.

Mr. McCLURE. I realize that.

In response to the gentleman's question a moment ago, in regard to the cabins along the banks, you indicated in some instances those cabins might have to be removed.

Mr. CRAFTS. This particular stretch of the St. Croix I have not seen, the lower stretch. But I have seen some of the lakes in the Middle West. I was born and raised there. On those lakes, it is not just an occasional cabin—it is one cabin right after another. It is just solid real estate development all the way around the river.

Now in this case, there really is no point of putting that in the system.

Mr. McCLURE. If it were to be included in the system, it would imply the removal of the cabins through purchase or condemnation.

Mr. CRAFTS. Certainly the removal of enough of them, because there is no point in doing it—that type of situation shouldn't be in the system.

Mr. McCLURE. Do you have——

Mr. CRAFTS. But the occasional cabin, like we are talking about, on some of the western rivers, you go along the Salmon, any of them, the Klamath—you will get an occasional cabin, an occasional ranch, an occasional irrigated valley along the river. This type of thing I think would be allowed to stay. This doesn't bother the natural environment concept. But just continuous summer homes, one right after another, this is something else.

Mr. McCLURE. Of course, I think I would be less candid than you have been if I did not confess at this point that many people in my State are concerned about the very fact that this kind of authority is vested in the discretion of a public official.

Mr. CRAFTS. I am well aware of that. I don't have any answers to that. I don't know how you handle this. You give us such directions and provisions as you wish. You can put limitations on us, give us legislative history. There has to be some confidence, some mutuality of confidence between the executive and legislative branches on all pieces of legislation I am trying to build a legislative history here in response to Mr. Kyl's questions, in response to yours, that would help to clarify this.

Mr. McCLURE. In response to some questions earlier today, you did not indicate the criteria by which you selected the rivers to be included. Do you have a list of such criteria?

Mr. CRAFTS. Do you mean in the administration bill?

Mr. McCLURE. No. I mean in your Department. How did you arrive at the selection? You indicated you had a large group.

Mr. CRAFTS. We went through the judgment process. I think I said I would submit the details of how we arrived at these 22 rivers, for the record. I don't have that with me.

Mr. McCLURE. But you will submit that for the record.

Mr. CRAFTS. Yes, sir; I will.

(The following information was furnished for the record:)

SELECTION OF RIVER

In 1963–64 the Departments of the Interior and Agriculture conducted a nationwide study of rivers in cooperation with the States. The study sought to define the need to protect a limited number of rivers in their free-flowing condition and to identify the best opportunities. Initially 650 rivers were suggested by various agencies and individuals for study. Sixty-seven of these were then selected for preliminary field evaluation. Seventeen of these were further selected for additional study. Five other rivers also were considered on the basis of previous study by other agencies. Most of the rivers listed for designation in present scenic and wild river bills are from among the 22 that received additional study or had already been studied by other agencies.

Several factors were paramount in selecting the study rivers. The quality of the river was, of course, important. In addition geographical balance was sought, as well as the inclusion of different types of rivers.

In a memorandum of instructions dated December 31, 1963 to Regional Directors from Director, Bureau of Outdoor Recreation, the following criteria were provided for use during the Wild Rivers Study in making field evaluations.

1. Condition: The river is relatively free-flowing and unpolluted, and the scene as viewed from the river is pleasing, whether of true wilderness character or somewhat modified by man, or these conditions are practicably restorable.

2. Quality: The river and its setting possess natural and recreation values of outstanding quality.

3. Capacity: The river and its setting are large enough to sustain existing recreation use or to accommodate more without undue impairment of the natural values of the resource or quality of the recreation experience.

4. Highest use: Retention of the river in its natural, free-flowing condition appears to outweigh alternate uses.

5. Present status: There are no projects at the construction stage or authorized that would permanently and drastically impair the existing natural and recreation values of the river and its setting.

Mr. McCLURE. Was the Battelle report utilized as a portion of the analysis of the selection of these rivers?

Mr. CRAFTS. I cannot answer that. Mr. Tkach was involved in this study. I don't know the answer to your question.

Mr. TKACH. The Battelle report was one of the reports used as a basis for the Salmon and Clearwater.

Mr. CRAFTS. I recall now. We employed the Battelle firm to run a couple of pilot studies for us, more on a procedural basis than anything else, as to how to go about making an adequate study. So I would say that we gave consideration to the Battelle report but they did not have a controlling influence on our conclusions. We would be glad to make that available to you.

Mr. ASPINALL. Did the Department of the Interior pay for the Battelle report?

Mr. CRAFTS. I believe we did.

Mr. ASPINALL. Under what authority?

Mr. MCCLURE. Contract No. 263.

Mr. CRAFTS. Under the Organic Act of the Bureau which allows us to enter into contracts.

Mr. ASPINALL. Bureau of Recreation?

Mr. CRAFTS. Yes, sir.

Mr. ASPINALL. Did you ever advise this committee that you were making that kind of study?

Mr. CRAFTS. I cannot recall, Mr. Aspinall, whether we advised this committee. We advise the Appropriations Committee each year of the contracts that we have. I think during the life of this Bureau, we have had about 20 contracts for work of a variety of sorts. I would be glad to submit a list of them.

Mr. ASPINALL. You haven't had 20 contracts for this?

Mr. CRAFTS. No, sir; just this one pilot study with Battelle is all.

Mr. ASPINALL. Thank you.

Mr. MCCLURE. Did I understand you to say that it had not influenced your decision?

Mr. CRAFTS. I would not say it had not. It certainly has not controlled it. I don't even remember what the Battelle report recommended.

Mr. MCCLURE. If it did not play a significant role in the selection of the rivers to be included, can you explain why the rivers recommended by that report are included in all the bills?

Mr. CRAFTS. You may know more about the Battelle report than I do. As I say, we retained the Battelle people more to develop procedures for us than otherwise. Mr. Tkach is trying to say something to me, and I don't understand it, so I will let him speak for himself.

Mr. TKACH. In addition to the Battelle study, there was the Forest Service study, and the joint Agriculture-Interior field studies on the various rivers. The Forest Service study was also considered as a primary basis.

Mr. CRAFTS. For all the rivers?

Mr. TKACH. For the Salmon and Clearwater.

Mr. CRAFTS. You see, the way we went about this—we set up a study team for each of these 22 rivers.

Mr. MCCLURE. I am concerned about how you got down to the number "22," first.

Mr. CRAFTS. We made reconnaissance surveys, which I mentioned sometime today. Our reconnaissance surveys were airplane surveys—flying the rivers, setting down and driving into occasional points on the rivers. There were consultations with the people that knew the rivers. Then we exercised our judgment based on this type of reconnaissance. We used aerial photographs where they were available. In all cases we consulted with the States involved.

I don't mean to infer that in all cases the States agreed. I don't know. I would have to go back and check this. But they were brought in.

When we went into the detailed studies, we set up specific study teams which traveled the rivers to study them in much more depth. The Governors of the States were advised, they were invited to assign participants, and in most instances they did join with us, that is, the appropriate State departments as indicated by the appropriate Gov-

ernors. These study teams were made up, I believe, of the Forest Service, the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Bureau of Outdoor Recreation, the Bureau of Land Management, and a representative of the State.

Mr. McCLURE. You indicated you would be glad to make copies of the Battelle report available to us?

Mr. CRAFTS. Yes.

Mr. McCLURE. To the committee or to us individually?

Mr. CRAFTS. No—to the committee. I should think it would be available for the committee files rather than to go into the record. It's a long report.

Mr. ASPINALL. Will my colleague yield to me at this point? If he is trying to find out why these two rivers were included in my bill—the bill passed the other body 84 to 0. That's the reason why I have included these two.

Mr. McCLURE. I thank the gentleman for his explanation. But I notice he did not accept all portions of the other body's actions.

Mr. ASPINALL. No, no, I did not.

Mr. CRAFTS. I might say this, too, Mr. McClure, the Clearwater and Salmon are both extraordinary rivers—particularly the Salmon. It is a nationally known, nationally famous river. Both of these rivers are largely publicly owned. We are pioneering a concept here. It is something new. Therefore the impact of the establishment of these two rivers is relatively minimal, costwise and on private lands. We felt that this was perhaps a good place to test out this concept, in an area which is already largely in public ownership.

Mr. McCLURE. Will you make available to the committee also the other studies that were made on these two rivers?

Mr. CRAFTS. Yes. You mean the studies of the study team?

Mr. McCLURE. I think you mentioned the fact that there was a joint Interior-Agriculture——

Mr. CRAFTS. Task force, yes.

Mr. JOHNSON of California. It will be made available for the files.

Mr. McCLURE. Yes.

Do you know—it has been said—could you answer whether it is true that no consideration was given in either of these studies by the Battelle Institute or by the joint Departments of Interior-Agriculture study to the possibility that either the Salmon or the Clearwater Rivers might be needed for irrigation or flood control within the State of Idaho?

Mr. CRAFTS. I cannot speak for the Battelle report on that because I don't know. But—on the other point, I would like to answer that for the record. The assignment to the study teams was primarily to assess the rivers from the standpoint of the objective involved here—their suitability for the type of thing we are talking about. We did not attempt to assess—I believe this is right—whether it is more important to have a dam here or whether it is more inportant to keep the wild river—if this is what you are getting at.

Mr. McCLURE. Yes.

Mr. CRAFTS. I think this was out of the purview and the competence of the study teams. This takes a broader type of approach. Of course, this is one of the concerns of Senator Jordan on the Salmon. I believe the State of Idaho currently is involved in something along that line.

I believe that the assignment to the study teams was primarily to evaluate the suitabilities of the rivers as they found them for the purposes involved and not to attempt to develop which in the national interest is the best thing to do.

Mr. McCLURE. Now, is the study team approach that was used by you, under your direction, the only study that was made of these rivers for inclusion in this legislation?

Mr. CRAFTS. The Battelle study, and the study team report. If there were others, I don't know of them.

Mr. McCLURE. You don't know of any other effort made within the administration to make a broader study relating the value of these for this purpose as compared to other economic uses?

Mr. CRAFTS. I am not aware of them, no.

Mr. McCLURE. I really find this rather shocking personally, that we would come up with a rather major piece of legislation that will affect the lives of millions of people in great areas of our country for years and years to come, and find there has been no attempt by anybody within the administration to balance the uses of these rivers for the various possible uses.

I didn't expect that we would get to this point without at least some effort having been made to make an economic analysis of the impact of the use of these streams for this purpose.

Mr. CRAFTS. This is the feeling I know that prevails in some quarters of your State, and this is the feeling that Senator Jordan has. But it is also true that if you attempted to do this, to evaluate all the pros and cons of the rivers that are under consideration, all the possible alternatives, I don't know whether you would ever get anywhere.

Mr. McCLURE. Isn't that exactly what this committee is called upon to do?

Mr. CRAFTS. It also is possible for this committee, if it puts a river in there and decides later on that it wants to take it out, there is nothing to prevent this committee from taking it out.

Mr. McCLURE. Nothing except prior history that indicates you don't back up once you have taken this step.

Mr. CRAFTS. That's right; yes.

Mr. McCLURE. I believe that the legislation before us in most of its forms at least calls for some acceptance by a body or instrumentality of the State affected for the inclusion of additions to the system in the future.

Mr. CRAFTS. That is certainly right with respect to additions of State rivers. It requires consultation with the Governors of the States and with a whole group of bodies, Federal bodies and so on, before recommendations are submitted. In a sense it is very similar—in a broad sense it is very similar—to the pattern that we now go through with respect to recommendations from the Bureau of Reclamation and from the corps. There is a consultation and report and advice sought from a variety of agencies, and these all become available to the committee at the time the recommendation comes up.

Mr. McCLURE. Isn't there a further provision in some of the legislation concerning approval by the Governor of the State?

Mr. CRAFTS. Can you tell me which bill you are talking about? The addition of the State rivers—if you turn to page 4 of the attachment of my testimony, it is pretty clear. For State rivers to be added to the

system, depending on which bill, it takes an action of either the State legislature or the Governor and in either case the concurrence of the Secretary of Interior.

Mr. McCLURE. This has your approval?

Mr. CRAFTS. Yes, the Senate-passed bill requires the recommendation of the Governor and the Secretary's approval. The bill that the administration sent up, by Mr. Reuss, is similar to the Senate-passed bill.

Now, what is required with respect to the Governors' approval for proposals for national scenic rivers—I am still searching for this——

Mr. McCLURE. How do you distinguish between a State and a Federal river?

Mr. CRAFTS. A State river, like the Allagash and the Wolf, would be administered and operated by the State, and would be paid for in part by the State.

Mr. McCLURE. You are referring to the financing and administration of the river than its character?

Mr. CRAFTS. That's right; yes, sir.

Now, the national scenic rivers, I believe, require consultation with the Governor. But I don't think it is required that we must follow the Governor's recommendations. And I think in some cases he has 90 days, I believe, to submit his views, and his views go up with our recommendation to the Congress.

Mr. McCLURE. Are there any such consultations or recommendation with regard to the instant sections of the bill?

Mr. CRAFTS. There was consultation with the Governor. Of course, this was not done under specific directive authority from the Congress. There was consultation with the Governors or the Governors' representatives.

Mr. McCLURE. Has the State of Idaho approved the inclusion of all the sections of the Salmon and——

Mr. CRAFTS. I don't know. I think I can check it easily. As of that time—whether the position of the State has changed or not, I don't know. But I think I can check as of that time by checking with the study team member of the State at that time.

Mr. McCLURE. What was the coordination between the Bureau of Outdoor Recreation and the Water Resources Council on the economic and resource impact of this proposal?

Mr. CRAFTS. I think the Water Resources Council did not exist at that time.

Mr. McCLURE. There has been no attempt——

Mr. CRAFTS. No; other than that the Chairman of the Water Resources Council was and still is the Secretary of the Interior, and that one of the members of the Water Resources Council is the Secretary of Agriculture, and that the Bureau of the Budget, when it concurs in legislation of this sort—I cannot tell you all the groups to which it has referred this legislation, but I know that it has referred this bill to the Federal Power Commission, to the Corps of Engineers, and I think that three or four others—HUD and HEW. I don't know whether it was referred to the Water Resources Council. But certainly the Cabinet departments involved have all had an opportunity to review and express their views on this bill directly to the committee.

Mr. McCLURE. How many miles of these streams, total, would you have any idea, are within the boundaries of public ownership?

Mr. CRAFTS. These two streams?

Mr. McCLURE. No—of all of these that are included in the instant section of the bill.

Mr. CRAFTS. You mean the Clearwater and Salmon or the whole 17?

Mr. McCLURE. Yes.

Mr. CRAFTS. We have it river by river. I will have to add it up for you.

Mr. McCLURE. Could you supply that for the record?

Mr. CRAFTS. Yes. We have it divided between public and private ownership.

Mr. JOHNSON of California. Without objection, such material will be furnished for the record.

(The material follows:)

APPROXIMATE RIVER MILES IN PUBLIC AND PRIVATE OWNERSHIP

Name	Total miles	Approximate miles in public ownership	Approximate miles in private ownership
Senate bill, S. 119:			
Clearwater	190	181	9
Eleven Point	35	2	33
Illinois	40	36	4
Rio Grande	50	47	3
Rogue	85	55	30
St. Croix	235	23	212
Salmon	105	103	2
Wolf	24	0	24
Total	764	447	317
Aspinall, H.R. 8416:			
Clearwater	190	181	9
Rio Grande	50	47	3
Rogue	85	55	30
Salmon	255	250	5
Total	580	533	47
Reuss, H.R. 6166:			
Cacapon	120	2	118
Clearwater	190	181	9
Eleven Point	90	4	86
Rio Grande	50	47	3
Rogue	95	52	43
St. Croix	185	46	139
Salmon	255	250	5
Shenandoah	20	1	19
Wolf	24	0	24
Total	1,029	583	446
Saylor, H.R. 90:			
Cacapon	100	2	98
Clearwater	190	181	9
Eleven Point	35	2	33
Flathead	215	193	22
Green	84	46	38
Hudson	300	120	180
Klamath	140	84	56
Missouri	180	135	45
Rio Grande	50	47	3
Rogue	95	52	43
St. Croix	185	46	139
Salmon	340	272	68
Shenandoah	20	1	19
Skagit	150	62	88
Suwannee	250	12	238
Wolf	75	0	75
Total	2,409	1,255	1,154

Mr. McCLURE. How did you arrive at the costs estimated for the acquisition that are listed in the addenda to your statement?

Mr. TKACH. Based on the past land appraisals and the cost of the land acquired recently, we made an estimate of acquisition costs in the various areas.

Mr. McCLURE. Do you have a parcel-by-parcel appraisal?

Mr. CRAFTS. No.

Mr. TKACH. This is an average. It's an estimate.

Mr. McCLURE. You don't really have any idea as to how much of it is developed and and how much is open land?

Mr. CRAFTS. We have an estimated acquisition cost, which I believe we have not broken down as between what it would cost for the bare land and the cost of improvements, if this is what you mean.

This would vary greatly by different rivers, depending upon the extent of the present development. I don't know. I would have to check that out, Mr. McClure, whether it is broken down. But these—this is why we said earlier that we think it is premature to determine that this river is going to be wild, this scenic, this is natural, and so on, at this stage. We need to go back in and do some more work. And if Congress goes with the creation of this system and directs that these additional areas would be studied, this is one reason why we estimate roughly a cost of $50,000 per river. We would have a more complete amount of information on the rivers that we come up to you with in the future than we have on some of these at the present time.

Mr. McCLURE. You don't have a very detailed cost estimate on these that are included even in the Senate-passed bill.

Mr. CRAFTS. I would have to go back and check it, as to what we have, river by river. Some will be much more detailed than others. In some you will have purchases by the Forest Service or private lands in and around the river—probably went to the assessor's office and got the sales values, and this sort of thing, they would check the market value. But we have not carried out what is tantamount to an appraisal in the sense that you make an appraisal before you make an offer on a piece of land. This has not been done.

Mr. McCLURE. I don't suppose you have even actually had anybody look at a piece of property individually, parcel by parcel, and estimated the value, individually parcel by parcel?

Mr. CRAFTS. Not all the parcels. Some parcels I am sure they have looked at, to get some idea and to get comparisons with other parcels, the prices of which they know, in which there have been recent transactions.

Mr. McCLURE. Not to the extent of being able to assure this committee that these are any more than just guesses.

Mr. CRAFTS. Well, the term "guess" I think is too broad. I would not agree with that. These are the best empirical estimates we could make with the resources and the time that we had at our command, and the skill of the people that we were able to use.

Mr. McCLURE. That's a good answer, but it doesn't really answer it.

Mr. CRAFTS. I cannot answer you any better than that. I can tell you we spent on this total joint departmental study a total of about three-quarters of a million dollars. Therefore it was not just a guess. I could not concur in a statement that all we are doing is guessing.

Mr. McCLURE. I didn't mean to be derogatory. I just meant to indicate that the estimates are very rough.

Mr. CRAFTS. They are very rough. With that I will concur.

Mr. McCLURE. And you would not expect us to take them as being an accurate reflection of what the costs are or may be.

Mr. CRAFTS. I think they are indicative but I do not expect you to take them as accurate.

Mr. McCLURE. You indicated earlier that there is no precise way of indicating what developments would be compatible and what would not be for a river in a wild river state.

Mr. CRAFTS. We could give you a statement. If you want a statement on the types of development that we construe to be appropriate within the various classes specified in the bill, we can write that out and give it to you.

Mr. McCLURE. I think that would be helpful. Could that be added to the record?

Mr. JOHNSON of California. Without objection, that is so ordered.

(The material follows:)

TYPES OF DEVELOPMENT

From a scenic river standpoint emphasis would be placed on providing principally those facilities that are oriented to active visitor use and enjoyment of the river. This would include such facilities as access points, campsites, picnic areas, and interpretive areas. In the case of rivers flowing through areas in which the natural scene has remained unchanged, development would be minimal to retain the integrity of the natural state. In those instances where the rivers flow through designated wilderness areas no development will be permitted unless expressly allowed by the Wilderness Act. Wherever possible visitor goods and services would be provided outside the boundaries of the rivers by private initiative in the nearby communities.

Existing farm and ranch operations normally would be consistent with the scenic river concept. Likewise, existing well managed timber operations would be compatible, except that clear-cutting of trees on the river edge may in some instances be too disruptive to the natural scene. Existing mineral activities would be compatible except where they tend to destroy esthetic qualities or pollute the river. Existing cabins, summer homes and other recreation oriented commercial developments may be compatible with scenic river objectives if they do not seriously detract from the esthetic features and qualities of the river.

Certain uses would be discouraged that are disruptive to the natural or pastoral river scene such as residential sub-divisions, industrial plants, motels, and gas stations. The construction of dams, river channelization, closely paralleled roads and utility lines would be discouraged unless compelling reasons exist why they should be permitted.

Mr. McCLURE. I have only one or two more questions.

In an area which is designated as wild river, and which is paralleled by a developed road, what would be your attitude toward dwellings in that area that presently exist?

Mr. CRAFTS. And that are inside boundaries? What we will probably do is try to keep the boundaries from going out that far—keep that road and keep those dwellings outside the boundary of the national scenic river area. This is why this flexible thing has merit. We would pull in. We could pull in right close to the water's edge.

Mr. McCLURE. I am thinking in terms of the Lochsa River in Idaho.

Mr. CRAFTS. You are thinking of the road down the river?

Mr. McCLURE. Yes.

Mr. CRAFTS. There is a highway right down there, and you see this

is public land. Along the Lochsa there is very little private land. I have been down that road. There are occasional developments. Down here, as you get further down, you get more private land. I would say occasional development would not bother us, but if we got a concentration of developments we might break the stretch here.

Mr. McCLURE. There is a concentration at the lower part.

Mr. CRAFTS. We might put a break in there—stop it above it and bring it out below it.

Mr. McCLURE. You would not attempt to disrupt it?

Mr. CRAFTS. I cannot say specifically. This is what we did at Fire Island. We had communities there. We stopped the boundary of Fire Island just before we got to the community and picked it up on the other side.

Mr. McCLURE. It would be your intention——

Mr. CRAFTS. The intent is minimum disruption.

Mr. McCLURE. There are a number of those people who are quite concerned about their future right to continue to own property which they now own and occupy.

Mr. CRAFTS. Yes. We are facing that right now in the North Cascade area. Here again the Park Service has developed a new policy which Mr. Hartzog announced. I would say this. The Park Service is now more flexible on this than it was in times past. But the intent is minimum disruption compatible with the purposes of the act, and as you say, this turns on the Secretary's judgment. I don't know how else you could handle it. You cannot spell out every single detail.

Mr. McCLURE. I would not expect you to know offhand, but could you tell me, supply to the committee, whether or not your preliminary investigations included a reconnaissance survey of St. Joe River, the Priest River, the Moyie or the Bruneau River in the State of Idaho.

Mr. CRAFTS. I can tell you in just a second. The St. Joe in Idaho was in the reconnaissance, yes. What were the others? Maybe you would rather have me submit for the record a list of 22 that we studied in detail and the 67 that we made preliminary reconnaissance and then you will have the whole list.

Mr. McCLURE. Since you have indicated one of these was included—were those studies in such detail that you would think it would not be appropriate to include them within the study section of this bill?

Mr. CRAFTS. No. There are quite a few of these that are proposed in the study section, and they were not studied in that detail. We certainly didn't spend $50,000 per river on them. We maybe looked at them for a couple of days. If they were given preliminary reconnaissance, it does not in any way indicate they should not be in the study section.

Mr. McCLURE. Mr. Chairman, I would ask that this be made a part of the record at this point.

Mr. JOHNSON of California. Is there objection? Hearing none, so ordered. That includes the 22 plus the others?

Mr. CRAFTS. Plus the 67. And we can give you a list of 650 that we initially screened.

Mr. JOHNSON of California. This is now where there was some study given in the reconnaissance. I think that will be sufficient.

(The document follows:)

22 RIVERS THAT RECEIVED DETAILED CONSIDERATION

Allagash, Maine[1]
Buffalo, Ark.[1]
Buffalo, Tenn.
Clearwater, Middle Fork, Idaho
Eleven Point, Mo.[1]
Feather, Middle Fork, Calif.
Flathead, North, Middle, and South Forks, Mont.
Green, Wyo.
Hudson, N.Y.
Klamath, Calif.
Missouri, Mont.[1]
Namekagon, Wis.
Niobrara, Nebr.
Rio Grande, N. Mex.
Rouge, Oreg.
St. Croix, Minn. and Wis.
Salmon, Idaho
Savannah headwaters, N.C., S.C. and Ga.
Susquehanna, N.Y. and Pa.
Skagit, Wash.
Suwannee, Ga. and Fla.
Wolf, Wis.

67 RIVERS THAT RECEIVED PRELIMINARY CONSIDERATION

Animas, Colo.
Ausable, N.Y.
Big Fork, Minn.
Big Hole, Mont.
Black Warrior, Ala.
Blackfoot, Mont.
Blue, Ind.
Buffalo, Tenn.
Cacapon, W. Va.
Cache la Poudre, Colo.
Cheat, W. Va.
Clearwater, Idaho
Colorado, Utah, Ariz., Nev. and Calif.
Connecticut, N.H.
Cumberland, Tenn. and Ky.
Beschutes, Oreg.
Feather, Middle Fork, Calif.
Flathead, North, Middle, and South Forks, Mont.
French Broad, N.C. and Tenn.
Casconade, Mo.
Gila, N. Mex.
Green, Wyo., Utah, and Colo.
Greenbrier, W. Va.
Gros Ventre, Wyo.
Guadalupe, Tex.
Hoh, Wash.
Hudson, N.Y.
James, Va.
Kern, North Fork, Calif.
Klamath, Calif.
Linville, N.C.
Little Wabash, Ill.
Madison, Mont.
Manistee, Mich.
Methow, Wash.
Mullica, N.J.
Namekagon, Wis.
Niobrara, Nebr.
Oklawaha, Fla.
Penobscott, East and West Branches, Maine
Pere Marquette, Mich.
Potomac, Md., Pa., W. Va., and Va.
Queets, Wash.
Rio Grande, N. Mex. and Tex.
Rouge, Oreg.
Sacramento, Calif.
St. Croix, Wis. and Minn.
St. Joe, Idaho
Salmon, Idaho
Salt, Ariz.
San Juan, Utah and N. Mex.
Savannah headwaters, Ga. and N.C.
Shenandoah, Va.
Skagit, Wash.
Smith, Calif.
Snake, North Fork, Idaho
Susquehanna, N.Y. and Pa.
Tangipahoa, La.
Teton, Idaho
Upper Iowa, Iowa
Wacissa, Fla.
Wapsipinicon, Iowa
White, North and South Forks, Colo.
Wind, Wyo.
Wolf, Wis.
Yellowstone, Mont. and Wyo.
Youghiogheny, Md. and Pa.

[1] Considered partially on basis of information already available as a result of other studies.

Mr. MCCLURE. Thank you. I will yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I simply asked the gentleman to yield so I can thank Dr. Crafts for his patience and his candor. It is obvious that in addition to his very broad knowledge of the general subject, he has done his homework so that he could be specific in his answers.

I think you have done a splendid job today and I thank you very much.

Mr. CRAFTS. Thank you, Mr. Kyl.

Mr. JOHNSON of California. Mr. Witmer, do you have any questions?

Mr. WITMER. I think at this late hour, no.

Mr. JOHNSON of California. We tried to hold on here so that we could release Mr. Crafts and his people, so that they can get away.

I, too, want to say, Dr. Crafts, I appreciate your staying with us here today. It's been a hard day. You have certainly answered all the questions. Each one of us has had something in particular we are interested in. All of us have an interest in the scenic rivers system that will be set up.

I want to thank you and your people for coming here today, and the chairman of the full committee will probably make a decision on whether we want you to come back.

Mr. CRAFTS. We would be happy to come back at any time. Thank you for your courtesy.

Mr. JOHNSON of California. I have a letter here from a Mr. James Richard Wolf to Hon. John P. Saylor, in connection with Congressman Saylor's bill, H.R. 90. The gentleman from Pennsylvania would like to have this placed in the record. Hearing no objection, so ordered.

(The letter follows:)

PITTSBURGH, PA.,
February 26, 1968.

Hon. JOHN P. SAYLOR,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN SAYLOR: I understand that your H.R. 90 Scenic Rivers bill is scheduled for hearings in the near future. The bill is an example of the best long-range conservation planning.

You may be interested to know that the Audubon Society of Western Pennsylvania, of which I am currently president, has recently started canoe outings for bird observations and pleasant recreation, and this has generated considerable enthusiasm. We need to preserve the few priceless waterways that are still worthy of real enjoyment.

One river which I know personally is the Cacapon in West Virginia, a stream of gentle rapids and great botanical interest. The flowering dogwood and redbud are gorgeous in the spring and repay the paddler many times. Both the Cacapon and the Shenandoah should definitely be designated as scenic rivers even though they were ill-advisedly dropped from the Senate version.

From my own experience in West Virginia I would have no hesitation in having the Cheat (see the *Life* article last December) and the Potomac designated immediately. The former provides an exciting challenge to the accomplished canoeist; and the Potomac is known not only for its white water but also for the grandeur of the Trough near Romney.

The Youghiogheny's recreational development over the past several years demonstrates the tremendous increase in canoeing interest that is bound to be duplicated whenever the opportunity is preserved near population centers. Thousands must shoot the rapids near Ohiopyle each year.

The Susquehanna raises a special problem, and I would appreciate your comments. I have studied the proposed Interstate Compact and have suggested that it be amended to give explicit recognition to scenic rivers values. This has not been done to the best of my knowledge, and it therefore seems desirable to include a special provision in your bill that would enable scenic river decisions to be implemented even though they might run counter to the industrial development plans that an interstate commission might propose. The West Branch presently affords exceptional opportunities for long-distance canoeing in a land of forests, fields, and mountains and we should save this part of our Pennsylvania heritage.

I am sure my Congressman, Mr. Moorhead, will continue to give you his full support in your efforts on behalf of conservation.

Sincerely,

JAMES R. WOLF.

P.S.—I would be happy to have these remarks referred to Rep. Roy Taylor for inclusion in the official record if you consider it appropriate.

Mr. JOHNSON of California. The committee will stand in recess until 9:45 tomorrow morning.

(Thereupon, at 5:15 p.m., the committee was recessed until 9:45 a.m., Friday, March 8, 1968.)

NATIONAL SCENIC RIVERS SYSTEM

FRIDAY, MARCH 8, 1967

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to recess, at 9:55 a.m., in room 1324, Longworth House Office Building, Hon. Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. TAYLOR. The Subcommittee on National Parks and Recreation will now come to order.

In the absence of objection I would like to place in the record at this point an additional departmental report from the Department of Agriculture dated March 7, 1968, addressed to Hon. Wayne Aspinall, signed by Secretary Freeman, the FPC reports of March 1968 and a statement of the Texas Water Conservation Association.

(The documents referred to follow:)

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 7, 1968.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 752, H.R. 753, H.R. 3389, H.R. 3983, and H.R. 6289, similar bills "To provide for the establishment of the Saint Croix National Scenic Riverway in the States of Minnesota and Wisconsin, and for other purposes."

The bills would establish the Saint Croix National Scenic Riverway for the purpose of protecting, developing and making accessible for the use of the American people the nationally significant outdoor recreation resources of segments of the Saint Croix River and its tributary, the Namekagon River in Wisconsin. The boundaries of the Riverway would be as generally depicted on a map referred to in the bills.

The Riverway would be administered, protected, and developed by the Secretary of the Interior in accordance with statutory authorities available to the Secretary for the conservation and management of natural resources. Any portion of the Riverway within a National Forest would be administered in such manner as agreed upon by the Secretary of the Interior and the Secretary of Agriculture.

The bills also contain provisions relating to authority of the Secretary of the Interior to acquire lands and interests in land within the Riverway, authorization of water projects under the Federal Power Act, and other provisions of substance.

The upper end of the Namekagon River extends into the Chequamegon National Forest for approximately two miles. Most of the lands bordering this stretch of the river are National Forest lands administered by the Forest Service of this Department. Under the bills these lands would be administered in a manner agreed upon by the Secretary of the Interior and the Secretary of Agriculture.

In 1963, the Departments of Agriculture and the Interior initiated a joint study of the Nation's scenic rivers. As an outgrowth of that study, the Secretary of

the Interior on February 18, 1967, sent to the 90th Congress with the concurrence of this Department a proposed bill to establish a Nationwide System of Scenic Rivers. This bill has been introduced as H.R. 6166. Subsequently H.R. 8416 and a number of related bills have been introduced to provide for establishment of a National Scenic Rivers System. Under H.R. 6166, the Saint Croix River and its Namekagon tributary would be designated as a part of the National System to be administered by the Secretary of the Interior. Under H.R. 8416, the Saint Croix and Namekagon would be studied as a potential addition to the System.

On August 14, we sent to your Committee a report on H.R. 8416, H.R. 6166, and related bills. We recommended enactment of H.R. 8416, with the amendments suggested in our report.

Under the several pending bills related to the Saint Croix and Namekagon the Department of the Interior would be principally responsible for its administration as a scenic river or scenic riverway. That Department would be in a better position to comment as to whether the river should be included in the National Scenic Rivers System or treated as a separate area. Insofar as this Department is concerned we express no preference as to the manner of administration of the river. If the Saint Croix is to be administered as a part of the National Scenic Rivers System, we would have no objection if the river is initially designated as a part of the System.

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

Sincerely yours,

ORVILLE L. FREEMAN.

FEDERAL POWER COMMISSION,
Washington, D.C.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of April 17, 1967, for a report on the following group of bills relating to scenic rivers: H.R. 90 (Saylor) and an identical bill, H.R. 493 (Dingell); H.R. 3996 (Reuss); H.R. 6166 (Reuss) and a similar bill, H.R. 6588 (Anderson of Tennessee); and H.R. 8416 (Aspinall).

We enclose our report in depth on H.R. 8416. The views of the Commission therein stated, in general, apply to the other bills enumerated above. As you will note, the report endorses an amendment proposed by the Secretaries of Interior and Agriculture under which the licensing moratorium can be shortened from five years to two years when the Commission receives an application affecting a river while it is under study.

We are also attaching for the information of the Committee tabulations like those submitted with our report on H.R. 8416, listing existing and potential hydroelectric developments on the rivers described by the other bills in the group.

For the reasons explained in the Commission's report on H.R. 8416, we recommend that the pertinent provisions of the other bills be amended, where appropriate, to require approval by Congress for all State-established or administered river areas which are added to the wild and scenic rivers system, and also to define more clearly the Commission's licensing jurisdiction in relation to the system. With respect to the latter point, we urge that the following provision be incorporated in section 7(a) of H.R. 8416 and in applicable sections of the other scenic rivers bills. This language was approved by the Senate in section 6(a) of S. 119, which is also before your Committee:

"Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any national wild or scenic river area of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.): *Provided*, That the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed."

This provision also should be followed with respect to the various bills dealing with individual scenic rivers included in your request, viz., H.R. 752, 753, 3389, 3983, 6289 (St. Croix); H.R. 6373 (Wolf); and H.R. 7020 (Buffalo).

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 C. 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 rivers[1] 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.

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[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.

Section 7(b) would impose a moratorium on Federal Power Commission licensing for periods up to eight years applicable to the 20 rivers listed in Section 5(a), in order to afford the Secretary of the Interior and the Congress time to process and act upon the studies of such rivers for possible additions to the Scenic Rivers System. Section 7(c) would further require the Commission to notify the Secretary of the Interior immediately upon passage of the bill of any proceedings affecting the rivers during the study periods.

The Commission believes that the maintenance in their natural state of selected segments of the nation's rivers is a desirable means of preserving our national heritage, and we accordingly endorse the purposes of this legislation. In considering previous bills on this subject the Commission has taken the position that the selection of particular areas for inclusion in a wild or scenic rivers system necessarily involves, and will continue to involve, a balancing of public policy objectives. Such goals include the multipurpose development of the water resources of the nation's rivers for flood control, navigation, irrigation, power production, water quality control, protection of fish and wildlife, and enhancement of any recreational potential afforded by such multipurpose river development, as compared with the existing values which are retained by the preservation of such rivers in a free-flowing condition with the attendant public benefits, including conservation of fish resources and preservation of scenic assets and historical features.

We are convinced that these diverse public interest factors can be accommodated under the comprehensive multipurpose standards set by the Federal Power Act, to the extent applications for hydroelectric power projects are presented. Consequently, we do not believe that the uses of any major river, particularly those having significant hydroelectric possibilities, should be limited without a careful study to support such a course of action. The possibility of comprehensive multipurpose development of the Nation's water and related land resources must receive the most careful deliberation.

Our review of H.R. 8416 indicates that the river segments named in Sections 3 and 5(a) contain substantial amounts of developed and undeveloped hydroelectric power capacity and possibly some pumped storage capabilities which the Congress may wish to consider in its deliberations on the bill. We are attaching for the information of the Committee a tabulation (Table A) listing in detail the existing and potential hydroelectric developments on the stretches of rivers described in the bill. The amounts of hydroelectric power involved are summarized below.

	Section of bill		Total
	3	5(a)	
Developed or under construction:			
Number of streams	4	20	24
Number of plants		20	20
Installed capacity (kilowatts)		106,946	106,946
Annual generation (million kilowatt-hours)		488	488
Undeveloped:			
Number of plants	25	53	78
Installed capacity (kilowatts)	3,085,900	3,462,700	6,548,600
Annual generation (million kilowatt-hours)	10,873	10,276	21,149

With one exception, the capacity and annual generation listed in the attached table includes only conventional hydroelectric installations. One-half of the potential capacity of 240,000 kilowatts at the Edes Fort (W. Va.) site would be in reversible units. Pumped storage sites may be available within the designated portions of other rivers and studies may show that additional capacity in reversible units would be justified for installation at some of the undeveloped sites.

There are no existing hydroelectric projects and no licensing proceedings are pending in the Commission with respect to the four rivers listed for initial scenic river designation by Section 3 of H.R. 8416. A summary is attached (Table B) showing the licensing status of existing projects on the rivers listed for study

in Section 5(a) of the bill. The Commission has no outstanding preliminary permits or applications pending for projects to utilize the undeveloped power potentials at any of the sites located on these rivers.

If the bill is amended as described below, we believe that the consultative, review, and authorization procedures spelled out in H.R. 8416 would provide a sound and workable method for establishing a National Scenic Rivers System that will carry out the policy objectives of the bill consistently with the scheme for comprehensive water resources development prescribed in the Federal Power Act.

The Commission recommends (1) that Section 4(c) be amended to require scenic rivers designated by agreements with the States to also be approved by Acts of Congress in the same manner as Federally administered additions to the Scenic Rivers System must be approved, (2) that Section 7(a) be amended to clearly preserve the Commission's licensing jurisdiction over existing projects in scenic river areas, and to enable the Commission to license a new project in such an area when it is specifically authorized to do so by an Act of Congress, and (3) that Section 7(b) be modified to provide that the moratorium period applicable to Federal Power Commission licensing actions on a river while it is under study for possible inclusion in the System shall be reduced from five years to two years upon notification by the Commission to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, that the Commission has received a license application affecting such river. Our reasons and specific proposals in support of the foregoing recommendations are outlined as follows.

Under Section 4(c), the Secretary of the Interior, after interagency consultation, can enter into an agreement with a State for the administration by such State of a scenic river area thus designated by an act of the State legislature. As defined in Section 2(a)(ii) of the bill, such a state-designated area would be deemed an integral part of the National Scenic Rivers System, subject to all of the restrictions of the National Scenic Rivers Act, including the prohibition against licensing under the Federal Power Act. Consequently, it appears logical that the inclusion of such an area in the System should be sanctioned by an Act of Congress in order to assure full consideration of the benefits as well as the alternative uses of the particular area. In this connection it is our view that any major policy decisions limiting the use of such an area and possibly foreclosing multipurpose development of its resource potentials should ultimately be made by the Congress. We therefore recommend that the bill be amended accordingly to provide for Congressional approval for the inclusion of State-administered rivers in the Scenic Rivers System. Another related bill on this subject which is also pending before the Committee (H.R. 3996—90th Congress) calls for Congressional approval of any such acquisitions to the System.

We believe that Section 7(a) should be modified to clearly spell out the authority of Congress to authorize the Commission to license future developments on scenic rivers by special legislation, and also to preserve the licensing jurisdiction of the Commission over existing projects on such rivers. In this regard we point to the example of the Act of March 3, 1921, 41 Stat. 1353, which eliminated Federal Power Commission licensing within the limits of any national park or national monument as a preferable means of accomplishing the objectives of this bill once Congress has determined that a segment of a river should be dedicated to scenic river purposes and subjected to a general restriction on hydroelectric licensing.

The Commission believes that the following substitute language would effectuate the foregoing suggested changes and also be consistent with objectives of the legislation in protecting wild and scenic river values.

"SEC. 7(a) Except as specifically authorized by the Congress, the Federal Power Commission shall not authorize the construction, operation, or maintenance in any component of the national scenic rivers system of any dam or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.); *Provided however*, that the provisions of that Act shall continue to apply to any project, as defined in that Act, already constructed or under license to be constructed."

This would enable the Commission in the case of the existing projects listed in Table B (whether licensed or yet to be licensed) to require a licensee to so operate and maintain its project facilities, to construct or reconstruct licensed

project works, or adopt any other measures necessary to secure or accommodate other beneficial public purposes, including the conservation, development and utilization of the water and related land resources for navigation, flood control, irrigation, power generation, water quality control, preservation of scenic and historic assets, protection of fish and wildlife, and enhancement of recreational features or any other potential values. In cases where the structure already exists upon a scenic river, Commission regulatory jurisdiction over the project could serve as an effective tool to advance the purposes of the bill.

Of course, before the Commission could authorize or require any such redevelopment or other action by a licensee the Commission would have to be able to find under Section 4(e) of the Federal Power Act that such redevelopment or other action would not interfere or be inconsistent with the purposes for which the scenic river area reservation was created or acquired. Hence, if the Commission lacked a factual basis for such a finding it could not authorize the particular redevelopment or other action with respect to an existing project or development. Furthermore, in considering the application for license for any existing project works in a scenic river area, the Commission has authority to deny the application in the event the project does not meet the standards of the Federal Power Act. Under that circumstance, the owner could be required to remove the project works.

The third amendment which we endorse calls for a modification of the licensing moratorium which would be imposed on the Commission by Section 7(b) of the bill while the scenic assets and potentials of the rivers designated in Section 5(a) are being studied.

We understand that the Departments of the Interior and Agriculture in the reports they submitted to your Committee on H.R. 8416 and related bills recommended an amendment which in effect would reduce the study period from five years to two years in the event a license application for a project on or affecting a particular river is filed with the Federal Power Commission within three years after a study of such river is initiated. To implement this change, the following sentence would be inserted on page 15 of the bill, line 25, preceding the word "No":

"Upon notification by the Federal Power Commission that an application has been received for a license on or directly affecting any river listed in section 5, subsection (a), of this Act, the Secretary of the Interior or the Secretary of Agriculture where national forest lands are involved shall proceed to complete the study within two years after the receipt of such notice."

As we interpret this language, the Secretary would have two years from the notification by the Commission in which to complete his study and recommend inclusion in the national scenic rivers system. If the Secretary so recommends within the two-year period, the Commission could take no final action to license a project during the period of Congressional consideration, of up to three years, prescribed by section 7(b)(ii). If the Secretary failed to act within the two-year abbreviated study period, or prior to the expiration of such period concluded that the river should not be included in the system, the Commission would be free to issue a license.

The Secretary of Interior's report states that the amendment is intended to enable the Commission to process without any undue delay such applications as may be filed concerning the rivers in the section 5(a) study group. We understand therefore that nothing in the bill or the amendment would preclude the Commission from processing an application and investigating or holding hearings upon a proposed project during the study and Congressional moratorium periods prescribed therein, so long as it took no definitive action to issue a license.

Licensing moratoriums in the past usually have been prompted by the fact that there were licensing actions pending before the Commission which would have conflicted with specific legislative proposals then under active consideration by the Congress to authorize Federal development or use of the resources of the particular power sites involved for other purposes. In the case of the 20 rivers which would be authorized for study under H.R. 8416, the Commission, as pointed out above, has no licensing matters pending which affect these rivers. In these circumstances, there would as a practical matter seem to be no serious objection to imposing an FPC licensing moratorium, provided the bill makes clear the

status of any application affecting such rivers which may be filed while they are being studied. The amendment to Section 7(b) set out above will accomplish this result.

The Commission believes that this amendment would be compatible with the basic precept of the Federal Power Act and would further the objectives of H.R. 8416 by assuring full consideration of scenic factors in water resources programs. The amendment would not in our judgment unduly delay the processing of licensing matters under the Power Act and we accordingly concur with the Department of the Interior and the Department of Agriculture in recommending its adoption.

In conclusion, the Commission supports the objectives of this legislation and we would have no objection to the enactment of H.R. 8416, if the bill is amended along the lines described herein (1) to require State-established components of the National Scenic Rivers System to be approved by Acts of Congress, (2) to preserve the licensing jurisdiction of the Federal Power Commission over existing projects on scenic rivers established thereunder and also to permit it to license further developments on such rivers when specifically authorized to do so by Act of Congress, and (3) to require any studies of rivers for possible future inclusion in the System to be completed within two years after notification that an application for license affecting such a river has been filed with the Federal Power Commission.

FEDERAL POWER COMMISSION,
LEE C. WHITE, *Chairman.*

TABLE A.—DEVELOPED AND UNDEVELOPED HYDROELECTRIC PROJECTS LOCATED ON PORTIONS OF RIVERS NAMED IN THE NATIONAL SCENIC RIVERS BILL, H.R. 8416, 90TH CONG.

I. REACHES OF RIVERS NAMED IN SEC. 3 AS COMPONENTS OF THE NATIONAL SCENIC RIVERS SYSTEM

Project	State	River	Installed capacity (kilowatts)	Annual generation (thousand kilowatt-hours)	Gross head (feet)
1. Rogue—Undeveloped:					
Cooper Canyon	Oregon	Rogue	300,000	1,140,000	450
Ramey Falls	do	do	100,000	430,000	300
Total			400,000	1,570,000	
2. Rio Grande (none).					
3. Salmon—Undeveloped:					
Crevice	Idaho	Salmon	1,015,000	2,000,000	725
Black Canyon	do	do	238,900	930,000	332
Pinnacle Peak	do	do	243,000	940,000	376
Shoup	do	do	14,000	110,000	90
Indianola	do	do	71,000	280,000	248
Lewis	do	Middle Fork, Salmon	141,000	550,000	433
Pungo	do	do	8,000	66,000	170
Risley	do	do	5,300	44,000	135
Steelhead	do	do	5,400	45,000	145
Sheepwater	do	do	7,700	65,000	240
Deerhorn	do	do	5,300	44,000	170
Fuller	do	do	5,800	48,000	190
Salmon Falls	do	do	3,900	32,000	140
Fall Creek	do	do	5,500	46,000	200
Chinook	do	do	5,200	43,000	200
Bear Valley	do	do	7,800	65,000	310
Total			1,781,900	5,308,000	
4. Clearwater—Undeveloped:					
Penny Cliffs	Idaho	Middle Fork, Clearwater	292,000	1,787,000	590
Jerry Johnson	do	Lochsa	46,000	178,000	290
Wendover	do	do	105,000	450,000	718
Wolf Creek	do	Selway	103,000	400,000	286
Moose Creek	do	do	240,000	720,000	592
Running Creek	do	do	50,000	200,000	302
White Cap	do	do	68,000	260,000	483
Total			904,000	3,995,000	
Total, sec. 3, undeveloped			3,085,900	10,873,000	

11. REACHES OF RIVERS NAMED IN SEC. 5(a) FOR FEDERAL-STATE PLANNING FOR POSSIBLE ADDITIONS TO THE SYSTEM

Project	State	River	Installed capacity (kilowatts)	Annual generation (thousand kilowatt-hours)	Gross head (feet)
1. Cacapon—Undeveloped: Edes Fort.	West Virginia	Cacapon	[1] 240,000	315,000	225
2. Chatooga—Undeveloped:					
Camp Creek	South Carolina	Chatooga	100,000	75,000	180
Rogues Ford	do	do	120,000	77,500	246
Sand Bottom	Georgia	do	66,000	43,000	141
War Woman	South Carolina	do	80,000	50,300	182
Chatooga	do	do	44,000	54,000	[2]
Total			410,000	299,800	
3. Delaware—Undeveloped: Narrowsburg.	New York-Pennsylvania.	Delaware	15,900	64,000	40
4. Eleven Point—Undeveloped: Water Valley.	Arkansas-Missouri.	Eleven Point	34,000	90,000	127
5. Flathead—Undeveloped:					
Canyon Creek	Montana	North Fork, Flathead	116,000	260,000	154
Smoky Range	do	do	220,000	510,000	350
Spruce Park	do	Middle Fork, Flathead	88,000	330,000	860
Total			424,000	1,100,000	
6. Gasconade—Undeveloped:					
Rich Fountain	Missouri	Gasconade	35,000	96,000	78
Arlington	do	do	30,000	120,000	101
Richland	do	do	25,000	49,000	97
Total			90,000	265,000	
7. Green (none).					
8. Guadalupe:					
Developed:					
H–5	Texas	Guadalupe	2,400	7,700	28
H–4	do	do	2,400	7,700	27
Guadalupe hydro	do	do	308	1,500	9
Nolte, TP–5	do	do	2,480	7,000	27
Seguin	do	do	250	1,600	[3]
TP–4	do	do	2,400	7,800	29
Abbott, TP–3	do	do	2,800	8,900	30
Dulap, TP–1	do	do	3,600	13,400	NA
Undeveloped:					
GB–6	do	do	5,000	11,000	38
GB–5	do	do	5,000	11,000	45
GB–4	do	do	5,000	10,000	35
Retention No. 2	do	do	5,000	11,000	53
Canyon	do	do	20,800	8,400	153
Auxiliary No. 1	do	do	80,500	101,700	231
Auxiliary No. 3	do	do	122,600	156,600	250
Dam No. 7	do	do	21,400	8,650	140
Total			281,938	373,950	
Illinois—Undeveloped:					
Buzzards Roost	Oregon	Illinois	250,000	767,000	550
Kerby	do	do	9,400	51,000	180
Total			259,400	818,000	
10. Klamath—Undeveloped:					
Happy Camp	California	Klamath	135,000	790,000	476
Hamburg	do	do	67,000	380,000	388
Total			202,000	1,170,000	

Project	State	River	Installed capacity (kilowatts)	Annual generation (thousand kilowatt-hours)	Gross head (feet)
11. Niobrara (none).					
12. Penobscot, East and West Branches Developed:					
Medway	Maine	West Branch Penobscot	3,440	31,000	18
Dolby	do	do	14,100	93,000	49
Millinocket	do	do	8,000	44,000	110
North Twin	do	do	8,200	27,000	29
Ripogenus	do	do	24,300	100,000	186
Undeveloped:					
Debsconeag	do	do	15,000	69,000	58
Sourdnahunk	do	do	24,000	109,000	95
The Arches	do	do	22,500	94,000	90
Meadow Brook	do	East Branch Penobscot	12,000	48,000	50
Whetstone	do	do	30,000	117,000	135
Total			161,540	732,000	
13. Pere Marquette (None).					
14. Pine Creek—Undeveloped:					
Cammal	Pennsylvania	Pine Creek	85,000	130,000	235
15. St. Croix:					
Developed:					
Trego	Wisconsin	Namekagon (upper reach).	1,200	7,000	30
Hayward	do	do	168	1,300	18
Undeveloped:					
Swiss	do	St. Croix (upper reach)	2,700	17,900	35
Kettle River Rapids	do	do	27,500	120,000	78
Nevers	do	do	20,000	80,000	45
Developed: St. Croix Falls	Wisconsin-Minnesota.	St. Croix (lower reach)	23,200	114,300	59
Undeveloped: Stillwater	do	do	4,200	25,200	20
Total			78,968	365,700	
16. Shenandoah:					
Developed: Millville	West Virginia	Shenandoah	2,840	4,120	29
Undeveloped: Millville	do	do	[3] 37,000	[3] 66,000	50
Total			39,840	70,120	
17. Skagit—Undeveloped:					
The Dalles	Washington	Skagit	53,000	370,000	32
Low Faber	do	do	150,000	650,000	110
Copper Creek	do	do	83,000	470,000	152
Cascade	do	Cascade	66,000	320,000	686
Lower Sauk	do	Sauk	94,000	473,000	220
Upper Sauk	do	do	74,000	320,000	585
North Fork, Sauk	do	North Fork, Sauk	29,000	210,000	845
Sloan Creek	do	do	9,500	67,000	400
Lower Suiattle	do	Suiattle	31,000	240,000	505
Buck Creek No. 1	do	do	19,900	153,000	380
Downey Creek No. 1	do	do	12,200	93,000	385
Upper Suiattle	do	do	18,400	140,000	625
Total			640,000	3,506,000	
18. Susquehanna:					
Developed:					
Oakland	Pennsylvania	Susquehanna	600	1,900	9
Oneonta	New York	do	450	900	[2]
Colliers	do	do	3,810	8,000	30
Undeveloped:					
Falls	Pennsylvania	do	250,000	760,000	150
Hallstead	do	do	12,200	52,000	36
Lock Haven	do	West Branch Susquehanna.	80,000	212,000	82
Keating	do	do	260,000	430,000	278
Total			607,060	1,464,800	
19. Suwannee (none).					
20. Upper Iowa (none).					
Total, sec. 5(a):					
Developed			106,946	488,120	
Undeveloped			3,462,700	10,276,250	

[1] Installation would include both conventional and reversible units.
[2] Not available.
[3] Net gain from redevelopment of an existing project.

TABLE B.—LICENSING ACTIONS ON EXISTING PROJECTS LISTED IN H.R. 8416 (ASPINALL), 90TH CONG.

Section of bill	FPC project No.	Name of project	Owner	River	Installed capacity (kw)	Annual generation (million kilowatt-hours
5(a)(12)	[1] 2458	Dolby	Great Northern Power Co	West Branch, Penobscot	14,100	93
5(a)(12)	[1] 2458	Millinocket	do	do	8,000	44
5(a)(12)	[1] 2458	North Twin	do	do	8,200	27
5(a)(12)	[1] 2572	Ripogenus	do	do	24,300	100
5(a)(15)	[1] 2417	Hayward	Lake Superior District Power Co.	St. Croix	168	1
5(a)(16)	[2] 2343	Millville	Potomac Edison Co	Shenandoah	2,840	4
5(a)(18)	[3] 1899	Oakland	Pennsylvania Electric Co	Susquehanna	600	2
5(a)(18)	[1] 2455	Colliers	New York State Electric & Gas Corp.	do	3,810	8
		Total			62,018	279

[1] Application for license pending.
[2] Outstanding license; expires Dec. 31, 1987.
[3] Outstanding license; expires June 30, 1970; application filed to surrender license.

TABLE 1.—SUMMARY OF HYDROELECTRIC PLANTS AFFECTED BY H.R. 90, 90TH CONG., NATIONAL SCENIC RIVERS SYSTEM (H.R. 493, 90TH CONG.)

Section of bill	River and State	Existing and under construction			Undeveloped		
		Number of plants	Installed capacity, kilowatts	Annual generation (million kilowatt-hours)	Number of plants	Installed capacity, kilowatts	Annual generation (million kilowatt-hours)
3(a)(1)	Salmon and Middle Fork, Idaho	0			18	3,511,900	10,528
3(a)(2)	Middle Fork, Clearwater, Lochsa, and Selway, Idaho	0			7	904,000	3,995
3(a)(3)	Rogue, Oreg	0			2	400,000	1,570
3(a)(4)	Rio Grande and Red, N. Mex	0			0		
3(a)(5)	Eleven Point, Mo	0			1	34,000	90
3(a)(6)	Cacapon and Lost, W. Va	0			1	[1] 240,000	315
3(a)(7)	Shenandoah, W. Va	1	2,840	4	1	[2] 37,000	66
3(a)(8)	Green, Wyo	0			0		
3(a)(9)	Klamath, Calif	0			2	202,000	1,170
3(a)(10)	Missouri, Mont.[3]	0			3	1,114,000	2,518
3(a)(11)	Skagit, Cascade, Suiattle, Sauk, and North Fork, Sauk, Wash	0			12	640,000	3,506
3(a)(12)	North Fork, Middle Fork, and South Fork, Flathead, Mont	0			3	424,000	1,100
3(a)(13)	Hudson, N.Y	49	405,025	1,566	7	[4] 1,987,000	1,090
3(a)(14)	Wolf, Wis	1	340	2	3	[2] 21,200	[2] 58
3(a)(15)	St. Croix and Namekagon, Minn. and Wis	2	1,368	8	2	47,500	200
3(a)(16)	Suwannee and Ichetucknee Springs, Fla	0			0		
	Total, sec. 3(a)	53	409,573	1,580	62	9,562,600	26,206
3(b)(1)	Buffalo, Tenn	0			0		
3(b)(2)	St. Croix, Minn	1	23,200	114	1	4,200	25
3(b)(3)	Niobrara and Snake, Nebr	0			0		
3(b)(4)	Susquehanna, N.Y. and Pa	3	4,860	11	2	262,200	812
3(b)(5)	Allegheny, N.Y. and Pa	2	[5] 386,000	518	0		
3(b)(6)	Big Blue, Ind	0			0		
3(b)(7)	Little Miami, Ohio	0			1	5,000	15
3(b)(8)	Little Beaver, Ohio	0			0		
3(b)(9)	Pine Creek, Pa	0			1	85,000	130
3(b)(10)	Delaware, Pa. and N.Y	0			1	15,900	64
3(b)(11)	Clarion, Pa	1	28,800	34	2	240,000	355
3(b)(12)	West Branch Susquehanna, Pa	0			2	340,000	642
3(b)(13)	Little Tennessee, Tenn	1	50,000	186	0		
3(b)(14)	Buffalo, Ark	0			4	[6] 1,777,000	2,279
3(b)(15)	Colorado, Utah, Colo., Ariz., Nev., and Calif	6	2,599,400	6,514	7	[7] 3,943,000	14,915
3(b)(16)	Columbia, Mont., Wash., Idaho, and Oreg	11	10,419,250	73,041	3	4,192,000	9,778
	Total, sec. 3(b)	25	13,511,510	80,418	24	10,864,300	29,015

See footnotes at end of table.

TABLE 1.—SUMMARY OF HYDROELECTRIC PLANTS AFFECTED BY H.R. 90, 90TH CONG., NATIONAL SCENIC RIVERS SYSTEM (H.R. 493, 90TH CONG.)—Continued

Section of bill	River and State	Existing and under construction			Undeveloped		
		Number of plants	Installed capacity, kilowatts	Annual generation (million kilowatt-hours)	Number of plants	Installed capacity, kilowatts	Annual generation (million kilowatt-hours)
3(c)(1)	Animas, Colo	1	8,000	22	3	95,500	456
3(c)(2)	Ausable, N.Y	1	2,640	15	0		
3(c)(3)	Big Fork, Minn	1	600	3	0		
3(c)(4)	Big Hole, Mont	0			2	105,000	460
3(c)(5)	Black Warrior, Ala	2	85,175	353	1	16,000	103
3(c)(6)	Blackfoot, Mont	0			4	139,700	726
3(c)(7)	Cache La Poudre, Colo	0			6	112,200	644
3(c)(8)	Cheat, W. Va	1	51,200	139	2	[8] 975,000	1,620
3(c)(9)	Connecticut, N.H	5	308,310	652	3	42,000	121
3(c)(10)	Cumberland, Tenn. and Ky	5	636,000	2,379	2	169,000	412
3(c)(11)	Deschutes, Oreg	4	357,160	1,359	10	411,500	2,483
3(c)(12)	Middle Fork, Feather, Calif	0			5	[9] 225,000	1,045
3(c)(13)	French Broad, N.C. and Tenn	1	112,000	355	0		
3(c)(14)	Gasconade, Mo	0			3	90,000	265
3(c)(15)	Gila, N. Mex	0			0		
3(c)(16)	Greenbriar, W. Va	0			0		
3(c)(17)	Gros Ventre, Wyo	0			0		
3(c)(18)	Guadalupe, Tex	8	16,638	56	8	265,300	318
3(c)(19)	Hoh, Wash	0			6	101,500	642
3(c)(20)	James, Va	12	40,625	166	11	[2] 657,030	[2] 1,259
3(c)(21)	Kern, North Fork, Calif	1	32,000	200	3	125,000	766
3(c)(22)	Linville, N.C	0			0		
3(c)(23)	Little Wabash, Ill	0			0		
3(c)(24)	Madison, Mont	1	9,000	50	4	96,500	582
3(c)(25)	Manistee, Mich	2	38,000	99	8	79,900	192
3(c)(26)	Methow, Wash	0			0		
3(c)(27)	Mullica, N.J	0			0		
3(c)(28)	Namekagon, Wis.[10]	0			0		
3(c)(29)	Oklawaha, Fla	5	58,040	295	5	103,500	437
3(c)(30)	Penobscot, East and West Branch, Maine	0			0		
3(c)(31)	Pere Marquette, Mich						

3(c)(32)	Potomac, Md., Pa., W. Va., and Va	3	2,960	21	11	[2] 387,040	[2] 1,287
3(c)(33)	Queets, Wash	0	----------	----------	2	27,000	119
3(c)(34)	Sacramento, Calif	2	450,000	2,075	2	207,000	1,002
3(c)(35)	Saint Joe, Idaho	0	----------	----------	1	29,000	117
3(c)(36)	Salt, Ariz	4	66,690	245	5	122,200	179
3(c)(37)	San Juan, Utah and N. Mex	0	----------	----------	4	222,000	1,004
3(c)(38)	Savannah headwaters, Ga. and N.C	6	166,420	309	2	110,000	97
3(c)(39)	Shenandoah, Va	1	750	4	0	----------	----------
3(c)(40)	Smith, Calif	0	----------	----------	0	----------	----------
3(c)(41)	Snake, North Fork, Idaho [11]	0	----------	----------	0	----------	----------
3(c)(42)	Tangipahoa, La	0	----------	----------	0	----------	----------
3(c)(43)	Teton, Ind. and Wyo	1	1,870	9	1	22,000	76
3(c)(44)	Upper Iowa, Iowa	0	----------	----------	0	----------	----------
3(c)(45)	Wacissa, Fla	0	----------	----------	0	----------	----------
3(c)(46)	Wapsipinicon, Iowa	1	200	1	0	----------	----------
3(c)(47)	White, North and South Forks, Colo	0	----------	----------	0	----------	----------
3(c)(48)	Wind, Wyo	1	1,600	14	2	85,000	400
3(c)(49)	Yellowstone, Mont. and Wyo	0	----------	----------	9	1,940,000	9,434
3(c)(50)	Youghiogheny, Md. and Pa	1	19,200	27	5	137,000	438
Total, sec. 3(c)		70	2,465,078	8,848	130	7,097,870	27,224
Total		148	16,386,161	90,846	216	27,524,770	82,445

[1] Includes 120,000 kilowatts of reversible capacity.

[2] Includes only the net gain from redevelopment of an existing plant.

[3] The extent of the reach of this river to be included in the system is indefinite. The projects listed would occupy the entire Fort Peck-Fort Benton reach.

[4] Includes the capacity of 1,800,000 kilowatts at the Cornwall pumped storage site (Project No. 2338). This project is before a Commission hearing examiner as a result of judicial instructions to hold further hearings in the case.

[5] Includes 360,000 kilowatts in reversible capacity as part of development under license at FPC Project No. 2280, Kinzua (Seneca) development. Construction of this development, which is located at the Federal Allegheny Reservoir, has been initiated.

[6] Includes 31,000 kilowatts reversible at a federally proposed project plus 2 pure pumped storage developments, which would have a total installation of 1,600,000 kilowatts.

[7] License applications have been filed with the Commission for Project No. 2248, covering both Bridge Canyon and Marble Canyon hydroelectric project sites on the Colorado River, and Project No. 2272, covering Bridge Canyon. The potential capacity and generation at these sites are included in the Colorado totals.

[8] Includes 675,000 kilowatts of reversible capacity, consisting of 150,000 kilowatts at the Beaver Hole site and 525,000 kilowatts at FPC Project No. 2477, Rowlesburg pumped storage development. A preliminary permit has been issued by the Commission for the latter project, which will be located at the Federal Rowlesburg Reservoir.

[9] A license application has been filed with the Commission for 5 undeveloped sites on the Middle Fork, Feather River, Project No. 2134.

[10] Section 3(a)15 of the bill also includes the Namekagon River and its projects are listed therein.

[11] Identification of this river reach is not clear. Available maps do not show a North Fork of the Snake River.

TABLE 2.—LICENSING ACTION ON EXISTING AND UNDER CONSTRUCTION PROJECTS LISTED IN H.R. 90 (SAYLOR) 90TH CONG. (H.R. 493, 90TH CONG.)

Section and item of bill	Project and State	Project No.	Owner	River	Installed capacity (kilowatts)	Annual generation (thousand kilowatt-hours)
3(a)(7)	Millville, W. Va	[1] 2,343	Potomac Light & Power Co	Shenandoah	2,840	4,121
3(a)(13)	Lower Mechanicsville, N.Y	[2] 2,500	Niagara-Mohawk Power Co	Hudson	4,500	6,000
	Upper Mechanicsville, N.Y	[2] 2,443	West Virginia Pulp & Paper Co	do	6,310	8,400
	Hoosic Falls, N.Y	[1] 2,487	Central Vermont Public Service Co	Hoosic	1,050	3,700
	Fort Edward, N.Y	[2] 2,482	Niagara-Mohawk Power Co	Hudson	2,850	4,000
	Baker Falls, N.Y	[2] 2,482	do	do	2,250	3,600
	Moreau, N.Y	[2] 2,482	do	do	4,800	10,200
	Glen Falls, N.Y	[3] 2,385	Finch-Pruyn & Co	do	9,840	11,840
	South Glen Falls, N.Y	[2] 2,482	Niagara-Mohawk Power Co	do	3,800	27,000
	Sherman Island, N.Y	[2] 2,482	do	do	28,800	40,000
	Spier Fall, N.Y	[2] 2,482	do	do	44,400	213,600
	Stewarts Bridge, N.Y	[1] 2,047	do	Sacondaga	30,000	118,000
	E. J. West, N.Y	[1] 2,318	do	do	20,000	28,000
3(a)(15)	Hayward, Wis	[2] 2,417	Lake Superior District Power Co	Namekagon	168	1,300
Total, sec. 3(a)					161,608	479,761
3(b)(4)	Oakland, Pa	[14] 1,899	Pennsylvania Electric Co	Susquehanna	600	1,900
	Colliers, N.Y	[2] 2,455	N.Y. State Electric & Gas Co	do	3,810	8,000
3(b)(5)	Kinzua, Pa	[15] 2,280	Pennsylvania Electric Co. and Cleveland Electric Illuminating Co	Allegheny	386,000	518,000
3(b)(11)	Piney, Pa	[1] 309	Pennsylvania Electric Co	Clarion	28,800	34,000
3(b)(13)	Chilhowee, Tenn	[1] 2,169	Tapoco, Inc	Little Tennessee	50,000	186,000
3(b)(16)	Priest Rapids, Wash	[1] 2,114	Grant County PUD No. 2	Columbia	788,500	4,860,000
	Wanapum, Wash	[1] 2,114	do	do	831,350	4,760,000
	Rock Island, Wash	[1] 942	Chelan County PUD No. 1	do	212,000	1,963,000
	Rocky Reach, Wash	[1] 2,145	Puget Sound Power & Light Co	do	711,550	5,000,000
	Wells, Wash	[1] 2,149	Douglas County PUD No. 1	do	774,250	4,500,000
Total, sec. 3(b)					3,786,860	21,830,900

3(c)(1)	Tacoma, Colo	[1] 400	Western Colorado Power Co	Animas	8,000	21,600
3(c)(3)	Big Falls, Minn	[1] 2,089	Minnkota Power Co	Big Fork	600	3,000
3(c)(5)	John H. Bankhead, Ala	[1] 2,165	Alabama Power Co	Black Warrior	45,125	188,000
	Holt lock and dam, Ala	[1] 2,203	do	do	40,050	165,000
3(c)(8)	Lake Lynn, W. Va	[2] 2,459	West Penn Power Co	Cheat	51,200	139,000
3(c)(9)	Wilder, N.H	[1] 1,892	New England Power Co	Connecticut	16,200	47,500
	McIndoes, N.H	[1] 2,077	do	do	10,560	44,000
	Comerford, N.H	[1] 2,077	do	do	140,400	307,000
	Moore, N.H	[1] 2,077	do	do	140,400	251,000
3(c)(11)	Pelton, Oreg	[1] 2,030	Portland General Electric Co	Deschutes	108,000	400,000
	Round Butte, Oreg	[1] 2,030	do	do	247,050	946,000
3(c)(20)	Reusens, Va	[1] 2,376	Appalachian Power Co	James	12,500	39,000
3(c)(21)	Kern River No. 3, Calif	[1] 2,290	Southern California Edison Co	North Fork, Kern	32,000	200,000
3(c)(24)	Madison No. 2, Mont	[1] 2,188	Montana Power Co	Madison	9,000	50,000
3(c)(30)	Dolby, Maine	[2] 2,458	Great Northern Paper Co	West Branch, Penobscot	14,100	93,000
3(c)(38)	Yonah, Ga	[3] 2,354	Georgia Power Co	Tugaloo	22,500	41,100
	Tugaloo, Ga	[3] 2,354	do	do	45,000	84,800
	Tallulah Falls, Ga	[3] 2,354	do	Tallulah	72,000	115,800
	Mathis-Terrora, Ga	[3] 2,354	do	do	16,000	45,000
	Nacoochee, Ga	[3] 2,354	do	do	4,800	8,000
	Burton, Ga	[3] 2,354	do	do	6,120	14,600
3(c)(39)	Warren, Va	[1] 2,391	Potomac Edison Co	Shenandoah	750	1,050
Total, sec. 3(c)					1,042,355	3,204,450
Grand total					4,990,823	25,515,111

[1] Licensed project.
[2] Application for license pending.
[3] License issued; rehearing requested.
[4] Application to surrender license filed on Mar. 15, 1966.
[5] Pumped storage project under construction at Corps of Engineers Allegheny Reservoir.

DEVELOPED AND UNDEVELOPED HYDROELECTRIC PROJECTS LOCATED ON PORTIONS OF RIVERS NAMED IN THE WILD RIVERS BILL, S. 119, 90TH CONG. (H.R. 3996,[1] 90TH CONG.)

I. REACHES OF RIVERS NAMED IN SEC. 3(A) FOR INCLUSION IN THE NATIONAL WILD RIVERS SYSTEM

Project	State	River	Installed capacity (kilowatts)	Annual generation (thousand kilowatt-hours)	Gross head (feet)
1. Salmon River—Undeveloped:					
Lower Canyon	Idaho	Salmon	1,280,000	4,380,000	665
Freedom	do	do	450,000	840,000	220
Crevice	do	do	1,015,000	2,000,000	725
Black Canyon	do	do	238,000	930,000	332
Pinnacle Peak	do	do	243,000	940,000	376
Shoup	do	do	14,000	110,000	90
Indianola	do	do	71,000	280,000	248
Lewis	do	Middle Fork, Salmon	141,000	550,000	433
Pungo	do	do	8,000	66,000	170
Risley	do	do	5,300	44,000	135
Steelhead	do	do	5,400	45,000	145
Sheepeater	do	do	7,700	65,000	240
Deerhorn	do	do	5,300	44,000	170
Fuller	do	do	5,800	48,000	190
Salmon Falls	do	do	3,900	32,000	140
Fall Creek	do	do	5,500	46,000	200
Chinook	do	do	5,200	43,000	200
Bear Valley	do	do	7,800	65,000	310
Total			3,511,900	10,528,000	
2. Clearwater River—Undeveloped:					
Penny Cliffs	Idaho	Middle Fork, Clearwater	292,000	1,787,000	590
Jerry Johnson	do	Lochsa	46,000	178,000	290
Wendover	do	do	105,000	450,000	718
Wolf Creek	do	Selway	103,000	400,000	286
Moose Creek	do	do	240,000	720,000	592
Running Creek	do	do	50,000	200,000	302
White Cap	do	do	68,000	260,000	483
Total			904,000	3,995,000	
3. Rogue River—Undeveloped:					
Copper Canyon	Oregon	Rogue	300,000	1,140,000	450
Ramey Falls	do	do	100,000	430,000	300
Total			400,000	1,570,000	
4. Rio Grande (none).					
5. Eleven Point—Undeveloped: Water Valley.	Missouri	Eleven Point	34,000	90,000	127
6. Cacapon—Undeveloped: Edes Fort.	West Virginia	Cacapon	[2] 240,000	315,000	225
7. Shenandoah: Developed: Millville.	do	Shenandoah	2,840	4,120	26
Undeveloped: Millville	do	do	[3] 37,000	[3] 66,000	50
Total, sec. 3(a):					
Developed			2,840	4,120	
Undeveloped			5,126,900	16,564,000	

II. REACHES OF RIVERS NAMED IN SEC. 3(b) FOR FEDERAL-STATE PLANNING FOR POSSIBLE ADDITIONS TO THE SYSTEM

1. Buffalo (none).					
2. Green (none).					
3. Hudson:					
Developed: Cedar River	New York	Hudson	146		[4]
Undeveloped:					
Hadley	do	do	82,000	170,000	67
Kettle Mountain	do	do	78,000	180,000	300
Chain Lakes	do	Cedar	5,300	13,000	
Total			165,446	363,000	
4. Missouri [5]—Undeveloped:					
Low Rocky Point	Montana	Missouri	94,000	350,000	44
High Cow Creek	do	do	720,000	1,480,000	332
Fort Benton	do	do	300,000	688,000	177
Total			1,114,000	2,518,000	
5. Niobrara and Snake (none).					

See footnotes at end of table, p. 187.