

TO AMEND THE WILD AND SCENIC RIVERS ACT

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
NINETY-THIRD CONGRESS

FIRST SESSION

ON

S. 921

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

S. 1101

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT
BY DESIGNATING CERTAIN RIVERS IN THE STATE OF
MICHIGAN FOR POTENTIAL ADDITIONS TO THE NATIONAL
WILD AND SCENIC RIVERS SYSTEM

S. 1391

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT
BY DESIGNATING A SEGMENT OF THE WISCONSIN RIVER
FOR POTENTIAL ADDITION TO THE NATIONAL WILD AND
SCENIC RIVERS SYSTEM

JULY 18, 1973



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Committee on Interior and Insular Affairs

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TO AMEND THE WILD AND SCENIC RIVERS ACT

MONDAY, JULY 16, 1973

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 8110, Dirksen Office Building, Hon. Floyd K. Haskell, chairman, presiding.

Present: Senators Haskell, Hatfield, and McClure.

Also present: Jerry T. Verkler, staff director; Steven P. Quarles, special counsel; and Harrison Loesch, minority counsel.

**OPENING STATEMENT OF HON. FLOYD K. HASKELL, A U.S. SENATOR
FROM THE STATE OF COLORADO**

Senator HASKELL. The hearing will come to order.

The Subcommittee on Public Lands of the Committee on Interior and Insular Affairs will commence on S. 921, S. 1101, and S. 1391.

At this point in the record I will insert copies of the three bills, S. 921, S. 1101, and S. 1391, and executive communications received from the Departments of Interior, Budget, and Agriculture.

[The texts of S. 921, S. 1101, S. 1391, and executive communications follow:]

93D CONGRESS
1st Session

S. 921

~~THE SENATE OF THE UNITED STATES OF AMERICA~~

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1973

Mr. JACKSON (for himself and Mr. FANNIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Wild and Scenic Rivers Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Wild and Scenic Rivers Act (82 Stat. 906) is
4 amended as follows:

5 (a) In section 7 (b) (i) delete "five-year" and substitute
6 "ten-year".

7 (b) In section 16 delete "\$17,000,000" and substitute
8 "\$37,600,000".

93^d CONGRESS
1ST SESSION

S. 1101

IN THE SENATE OF THE UNITED STATES

MARCH 6, 1973

Mr. HART (for himself and Mr. GRIFFIN) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That subsection (a) of section 5 of the Wild and Scenic
4 Rivers Act (16 U.S.C. 1276) is amended by adding at the
5 end thereof the following:

6 “(28) Au Sable, Michigan: the segment downstream
7 from Foot Dam to Oscoda; upstream from Loud Reservoir to
8 the river’s source and including its principal tributaries and
9 excluding Mio and Bamfield Reservoirs.

10 “(29) Manistee, Michigan: the segment upstream from

4

2

- 1 Manistee Lake to the river's source and including its prin-
- 2 cipal tributaries and excluding Tippy and Hodenpyl Reser-
- 3 voirs."

S. 1391

IN THE SENATE OF THE UNITED STATES

MARCH 27, 1973

Mr. NELSON introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Wild and Scenic Rivers Act by designating a segment of the Wisconsin River for potential addition to the national wild and scenic rivers system.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That section 5 (a) of the Wild and Scenic Rivers Act (16

4 U.S.C. 1276 (a)) is amended by adding at the end thereof

5 the following:

6 “(28) Wisconsin River, Wisconsin: The segment from

7 Prairie du Sac to its confluence with the Mississippi River at

8 Prairie du Chien.”

II



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 15 1973

Dear Mr. President:

Enclosed is a draft of a proposed bill "To amend the Wild and Scenic Rivers Act", to which the President refers in his Environment and Natural Resources State of the Union Message transmitted to you today.

We recommend that the bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The draft bill amends sections 7(b) and 16 of the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 906, 914 and 918; 16 U.S.C. 1278(b) and 1287).

The enclosed draft bill would extend the 5-year moratorium contained in section 7(b) of the Act for an additional 5-year period, by which time we expect to complete studies on all of the 27 river areas. Completion of these studies and implementation of resulting management plans would assure the wise use of these rivers and their immediate environments for this and future generations of Americans.

The enclosed draft bill also amends section 16 of the Wild and Scenic Rivers Act. Section 16 authorizes the appropriation of not more than \$17,000,000 for the acquisition of the initial components of the National Wild and Scenic Rivers System, of which some \$16.9 million have been appropriated. The draft bill would raise the appropriation authorization to \$37,600,000, the amount we estimate will be needed to complete acquisitions at the river areas.

Our experience with the initial authorization tends to confirm projections of the conferees on the original Act, who recognized that the ceiling imposed by section 16 might well be inadequate.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

Rogers C. Morton
Secretary of the Interior

Honorable Spiro T. Agnew
President of the Senate.
Washington, D.C.

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 12 1973

Dear Mr. Chairman:

This responds to the request of your Committee for the views of this Department on S. 1101, S. 449 and S. 1391, bills to amend the Wild and Scenic Rivers Act by designating certain rivers for potential additions to the national wild and scenic rivers system.

We have no objection to the enactment of S. 1101 (Au Sable and Manistee Rivers); or S. 1391 (Wisconsin River). We have no objection to the enactment of S. 449 (Colorado River, Colorado), if amended as suggested in this report.

All of the above bills would amend section 5(a) of the Wild and Scenic Rivers Act by adding new rivers to that section, thereby designating those rivers for study for potential addition to the Wild and Scenic Rivers System. Under the terms of the Wild and Scenic Rivers Act, the Secretary of the Interior--and where national forest lands are involved, the Secretary of Agriculture--would be required to study these rivers and report to the President and the Congress on them within 10 years from October 2, 1968. Priority is to be given to rivers most likely to be developed in a way which would render them unsuitable for inclusion in the Wild and Scenic Rivers System.

One of the study bills, S. 449 (Colorado River, Colorado), contains specific time limits during which the study of the river must be completed. We would be unable to comply with such a time requirement without rescheduling the pending wild and scenic river studies. We are aware of no justification for giving such priority to the Colorado River, and we therefore oppose giving such preference to this river.

We expect that studies of all the above rivers, as well as the rivers now on the section 5(a) study list, will be completed by October 2, 1978. This is the date to which the Administration's bill, S. 921, would extend the construction moratorium on "study" rivers provided for in 16 U.S.C. §1278(b). Provided that S. 921 is enacted, the study rivers will be protected from the Federal Power Commission's licensing of, and Federal assistance in the construction of, water resource projects for the period during which they are being studied.

We have the following specific comments:

1. S. 1101 would add to section 5(a): (a) The segment of the Au Sable, Michigan, downstream from Foot Dam to Oscoda; upstream from Loud Reservoir to the river's source and including its principal tributaries and excluding Mio and Benfield Reservoirs; (b) the segment of the Manistee, Michigan, upstream from Manistee Lake to the river's source and including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

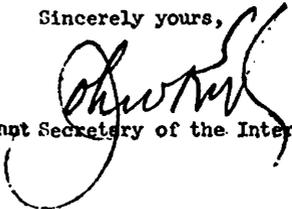
We have no objection to enactment of this bill. Under the agreement between the Department of Agriculture and this Department, leadership of this study would probably be the responsibility of the Department of Agriculture, because of the National Forest lands involved.

2. S. 449 would add to section 5(a), a segment of the Colorado River, Colorado, from the Colorado-Utah border to a point 12.5 miles upstream near the town of Loma, Colorado, and would require the study to be completed and submitted within 1 year of enactment. We believe that the description of this segment refers to air miles, rather than miles along the river. A more accurate description would be "The segment from the Colorado-Utah border to a point approximately 20 miles upstream where Pollock Canyon drainage intersects the Colorado River." We would have no objection to enactment of S. 449, if it were amended to clarify this geographic description and if section 2, requiring the study to be completed in 1 year, were deleted.

3. S. 1391 adds to section 5(a), the segment of the Wisconsin River, Wisconsin, from Prairie du Sac, Wisconsin, to its confluence with the Mississippi River at Prairie du Chien, Wisconsin. We would have no objection to enactment of S. 1391.

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

Sincerely yours,


Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D. C. 20510

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 17 1973

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
3106 New Senate Office Building
Washington, D. C. 20510

Dear Mr. Chairman:

This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 449, a bill "To amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Colorado River, Colorado, for study as a potential addition to the national wild and scenic rivers system" (requested June 27, 1973);
2. S. 1101, a bill "To amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system" (requested June 27, 1973); and,
3. S. 1391, a bill "To amend the Wild and Scenic Rivers Act by designating a segment of the Wisconsin River for potential addition to the national wild and scenic rivers system" (requested June 18, 1973).

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on these bills, and accordingly has no objection to the enactment of S. 1101 and S. 1391. We have no objection to the enactment of S. 449 if amended as suggested by the Department.

Sincerely,



Wilfred H. Rommel
Assistant Director for
Legislative Reference



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

July 11, 1973.

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate

Dear Mr. Chairman:

As you requested, here is our report on S. 1101, a bill "To amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the national wild and scenic rivers system."

This Department recommends that the bill be enacted.

S. 1101 would amend section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to add portions of the Au Sable and Manistee Rivers in Michigan as study rivers for potential addition to the National Wild and Scenic Rivers System.

The Secretaries of the Interior and Agriculture identified segments of both of these rivers as having potential for the National Wild and Scenic Rivers System pursuant to section 5(d) of the Wild and Scenic Rivers Act. This information was published in the Federal Register on October 28, 1970 (35 F.R. 16693). The segments of both rivers proposed for 5(d) status are encompassed in S. 1101.

The segment of the Au Sable from Loud Reservoir upstream to Mio Dam is within the Huron National Forest. Upstream from Mio Reservoir the river forms a portion of the north boundary of the Forest. The Manistee and its principal tributary, the Pine River, are substantially within the boundaries of the Manistee National Forest. Both rivers would lend themselves to a cooperative program of State-Federal management if they were made a part of the National Wild and Scenic Rivers System after the river study called for by section 5(a) of the Act.

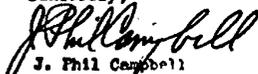
Section 5(a) status for these two rivers would give them the added protection afforded study rivers under section 7(b) and (c) of the Act.

An environmental statement is being prepared pursuant to the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), and will be transmitted as soon as it is available.

The estimated cost for the proposed studies of the Au Sable and Manistee Rivers for potential addition to the National Wild and Scenic Rivers System is \$175,000 for each study.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,


J. Phil Campbell
Under Secretary

Senator HASKELL. We are privileged to have as our first witness a member of the Interior Committee, Senator Gaylord Nelson.

**STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM
THE STATE OF WISCONSIN**

Senator NELSON. Mr. Chairman, I have a statement which I would ask, in order to save time, be printed in the record.

Senator HASKELL. It will be so ordered.

Senator NELSON. Mr. Chairman, one of the bills before the committee, S. 1391, proposes to put part of the Wisconsin River in the study section of the Wild Rivers Act. The portion designated for study in this bill would be a 74-mile section starting at Prairie du Sac in Sauk City, Wis., and running down to the Mississippi River at Prairie du Chien.

I regret that I am only able to give you a diagrammatic map and a State highway map. The Wisconsin State Department of Natural Resources made aerial maps and on-site maps a week ago but they haven't yet arrived, and I will submit them to you as soon as they arrive.

Senator HASKELL. They will be included in the record.

Senator NELSON. I won't go too much into the history of the river. The reason that it didn't get highly developed is that the traffic is north-south, Minneapolis to New Orleans, and this river is running south, southwest and didn't become a major transportation highway as the Mississippi did. This is fortunate in many ways because it is in the kind of condition that I think Congress had in mind when we proposed and passed the scenic and wild rivers bill.

Senator HASKELL. May I interrupt? I believe that the Senator mentioned that with the exception of the towns at each end of the section they are all very small, and most of them are actually off the river.

Senator NELSON. Yes, Prairie du Chien is at the confluence of the Mississippi and the Wisconsin and that is a city of 5,540. Then at the beginning of the proposed study section are two twin cities, in fact, Sauk City and Prairie du Sac, they are 2,300 and 1,900, respectively.

Then, along the road which generally follows the river there are some small towns varying in size from 137 people to one which is 1,590, and Spring Green which is 2,000. So they are small communities and they do not intrude in any dramatic way at all on that river.

The rest of them that you see listed along the map are, in fact, anywhere from a quarter to a half to a mile off the river.

Senator HASKELL. Thank you, Senator Nelson. Thank you very much indeed. When the Post Office Department delivers the maps they will be included in the record.

Senator NELSON. I might say there is very strong general support for this concept from a number of newspapers, from conservation organizations, and in general I find very good acceptance for the idea of preserving this section of the river under the Scenic and Wild Rivers Act.

Senator HASKELL. Thank you very much indeed, Senator.

[The prepared statement of Senator Nelson follows:]

PREPARED STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR
FROM THE STATE OF WISCONSIN

Mr. Chairman, I appreciate this opportunity to appear before the Public Lands Subcommittee in support of S. 921, which will provide an additional authorization of \$20 million for the National Wild and Scenic Rivers System, and S. 1391, which would add the lower Wisconsin River to the study list for the system.

The \$20 million in authorized appropriations is necessary both from the standpoint of the expansion of the Wild and Scenic River System in general, and for the continuation of the development of the system in Wisconsin. There has been, recently, a renewed recognition of the importance of environmental preservation among many people. The recent activities during Earth Week promoting the

conservation of our energy resources and the protection of some of our most precious areas of natural beauty highlight a strong environmental conscience on the part of the American citizens.

The Wild and Scenic Rivers System is an integral part of this spirit of preservation. Since its establishment in 1968 under legislation which I co-sponsored, the System has aided in protecting significantly untouched rivers all across the nation.

In Wisconsin, there are three segments which are part of the Wild and Scenic Rivers System: the upper St. Croix, the Namekagon, and the lower St. Croix. The original legislation, however, also provided for the inclusion of the Wolf River in the system. This river, which runs through five counties in north-eastern Wisconsin, also runs through the area which is maintained by the Menominee Indians, and which was contained within their reservation, until the reservation was terminated in 1960. An important principle of our dealings with native Americans is that they ought to have the full and final say over the development of land within their reservations. Therefore, the addition of the Wolf River to the Wild and Scenic Rivers System has been delayed until an agreement could be reached with the Menominee Indians. Such an agreement has not yet been reached, but there is an indication that those involved in negotiations will come to a conclusion in the near future. Such a conclusion, when it is reached, will allow for the addition of the Wolf River to the system. This authorization of \$20 million will allow the Department of the Interior to proceed with the acquisition of the needed land, and thus follow along with the intent of the Congress in including the Wolf River in the original legislation passed in 1968.

Thus, both from the general national interest in preserving rivers which have not been despoiled by expanding development, and from the position of completing the intent of Congress by providing for the eventual addition of the Wolf River to the System, S. 921 ought to be approved by both this Committee and the Congress.

The second bill under consideration at this hearing is S. 1391, which adds the lower Wisconsin River to the list of rivers to be studied for inclusion in the Wild and Scenic Rivers System. This legislation was introduced jointly by Congressmen Kastenmeier and Thomson in the House, and myself in the Senate on March 29, 1978, and would provide that 74 miles of the Wisconsin River, from Prairie du Sac in Southcentral Wisconsin, to Prairie du Chien on the Wisconsin-Iowa Border at the confluence of the Wisconsin and Mississippi Rivers, be added to section 5(a) of the Wild and Scenic Rivers Act. This section provides for the appropriate studies of the designated rivers, and also requires that such studies be pursued in close cooperation with the appropriate state and local governments, and would include a determination of the degree to which the state and local government can participate in the administration of the river's resources.

The lower Wisconsin is one of the most beautiful and unspoiled rivers in the nation. It was first discovered in 1673, during the travels of two French explorers. The travels of Father Jacques Marquette and Louis Joliet from Green Bay to the mouth of the Mississippi River led them to travel down the length of the Wisconsin River, and to note the vast and varied resources which grace the shoreline.

The discovery of the Mississippi River by Marquette and Joliet enhanced the use of that river as a means of transportation for material from the heartland of the nation to the port at New Orleans. But the Wisconsin River, although a tributary of the Mississippi, did not fit into the pattern of transportation, because of its west to southwest direction. As a result, the Wisconsin River was not a victim of the development which accompanies a major transportation route. A study by Gene Musolf and F. D. Hole, of the University of Wisconsin, points out:

"Since the exploratory canoe trip in 1673, European and American settlers have replaced the Indian occupants, exploited the forests, and prairies, and, in succession, practiced wheat, corn-hog, dairy and truck crop farming. But, the development of the lower Wisconsin as a main transportation route never materialized. . . . The trend of this valley runs counter to the major flow of people and freight. . . . 'nature made highway' was the title assigned to the Wisconsin waterway in 1915."

So while the Mississippi River, over the past 300 years, has been substantially developed as a major transportation resource, the Wisconsin River has remained in its natural state, presenting to the people a unique recreational and environmental resource.

The value of the lower Wisconsin as an asset to the nation has been recognized by both government and the public. Those who own private property along the river have worked hard to prevent the kind of development which leads to the ultimate destruction of a shoreline, and the State of Wisconsin owns some 16,000 acres of land along the river, utilizing the area in four state parks and a number of smaller state-owned recreational and hunting areas.

In 1969, in order to promote complete protection of the entire length of the lower Wisconsin, I requested the Department of the Interior to include the river in a study of an Upper Mississippi River Recreational Area. At that time, I said:

"... Time has been kind to the lower Wisconsin. As yet, it is still relatively undeveloped, and protection in some form would not conflict with navigation or industrial interests. One can still enjoy a memorable canoe trip down the river, passing through pastoral, hilly countryside and small towns, a route of the historic Voyageurs.

"Because of its closeness to major population centers, the river presents another recreational opportunity in the Upper Midwest, and because of its proximity to the Upper Mississippi River Valley, could be an important part of the national recreation area which your study is considering."

Although the lower Wisconsin was not included in the study, the Department did indicate an interest in including the river in the overall plan for preservation of the resources of the midwest.

Support for the preservation of the lower Wisconsin has come from many diverse individuals and organizations. The Sierra Club has extended its support to the efforts in Congress, by saying: "The lower Wisconsin is broad and filled with islands, creating a feeling of remoteness even though the river lies within easy driving distance of the cities of Madison and Milwaukee. Its gentleness makes it an ideal river for family canoeing groups or for learners."

The Madison *Capital Times* has editorialized in support of the preservation of the river. "The crush toward the countryside, evident in Wisconsin, as elsewhere, poses a threat to the historic waterway. . . . What makes the proposal timely is that it comes while the lower Wisconsin is still relatively free from the threat of development and is largely unspoiled."

In addition, the Wisconsin Department of Natural Resources has, over the past eighteen months, been conducting an in-depth study of the lower Wisconsin, in order to determine whether the state should provide for partial preservation of the river. The study conducted by the D.N.R. states that "the lower Wisconsin is unique from many aspects and should be preserved in the public interest. The opportunity is still available to protect the corridor, but will be diminished with time." The State indicated, at the time of the introduction of the legislation in Congress, that it would cooperate fully with the federal government to achieve protection of this truly significant area.

The study by Gene Musolf of the Wisconsin River also points up the increasing trend toward recreational development in areas of natural beauty, which S. 1391 would protect against.

"Recreational activities and residential developments have been increasing in the area. Recent elevation of standards for the protection of quality of water and other components of the environment, and an increasing appreciation of the scientific, esthetic and recreational values of the principal environmental corridor of Wisconsin point to the need for a practical land use zoning system in the valley."

This movement towards the building of recreational developments was addressed earlier in June with an amendment which I introduced to the Land Use bill passed by the Senate. This amendment, which was included in the final version, provided that states would be required to establish programs to ensure that the environmental and public service effects of large-scale residential real estate projects would be reviewed and taken into account before such projects are built. The intention of the amendment was to halt the environmental destruction of the nation's scenic areas by the second home real estate boom.

That amendment addressed itself to the overall protection of our natural resources. The addition of the lower Wisconsin to the Wild and Scenic Rivers System would be another method of dealing with this problem on an individual basis, a complementary effort with the general approach represented by the land use legislation.

The area involved in the lower Wisconsin River contains some 98,500 acres. Present ownership involves about 16,000 acres of public lands, 8,603 acres of

public utilities land, 55,000 acres of private lands, and approximately 21,000 acres of water.

Sixteen communities dot the shore line of the river, although only four actually touch the river. There are no impoundments at present on the river, and development by private citizens has not gone beyond the construction of simple cottages, of which there are few.

Thus, with interest in this legislation coming from the state government, from the press, from active environmentalists in Wisconsin, and from many residents of the area, the addition of the lower Wisconsin River to the Wild and Scenic River study would afford an excellent opportunity for a full-scale study of the river, and of the most effective means to protect its valuable resources for the enjoyment and benefit of future generations.

Senator HASKELL. We are extremely fortunate in having as our next witness, the Senator from Michigan, the Honorable Philip Hart.

STATEMENT OF HON. PHILIP HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Senator HART. Thank you, Mr. Chairman and members of the committee. It is fortunate for me to have a chance to get here. It works the other way. I am grateful the committee would consider, among others, S. 1101. I won't presume to pretend to be an expert in how many cottages nor how many miles would be included in the reach of the bill which proposes to add two Michigan rivers to the study section. The rivers are the Manistee and the Au Sable. It is my impression, based upon the Michigan Department of Natural Resources and the Department of Interior's earlier studies, that fortunately the overwhelming bulk of the frontage on these rivers is now in the ownership of the Consumer Power Co. I may add that they have exercised remarkable discipline in avoiding exploiting or promoting the acreage which fronts on these two very lovely rivers.

To my knowledge there is no significant community along either of the rivers, so far as the stretch which is proposed to be added to the study.

The Au Sable flows into Lake Huron and the Manistee into Lake Michigan. Each cuts across the northern part of our lower peninsula. In preparing for this morning I learned that a very distinguished old citizen of Michigan, William Murson, said that the splendid trout streams of the upper part of our State also need timely help or they too are doomed.

He was talking about the Au Sable and he was writing in 1870. So more than 100 years ago we had been alerted to the threat to a very beautiful stretch. We have yet to respond adequately.

I hope that in the case of both of these rivers your committee, Mr. Chairman, will see fit to add them to the study as the documents we will provide you indicate support for both proposals is broad and is serious. I think the Department of Interior and the Michigan Natural Resources Commission have made very clear their beliefs that these two streams are very appropriate. I thank you very much.

Senator HATFIELD [presiding]. Thank you very much, Senator Hart. As I understand it, the State of Michigan has no State law that would protect these rivers, so if we do not take this action—

Senator HART. I think in fairness to the State I should point out that in the very recent past, they have enacted legislation which seeks

to protect stretches such as this, but I am not familiar with the degree to which money is available. In any event, we think these two are appropriate for inclusion in the national package.

It is my impression that the Department was aware of the Michigan law at the time they concurred in our judgment that we should add these for the national study.

Senator HATFIELD. I note also when you indicate in your testimony the broad support of the local groups, that this includes a rather strong statement for a chamber of commerce to make, on page 3.

Senator HART. Yes, I was tempted to include that in my testimony summary.

Senator HATFIELD. It is a very significant statement. Thank you very much, Senator Hart.

Senator HASKELL [presiding]. Senator Hart, I am sorry I was called out of the room. Will the Michigan Department of Natural Resources prepare a map that we could use?

Senator HART. Yes.

Senator HASKELL. That will be included in the record.

Senator McClure.

Senator McCLURE. I have no questions. I am just very interested in the legislation, and I am glad to have your testimony.

Senator HASKELL. Thank you very much indeed.

[The prepared statement of Senator Hart follows:]

PREPARED STATEMENT OF HON. PHILIP A. HART, A U.S. SENATOR FROM THE STATE OF MICHIGAN

Mr. Chairman, let me begin by thanking you and your Subcommittee for taking an interest in S. 1101, a bill to place portions of Michigan's Au Sable and Manistee Rivers on the list of rivers to be studied as potential additions to the wild and scenic rivers system.

In passing the Wild and Scenic Rivers Act of 1968, Congress declared that "selected rivers . . . which . . . possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and . . . shall be protected for the benefit and enjoyment of present and future generations."

A visit to the wild stretches of these two rivers shows beyond doubt that they belong in our scenic rivers system.

As a matter of fact, as long ago as June 5, 1970, the Interior Department, in a letter to me, noted:

"As you may recall, the Manistee was one of the 67 rivers investigated while formulating the various bills which culminated in the Wild and Scenic Rivers Act. Our knowledge of both rivers suggests that both may merit inclusion in the National Wild and Scenic Rivers System."

Later that year, acting on that suggestion, the Department of Interior and the Department of Agriculture announced that the Manistee and Au Sable had been added to the list of rivers to be studied for inclusion in the wild rivers system under Section 5(d) of the act.

That, of course, was a step in the right direction, but the action does not ensure protection against federal construction on the rivers or ensure that the study required for official designation under the act, will be carried out promptly.

And that is why speedy action on S. 1101 is important. Not only will passage of the bill temporarily protect the rivers against federal projects, but it should also mean the studies will be undertaken sooner.

As is too often the case with efforts to preserve wild areas, time is of great importance, for those who would protect these areas are running a race with developers.

Oil wells are being drilled—as close as 500 feet to the Au Sable's north branch. Leases have been let and large parcels sold for private development.

Perhaps, a word about the history of the Au Sable will help explain why so many persons believe the rivers should be preserved as a scenic area.

The Au Sable River, a tributary to Lake Huron, drains an estimated 1,800 square miles of Northern Michigan, an area equal to half again the size of the State of Rhode Island (1,214 square miles).

The Au Sable first began to flow after the last ice age, 10,000 years ago. The Indians associated themselves with the river for food, drink and transportation. The early white settlers, probably French, were fur trappers. The French gave the river its name "Au Sable" meaning "The River of Sand." The loggers followed in the late 1800's to take the timber. They made it a commercial thoroughfare by their log drives to the sawmills on Lake Huron. Recreational fishing came to the Au Sable River before the turn of the century. The grayling was the top prize for these early anglers.

Au Sable River history has come down in various forms of legend, print, artifact and rumor. It includes the names of Chief Shoppenagon, Rube Babbitt, Paramalee, Stephen, Wakely and McMaster. Today, some of these names are book titles, names of hotels and dedicated roads and bridges in the Au Sable River country.

And today, sections of these rivers remain unspoiled wild areas, the water still runs clear, and fish still bite in abundance.

Little wonder then that conservation-minded groups and individuals throughout Michigan support S. 1101, but concern for these unique natural resources extends even to the Chamber of Commerce of the City of Mio.

The word "even" was selected not to criticize other chambers of commerce, but to emphasize the action of the Mio Chamber.

Admitting that "it is unusual for a Chamber of Commerce to oppose a developmental proposal," the Mio Chamber several years ago passed this resolution:

"The Au Sable River frontage between Mio and Alcona Pond should be retained in its natural state and made available for public use. No further development should be permitted until some equitable means of carrying out the above objectives can be arrived at."

In addition, the bill is supported by Michigan Congressmen Elford A. Cederberg and Phillip E. Ruppe, who have introduced a similar bill in the House, Michigan Governor William G. Milliken, the Michigan Department of Natural Resources, and of course, Senator Griffin and me, who introduced the bill to the Senate.

The sections of the rivers covered by the bill are:

Au Sable, downstream from Foot Dam to Oscoda; and upstream from Loud Reservoir to the source of the river, including the principal tributaries but excluding Mio and Bamfield reservoirs;

The Manistee, from Manistee Lake, upstream to its source, including its principal tributaries but excluding Tippy and Hodenpyl Reservoirs.

Perhaps the feeling of those who have had the good fortune to fish or canoe these rivers is best expressed in the words of Henry Stephan, a pioneer of the area whose memories were recalled in "The Old Au Sable," by Hazen Miller.

Mr. Stephan said:

"I have no great desire to catch a lot of trout now, being satisfied if I get a few to eat and being out fishing, enjoying wildlife and the peacefulness of it all. When the time comes for me . . . I would like to have a resting place on the bank of the beautiful, beloved Au Sable."

Our plea to this Subcommittee and to Congress is best expressed by an editorial in the *North Woods Call*, a remarkable weekly newspaper.

Warning of the threats closing in on these rivers, the editorial asks:

"Are we willing to continue our retreat? Can we rebury Henry Stephan along another stream?"

The end of our retreat can begin with prompt action on this bill.

Thank you.

Senator HASKELL. Our next witness is James G. Watt, Director of the Bureau of Outdoor Recreation, Department of the Interior. Mr. Watt.

Senator HATFIELD. Mr. Chairman, I wonder if I could intervene at this point?

Senator HASKELL. Yes, certainly.

Senator HATFIELD. Mr. Chairman, since the National Wild Scenic Rivers Act has been law, we have taken similar action in our State of Oregon to set forth a criteria and to work in concert with the Federal law in making certain that our rivers are adequately protected. We have had some interesting experience along this line which leads me to propose an amendment to the National Wild and Scenic Rivers Act and why I would like to comment on that at this point is to get the response to this proposal from men like the Director, Mr. Watt, and others who will follow him with testimony. I can only do this by way of illustration.

In a public land State, particularly, we have lands which vary in ownership quite extensively between the State, private, and Federal and so the present law requires that any land which the State may wish to add may be added only by donation. We have tried to work with the BLM on the Rogue River and to acquire land which would be a threat to the character of that river, and so the State has undertaken to purchase private lands, some 53 acres in one large block, and 12 acres in another area, which would adversely affect the wild river character if that land were continued in private ownership. The State's investment in this area so far is \$77,500 and is expected to reach over \$100,000, all of which comes from park acquisition funds of the State highway department.

All we would have to do would be to insert the words "or exchange," because here it would relieve the financial pressure upon the States to be able to exchange public lands with the Federal Government, instead of just donating. So I would like to have these gentlemen at least comment, if they can, on their view about the insertion of the words "or exchange" between the word "donation" in section 6(a), line 8 of the act of Public Law 95-42. I think especially in States like Colorado, Idaho, and my own and other public land States where the States are very active in this area of preservation of corridors and land abutting to the wild river, that it would certainly make it much easier to accomplish those objectives as between State and private and Federal lands.

Senator HASKELL. That is a very constructive suggestion and I must say that my immediate reaction is favorable, but let's hear what the gentlemen who are here to testify, including Mr. Watt, have to say on that. I think all of us would appreciate such comments but proceed in your own way Mr. Watt and please either summarize or submit your statement for the record.

STATEMENT OF JAMES G. WATT, DIRECTOR OF OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY ROBERT EASTMAN, ASSISTANT DIRECTOR

Mr. WATT. Thank you, Mr. Chairman, and with your permission I would like to read a brief statement we have prepared, and then speak to the proposed amendment Senator Hatfield has proposed.

I have with me at my right Mr. Bob Eastman, Assistant Director of the Bureau, and I will ask him to assist me in answering any questions you or members of the committee might have.

It is a privilege to appear before this committee today to testify on S. 921, which embodies the administration's proposed amendment of the Wild and Scenic Rivers Act, and two other bills which would also amend this act.

The administration's proposal, which I shall discuss first, was referred to by President Nixon in his state of the Union message on natural resources and the environment submitted to the Congress on February 15, 1973. The President proposed the legislation as part of his program to protect our natural heritage. We believe its enactment is essential to the effective exercise of our responsibility for careful evaluation and protection of our Nation's unspoiled rivers.

Specifically, the administration's proposal amends two sections of the Wild and Scenic Rivers Act, 7(b) and 16.

Section 7(b) prohibits for 5 years the Federal Power Commission from licensing any project under the Federal Power Act on or directly affecting any of the 27 rivers listed in the act for study by the Secretaries of the Interior and Agriculture as potential additions to the national wild and scenic rivers system. Our recommended bill would extend this prohibition for another 5 years.

Section 7(b) contains two other provisions designed to afford protection to rivers under study by the two Departments for the same period of time as the prohibition on FPC licensing authority. One prohibits Federal agencies from assisting in the construction of any water resource project that would have a direct or adverse effect on the river's wild or scenic values.

Senator McCURE. Could I interrupt at this point, because I notice you made one change? The prepared statement says "direct and adverse effect." You read, "direct or adverse effect."

Mr. WARR. I didn't mean it to be.

Senator McCURE. I wondered if there was any significance in it.

Mr. WARR. I don't mean it to be.

The other prevents Federal agencies from recommending authorizations or appropriations for construction of water resource projects without reporting potential conflicts with the purposes of the Wild and Scenic Rivers Act to the two Departments and the Congress.

We estimate that reports on 6 of the 27 "study rivers" named in the act will have been transmitted to the President and the Congress by October 2, 1973. Several of these six reports probably will recommend State administration. After October 2, 1973, the remaining 21 study rivers will be subject to FPC licensing and federally assisted water resource project development which could seriously impair, if not destroy, their wild and scenic river values. Accordingly, we are requesting a 5-year extension of the moratorium as provided in S. 921.

S. 921 also amends section 16 of the Wild and Scenic Rivers Act by increasing the existing \$17 million appropriation authorization for property acquisition along the eight rivers designated in the 1968 act as the initial components or "instant rivers" of the national system. All of the existing \$17 million authorization has already been appropriated.

S. 921 would provide an additional \$20,600,000 to complete acquisitions at these river areas. Our present estimate of the costs to complete acquisition for each of the river areas is as follows:

Clearwater, Middle Fork, Idaho.....	\$2, 160, 000
Eleven Point, Mo.....	2, 900, 000
Feather, Middle Fork, Calif.....	3, 850, 000
Rio Grande, N. Mex.....	100, 000
Rogue, Oreg.....	9, 040, 000
St. Croix, Minnesota and Wisconsin.....	1, 450, 000
Salmon, Middle Fork, Idaho.....	1, 100, 000
Total	20, 600, 000

Our experience with the initial appropriation authorization in section 16 tends to confirm early projections of the 90th Congress, who recognized that the ceiling imposed by section 16 might well be inadequate.

The two other bills which are the subject of this hearing—S. 1101 and S. 1891—would add segments of the Au Sable and Manistee Rivers in Michigan and the Wisconsin River in Wisconsin, respectively, to the list of “study rivers” in section 5(a) of the Wild and Scenic Rivers Act. As indicated in the Department’s report on these bills, we would have no objection to their enactment.

Under the agreement between the Department of Agriculture and this Department, leadership of the study of the Au Sable and Manistee River segments would probably be the responsibility of the Department of Agriculture because of the national forest lands involved. The Department of the Interior would have leadership responsibility for study of the Wisconsin River segment.

This concludes my formal statement. I shall be happy to respond to any questions you wish to ask.

With regard to Senator Hatfield’s proposed amendment, our reaction would be that that would be a constructive addition to the bill. The witness you will be hearing from the Forest Service will want to direct some remarks to this; I assume his reaction to this is the same as mine.

Senator HASKELL. As I understand, Senator Hatfield’s suggestion is in addition to the word “donate” the word “exchange” be added and in your opinion this would give your Department increased flexibility.

Mr. WATT. Yes, there are some general authorities along this line, but we have had some questions raised, as the Senator is well aware, and this would erase those questions.

Senator HASKELL. Thank you, Mr. Watt.

Senator Hatfield.

Senator HATFIELD. I have no questions. I appreciate the testimony that Mr. Watt has given and I appreciate his comment about this proposed amendment. I am not sure that it has the broadest application at this point, but I think it could be a great inducement for the States to move ahead, particularly public lands States, if they knew they had a possibility of making exchanges as well as donations, because, as you know, in the general overall Federal-State relations, the donations

have always been in the direction of the Federal Government and coming to the State it has always been purchase and so, at least, if we can overcome that one discrimination and provide some possibility of a mutual benefit by exchange, I think we could enhance the efforts on the part of the States, at least my State.

Mr. WATT. The general philosophy we would like to establish would be the adoption of any principles and any administrative procedures that would assist States in establishing wild rivers that they would administer. We feel the States have much to offer and can adequately and effectively do the job in concert with the Federal Government. The Federal Government need not be the only one managing these fine areas. The States are establishing excellent records and we need to encourage that.

Senator HATFIELD. What is the general philosophy at this point in terms of the acceptance by the Federal Government of such rivers that have been designated by State action and qualify under State law and under Federal law, as far as the States' desire to have their State-designated rivers included in the Federal act, taken over in effect by the Federal scenic and wild river program?

Mr. WATT. We have had a couple of instances where the States have rivers in their wild rivers systems. The Governors made application to the Secretary of the Interior and we have looked with favor upon those.

Senator HATFIELD. We have four such rivers in my State now that have been so designated by State law that fully qualified under the Federal act and which the State is desirous at this point of having the Federal Government incorporate in the Federal system. Your predisposition would be favorable toward that type of thing?

Mr. WATT. Very definitely, and your amendment is addressed to some of the issues that have been an inhibiting force to some of the agencies that we need to overcome. Particularly, I am referring to the Deschutes, which you didn't mention.

Senator HATFIELD. The Deschutes would certainly be one river and this would accelerate that type of development.

Thank you.

Senator HASKELL. Senator McClure.

Senator McCLURE. Thank you. The reason I interjected a moment ago as I did as to what meaning would be read into your change of language, I was concerned by the term "direct and adverse effect." What do you consider to be a direct and adverse effect. I notice at the bottom of the page you use slightly different language. That is on page 2 of your statement.

At the top of the page in the second paragraph you refer to "direct and adverse effect." In the bottom paragraph on that same page you refer to "assisted water resource project development which could seriously impair, if not destroy, their wild and scenic river values." It seems to me the standards suggested in those two different places are quite different.

Mr. WATT. The Senator has a keen eye and a tough mind, as usual. The first reference is taken out of the act which does use the conjunctive that would have direct and adverse effect on the values of which such river might be designated. That can be found in the act, section 7(b), which talks about having a direct and adverse effect.

The other point you are making was found, at the bottom of the same page there, which could seriously impair if not destroy.

Senator McCLURE. I obviously am concerned because if we enact legislation which is to be interpreted then by administration with respect to federally assisted projects, there is quite a difference between an effect upon a river and seriously impair or destroy, and that has been a matter of concern to me and to some others as to what will be done under administration of the act when you are asking for an extension of the period of time under the moratorium. We have to have some idea of what your conception might be as to what falls within the criteria of the act.

Mr. WATT. I understand your concern, and it is a good question. In each instance it would be an ad hoc decision as to the impact and the effect that it might have and I am not prepared at this time to really discuss that in a meaningful way with you, Senator. I share your concerns.

Today the rivers also have the additional protection of NEPA which requires an environmental impact statement to evaluate the alternatives before the Federal Government could give any assistance along those lines, so we would have an opportunity to review with some specificity what might be done and what impacts an action might have before we could make these determinations as to what acts might impair if not destroy the wild and scenic rivers.

Senator McCLURE. The matter that causes our concern, aside from the fact that my State of Idaho has 58 percent of all of the mileage in the original wild rivers section, it also has significant mileage of rivers which will be studied. Most of the original and scenic river segments were headwater segments of rivers, pretty easy to understand the impact and management. As you move further down stream, the impact becomes quite different and we are now looking at the development of legislation which deals with the Hell's Canyon stretch of the Snake River, the so-called Hell's Canyon, because it is actually the Middle Snake rather than Hell's Canyon. That is a downriver section with a great deal of development and management of the water resource upstream and that development and management is not static. It is developing and ongoing and changing. When you get to the question of what is a direct and adverse effect, that becomes extremely critical for all of the resource managements in all of southern Idaho as it relates to the Middle Snake, and I know the Senator from Oregon shares that concern, because a portion of the watershed of the Snake River lies in his State of Oregon.

Would the development of BLM stock watering ponds on the Owyhee, for instance, bear a direct and adverse effect on the flows of the Middle Snake and, therefore, be prohibited under this management section?

Mr. WATT. You are asking that rhetorically?

Senator McCLURE. No, not at all rhetorically, because I think it is the kind of thing we are dealing with.

Mr. WATT. Well, they are real problems and I am not qualified or prepared to respond to specifics in such a case. We need to look at it.

Senator McCLURE. Would you prefer to submit something to us in writing subsequent to this hearing?

Mr. WATT. If that would be helpful with the specifics, such as stock water ponds being built, we can respond to that.

Senator McCLURE. Let me go a couple of steps further.

I know the responsibility of BOR in this field, and I know of your sensitive concern for the proper balance in making objective decisions under your responsibility. We are also looking at the development of a Cedar Creek reclamation project which is a supplemental water project on the Upper Snake.

Would the development of this fall under a prohibition because of the language?

We are in the midst of construction of the Teton Dam on the Teton River, which is a tributary to the Snake. Would it in the future meet this prohibition? Would it be prohibited under this section?

We have a small watershed project under the SCS in the Upper Snake. Would it in the future be prohibited by a narrow interpretation by the direct and adverse effect under this section.

When you are asking for an extension of a project, as we have, in our opinion of resource management I think they are very critical. I would appreciate your attitude and the attitude of the BOR with respect to the interpretation of the act.

Senator HASKELL. I would ask that the comments in response to the Senator's comments be submitted within 1 week, because we want to move this legislation.

Mr. WATT. We would like to respond in writing to that, but for purposes of dialog, I would like to respond in general. The act does provide presently that, and I am reading again from section 7(b):

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic, or recreational river area, or any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic, or recreation river area on the date of approval of this act.

This is the basis for your concern, and if improperly interpreted, could bring all development of that basin to a halt. To date, that has not been experienced, and I would hope that it never would be.

We need to see to it that in the management of the waters of this country, that there is balance and that all values are protected. A river provides greater and more values, in many instances, than just recreation. It is important that certain segments be set aside for protection and recreation purposes, but that should not be the excuse to bring a region, a community, a State or nation to its knees to preserve those waters and not allow their proper management.

I think, collectively, the Federal Government and the States have for the most part established a balanced program for managing water values and allowing those waters to be dedicated to the multiple objectives that best serve the people.

The language of the law as now on the books could be maliciously used to bring injury and damage to a locality. I am not aware that has ever been the case, and I assure you it would be this administration's intention to never allow it to occur.

We would like to respond specifically to your cases, because I understand your concern, Senator.

Senator McCLURE. I would appreciate that, because we have to be concerned about that, particularly, as we move further down the stream and we are getting more direct and more intangible effects upon the management of the streams that encompass large parts of our State. [Subsequent to the hearing, Mr. Watt submitted the following information:]

STATEMENT ON THE POTENTIAL IMPACT OF WILD AND SCENIC RIVER PROPOSALS ON OTHER WATER RESOURCE DEVELOPMENTS

Identification of a river or river segment under the provisions of Section 5(d) of the Wild and Scenic Rivers Act means that any Federal planning report proposing alteration of such a river must contain a detailed evaluation of how the scenic, recreational, geologic, fish and wildlife, historic, and cultural or other similar values of the river and its immediate environment would be affected.

The Sections of the Act which appear to be the basis for your concern are Sections 7(a) and (b). The key phraseology which is and should be interpreted to allay your concern is that language in Section 7(b) which says:

"Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. 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 and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act."

While it is true that water resource development projects of the type mentioned could have an adverse impact on a potential wild and scenic river, there are many instances when the impact of the water development could be beneficial. For example, a reservoir upstream from the river segment could reduce peak flood flows and maintain flows adequate to support recreation activity during periods of the year when the streams might be deficient in water. Small watershed projects and stockponds constructed in the headwaters area could also have the beneficial effect of improving water quality by the retention of soil erosion with resultant reduction in sedimentation.

It should also be noted that the language in Section 7(b), quoted above, specifically provides that the development agency would report to the Congress on its proposals and the effect which the proposals would have on rivers protected by the Act. Thus, Congress would be the final arbitrator of any dispute between a water resource development and a potential wild and scenic river.

Senator McCLURE. Could you give us a breakdown of the previous authorizations? The bill, of course, gives us a total authorization increase but you have given us a table for the present estimate of cost in your statement. Could you just as a matter of convenience, recite for me the eight river areas of original authorization so we might make a direct comparison?

Mr. WATT. We are again asking that the authorization be in a lump sum and not on a river-by-river basis. But my testimony laid it out with the estimates we think we might spend at each of the several rivers. We would recommend, and hope the committee would give us, total authorization authority and let us administratively divide it as the case may be.

Senator McCLORE. That was done originally?

Mr. WATT. That was done originally. I would like, in responding to your questions, to point out how the appropriations were broken up under the authorization. We had appropriations to date of \$2,006,500 for the 11 point river, Missouri; the Middle Fork Clearwater, \$749,800; the Middle Fork Feather, \$85,700; the Middle Fork of the Salmon, \$137,100; the Rio Grande, \$153,000; the Rogue, \$3,407,200; the St. Croix, \$10,318,556; and the Wolf, \$142,144. The total appropriation is \$17 million. All the money has not been spent that has been appropriated. We have carried over some moneys into 1974 so we have not asked for appropriations this year. The acquisition program has not been handicapped for this fiscal year as we do have carryover funds.

Senator McCLORE. You have given me the appropriated amounts. What were the original estimated amounts for those?

Mr. WATT. Back in 1968?

Senator McCLORE. Yes.

Mr. WATT. May I supply that for the record, Senator?

[The material referred to above appears on p. 29.]

Senator McCLORE. Yes, certainly. I have been involved in parkland recreation land acquisitions for the last 6 years, as you know, in my action in the House committee, and I am aware that we find that cost overruns are the rule and not the exception. I am concerned that as we get more and more experience in this, that we still don't seem to be closing the gap very greatly between our estimates and the actual experience and I will be talking later to the representative of the Forest Service about this very same problem because it seems to me the Congress and the public is being systematically misled by either ineptitude or by design, and I am not sure which. In specific instances I can find the reasons, but, for instance, I notice out of this total over half of the money that has been spent has been spent on the St. Croix. What were we led to believe when the St. Croix was added? What was Congress asked to do and what was Congress asked to assume in terms of financial burden when the St. Croix was added? I think we are entitled to know, and I am concerned that we sometimes don't know, and the question I have then is, whether the agency making the recommendation knew and sought to have a low figure so that we would authorize or because they didn't know. That is the reason I ask the question about the original figures.

Mr. WATT. The question is a good one. I am not aware, of course, that any agency has ever intentionally misled the Senate or the House. Real estate values have been escalating at an unprecedented rate, between 10 and 15 percent a year. One of the handicaps that the land management agencies confront is the timing of the purchase. They make their estimates and present them to Congress suggesting that lands in this area will cost so much, but they also attempt to proceed on a willing-seller, willing-buyer basis, and so they don't always know at what time a particular tract of land will be available. If they could go in, and I am not recommending this, but if they went in and condemned them as of the time the moneys were made available to the management agency by Congress they could control the cost of those lands because it would be within a time certain. It would be much

more realistic as compared to our estimates. But we don't control the trigger on the timing of the acquisition and the costs continue to escalate at these rates, varying from 10 to 15 percent a year. In addition, the Uniform Relocation Assistance Act has added perhaps another 10-15 percent to costs.

Senator McCLURE. We have tried to respond to that in varying ways and one of the ways is the device of legislative taking. Then the only issue remaining is the value which will be placed upon the land. This does fix the time. It relieves the administrative agencies of the burden that you referred to in lapse of time, but it is in effect a blank check by the Congress.

Mr. WATT. Yes, to a degree, it is.

Senator McCLURE. That gets back to the original concern that I have that if we are going to hand you fellows a blank check we would like to know how accurate your estimates of what it will take to fill that check in may be.

Mr. WATT. We all want to improve our capabilities and techniques and while I am not recommending that condemnation authority be used in all these instances, neither am I recommending at this time that the legislative taking is the answer either. We are having some serious problems with the Redwoods situation. It is still dragging on 5 years later. We are still tied up in that, and the cost of that is going to be huge.

Senator McCLURE. Have you in your agency recommended a wider use of the exchange authority?

Mr. WATT. Yes, we have, and that's got to be more aggressively pursued in future years.

Senator McCLURE. Senator Hatfield made a very constructive suggestion earlier that we specifically include such authority here so that that could minimize cost. Of course, there are some instances where that is available right now.

Mr. WATT. Yes, and we would look with favor upon the clarifying language he put in there.

Senator McCLURE. Two specific instances that come to my mind. Both happen to be under the administration of the Forest Service at the present time. One is the Sawtooth National Recreation Area in Idaho in which they have consistently held for the possibility of exchange, not only to minimize cost but also in fairness to the landowners that are involved, and the other one which is a more serious problem, at least currently, is the Middle Snake River, again, where we last year, with the help of the Oregon and Idaho people, did get an authorization and an appropriation and by that route the authorization for purchase of land, privately for sale within the Hell's Canyon Lower Middle Snake region. The estimate that the Forest Service has placed on that land are so disproportionately low that they are not going to be able to buy the properties and we get right back to the estimates of value and how it is established. I know they hired an appraiser who happens to be a constituent of the Senator from Oregon, who made some estimates of the value that I think are so low that our experience, by the time we get to the condemnation route, will probably nearly double without the time lapse that is involved, and that was the estimate those of us in the delegations involved had put

on the values originally. Obviously we are not qualified land appraisers, but I think after 6 years of dealing with this problem of acquiring recreational properties we have some feel for what it is going to take, and I wonder if we are kidding ourselves and misleading the public as well as the Congress, when we come in with figures that look like the ones here on this one, where we want to go from \$17 million to \$37 million.

Mr. WATT. You are dealing with a tough issue.

Senator McCLURE. I know that.

Mr. WATT. In our own programs that BOR manages, we have found that appraisers can vary as much as 100 percent in estimating the value of an undeveloped tract of land. We are not satisfied with the capabilities of the appraiser at all times. There is some variation. It is not a science, it is obviously an art.

I understand the frustrations that the Members of Congress must be experiencing when we come and give you a figure rounded off precisely and neatly, and yet we know that we are shooting for ball park figures at this time.

Senator McCLURE. We have seen it repeatedly where the ball park isn't even a ball park and I recognize your dilemma and I recognize the dilemma you have in trying to discharge the responsibility of the Federal agencies to the taxpayers of this country. You are not just shoveling out money right and left just because it happens to be recreational property, but we confront the problem repeatedly, not just now and then, but in 90 percent of the cases.

The Point Reyes is the most glaring one I can think of in which the estimates were so far off that it makes you wonder why. I think perhaps sudden recognition of the recreational value of land that up until that time had not been pinpointed as recreational land. I think the same thing is true of Hell's Canyon. As dry grazing lands or lands which had some hay land on it for support of a year-round livestock operation, that land probably isn't worth \$35 an acre. All of a sudden because it has some national prominence and some scarcity factor the appraisers come up with \$165 an acre average and my estimate is they will pay close to twice that before they are all done. If they are going to pay twice that before they are all done, then some of the property owners who settled for less should have held out for more or the Government is going to end up by being unjust to people by forcing them to go into court, paying the attendant and necessary fees in a court process in order to justify the higher price with which they will get in the end. I recognize the dilemma.

Just one further point. That is back again on the exchange possibility, and it relates directly to the wild and scenic rivers. That is the ownership of the State in the streambeds even where the streams may be located on public lands. I think this is an area where an exchange ought to be made, wherever the State is willing, in order to clarify the ownership picture, because there is a substantial conflict with respect to ownership of property and there is a substantial conflict between the legislation and basic law that says the States own the streambeds. I would hope that we can get into an exchange to clarify that jurisdictional problem and remove any kind of dispute between the States and the Federal Government.

Thank you very much, Mr. Chairman.

Senator HASKELL. Mr. Watt, there is one thing I would appreciate if you would submit for the record. I wasn't here, obviously, in 1968, but the bill only protects study rivers from water resource projects. It doesn't protect from the massive recreational developments we have seen across the country. For that reason I am a little concerned that of all the rivers set up in the study category, studies have only been completed or will be completed on only three, or thereabouts. For that reason I wonder if you would submit for the record two things: First, your Department's schedule for completing the studies on each of the projects for which your Department is responsible, and provide this material in 7 days.

Mr. WATT. Yes, I will be glad to do that.

Senator HASKELL. Then, if you would briefly describe the study process because I think that might be of help to us. I don't have any idea, for example, how you go about studying a river. If you would submit those two things for the record within the next 7 days, I would appreciate it.

[Subsequent to the hearing the following information was received:]

WILD AND SCENIC RIVER STUDIES

STATUS OF THE 18 RIVER STUDIES LISTED IN SECTION 5(A) OF PUBLIC LAW 90-542 BEING CONDUCTED BY THE DEPARTMENT OF THE INTERIOR

Allegheny, Pennsylvania.—Field investigations have been completed. The draft report on the study has been reviewed by the Interdepartmental Study Group on Wild and Scenic Rivers. Target date for the Secretary's proposed report is July 1973.

Bruncan, Idaho.—Field investigations are scheduled to begin in July 1973.

Buffalo, Tennessee.—Field investigations, initiated in October 1971, were interrupted in order to put maximum effort into the Obed study. Target date for the Secretary's proposed report and draft environmental statement is June 1974.

Clarion, Pennsylvania.—Study report is undergoing review in the Office of Management and Budget prior to submission to the President and the Congress. Because of problems of water quality, the Clarion was found not to qualify for inclusion in the national system at this time.

Delaware, Pennsylvania and New York.—Field investigations have been completed. The draft report on the study has been reviewed by the Interdepartmental Study Group on Wild and Scenic Rivers. Target date for the Secretary's proposed report and draft environmental statement is September 1973.

Gasconade, Missouri.—Field investigations were initiated in November 1971. Target date for the Secretary's proposed report and draft environmental statement is February 1974.

Little Beaver, Ohio.—Field investigations nearing completion. Target date for the Secretary's proposed report and draft environmental statement is February 1974.

Little Miami, Ohio.—The formal 90-day review of the Secretary's proposed report and draft environmental statement was completed in May 1973. Report will be prepared for submission to the President and the Congress by August 1973.

Maumee, Ohio and Indiana.—Field investigations were initiated in August 1972. Target date for the Secretary's proposed report and draft environmental statement is April 1974.

Missouri, Montana.—An informational brochure was prepared and public information meetings have been held. A field task force report on alternatives has been revised by the Interdepartmental Study Group on Wild and Scenic Rivers. Target date for the Secretary's proposed report and draft environmental statement is October 1973.

Obed, Tennessee.—The field task force report has been reviewed by the Interdepartmental Study Group on Wild and Scenic Rivers. Target date for the Secretary's proposed report and draft environmental statement is December 1973.

Penobscot, Maine.—Field investigations are scheduled to begin in August 1972.
Pine Creek, Pennsylvania.—Field investigations have been completed and work is underway on the field task force report. Target date for the Secretary's proposed report and draft environmental statement is April 1974.

Rio Grande, Texas.—Study is being coordinated with the Government of Mexico through the International Water Boundary Commission (IWBC). Agreement has been reached as to the portion of the river to be studied. A study outline has been submitted to IWBC for concurrence. Target date for the Secretary's proposed report and draft environmental statement is April 1974.

Suwannee, Georgia and Florida.—The report is being reexamined with a view to determine whether the proposed acquisition and development can be reduced while still preserving the natural values of the river area. Greater State participation in the program is also being solicited.

Youghiogheny, Maryland and Pennsylvania.—Field investigations nearing completion. Target date for the Secretary's proposed report and draft environmental statement is January 1974.

Upper Iowa, Iowa.—The report was submitted to the President and the Congress on May 11, 1972. This report was printed as House Document No. 92-379 on December 27, 1972.

Lower St. Croix, Minnesota and Wisconsin.—Added to the national system by P.L. 92-560, October 25, 1972.

Senator HASKELL. Then I have just one question, and let me emphasize why I am concerned. Senator McClure has just talked about the escalating land values which is a fact of life we all know about, and this adds one factor of urgency. The other factor of urgency is this thrust for more and more development which may, even though we forbid water resource projects, may make those rivers unsuitable for protection unless we take action as soon as possible.

My one question is this. The act provides certain boundaries for these rivers, as you know, defined by acreage and other criteria. Perhaps you would rather respond in writing, but have you found the statute adequate, have you found it more than adequate, or have you found it less than adequate in this regard? In other words, does it provide sufficient protection for the rivers involved?

Mr. WATT. Adequate for protecting the values of river by the limitations?

Senator HASKELL. Yes.

Mr. WATT. If I might respond to that in this way, by first answering your question concerning the process by which the study is carried out. On those projects for which the BOR has the lead responsibility, we establish a field study team made up of representatives from other Federal agencies that would have an interest in it such as the Forest Service, Park Service, Sports Fisheries, BLM, and Corps of Engineers, plus representatives from State and local governments. The work then is divided up between those people, and they do a reconnaissance study identifying the values to be preserved or protected, and the recreation uses that could be gained, and they develop their preliminary report which is made available to the public. There are public information meetings held to discuss with the local constituents the alternatives that are available for managing that river. Of course, one alternative that is always available, that is to do anything with regard to designating it as a part of the Wild and Scenic River System. There are many other alternatives as to length, type of designation, whether it is a wild river, scenic river, or recreation river, or a combination of any of these types. We also consider what the trade-offs are, what the costs are what designation would mean to economic opportunities, et cetera.

In this process, we have excellent relationships established with the community members, and tremendous interest has been demonstrated by the local people. They have been very constructive in helping us to identify what parcels of land need to be acquired within these limitations, and when we can get by with a scenic easement versus fee acquisition, or some other way.

So far, we have found that the present authorities under the act have given us adequate authority to protect the values that need to be protected. One of the reasons for that is the tremendous support we have had from local people with their participation in the States.

Senator HASKELL. Thank you, Mr. Watt. Then, I gather you will submit this estimate?

Mr. WATT. The scheduling, yes.

Senator McCLURE. Could I ask one other question? I wonder if you could prepare for our convenience, or at least my convenience, a table on these eight river segments on which you are asking increased authorization, a table to show the original estimate, the appropriated amount, and the current estimate?

Mr. WATT. Yes, that would be an interesting table. I will look forward to seeing it myself.

[The table referred to follows:]

ESTIMATED LAND ACQUISITION COST FOR INITIAL COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

River	Original (1967) cost estimates	Allocated ceiling ¹	Appropriations	Current estimated cost	Additional ceiling required
Eleven Point.....	\$2,400,000	\$2,006,500	\$2,006,500	\$4,906,500	\$2,900,000
Middle Fork Clearwater.....	700,000	749,800	749,800	2,909,800	2,160,000
Middle Fork Feather.....	(*)	85,700	85,700	3,935,700	3,850,000
Middle Fork Salmon.....	150,000	137,100	137,100	1,237,100	1,100,000
Rio Grande.....	80,000	153,000	153,000	253,000	100,000
Rogue.....	3,900,000	3,407,200	3,407,200	12,447,200	9,040,000
St. Croix.....	4,800,000	10,318,556	10,318,556	11,768,556	1,450,000
Wolf.....	2,700,000	142,144	142,144	142,144	(*)
Total.....	19,740,000	17,000,000	17,000,000	37,600,000	20,600,000

¹ Only \$17,000,000 was authorized for land acquisition of "Instant Rivers" under the original Wild and Scenic Rivers Act. This authorization has been allocated among the rivers.

² The Middle Fork of the Feather was added to the list of "Instant Rivers" by the Conference Committee and no cost estimates were made during the hearings.

³ This additional ceiling will be needed if lands identified for acquisition cannot be acquired through exchange.

⁴ The Menominee Indians are unwilling to sell their lands and these lands cannot be condemned. Until they express some willingness to sell, the actual cost cannot be meaningfully determined.

Senator HASKELL. Thank you very much, Mr. Watt, I appreciate it. Our next witness is Mr. Rexford A. Resler, Associate Chief, Forest Service, Department of Agriculture.

STATEMENT OF REXFORD A. RESLER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY DOUGLAS SHENKYR, DIVISION OF WATERSHED MANAGEMENT

Mr. RESLER. Good morning, Mr. Chairman, Senator McClure. I would like to introduce the gentleman with me, Mr. Douglas Shenkyr of our Division of Watershed Management, who handles the wild and scenic river studies along with other responsibilities.

Thank you for this opportunity to participate in your consideration of S. 921, S. 1101, and S. 1391, bills to amend the Wild and Scenic

Rivers Act. The Department of Agriculture has a major interest and responsibility in the administration of certain components of the National Wild and Scenic Rivers System and in the study of rivers of potential addition to the system.

I would like to speak first about S. 921. This bill includes the administration's proposal to extend the 5-year moratorium on water resource projects and mineral entry affecting study rivers. This extension is needed to provide the necessary protection for study rivers until studies are completed and recommendations are made to the President and the Congress. S. 921 also includes the administration's proposal to raise the appropriation authorization contained in section 16 of the Wild and Scenic Rivers Act from \$17 million to \$37.6 million. This additional authorization is necessary to allow completion of the acquisition programs for the initial components of the National Wild and Scenic Rivers System. We strongly support the Department of the Interior's recommendations as contained in their February 15, 1973, legislative proposal and as contained in S. 921.

Turning to the river proposals, I would like to discuss S. 1101, a bill to designate the Au Sable and Manistee Rivers of Michigan as study rivers. These rivers are shown on the map before you. Together they span nearly the entire State of Michigan. We recommend that both rivers be designated for study as possible additions to the National Wild and Scenic Rivers System as proposed in S. 1101.

The Au Sable and Manistee Rivers were identified under provision of section 5(d) of the Wild and Scenic Rivers Act as rivers where the alternative of wild and scenic river designation should be evaluated in any planning or development of the rivers. Both rivers lend themselves to cooperative State-Federal management in the event they are studied and recommended as additions to the National Wild and Scenic Rivers System.

We believe both rivers, as proposed in S. 1101, have the qualities necessary to support designation as study rivers for possible addition to the national system.

Regarding S. 1391 which proposes a study of the Wisconsin River, the Department of Agriculture defers to the Department of the Interior for a recommendation, since we would not have a major responsibility in the proposed study.

This concludes my formal testimony. I will be glad to answer questions you may have.

Senator HASKELL. Thank you, Mr. Resler. I would like to ask you to submit the same time table for study areas that fall within the aegis of your Department that I asked of Mr. Watt. I think that would be very helpful to us for reasons I have already given.

[The information referred to follows:]

STATUS OF THE NINE RIVER STUDIES BEING CONDUCTED BY USDA

Chattooga River—Georgia, North Carolina, and South Carolina.—The field study and report have been completed. The final report with recommendations is being prepared for transmittal to the President and the Congress.

Pere Marquette River—Michigan and Flathead River—Montana.—Field studies and public meetings have been held. Draft study reports are currently being reviewed by study participants. The final report with recommendations is scheduled for completion early in 1974.

Salmon River—Idaho.—The field study has been completed. Public field meetings to present management alternatives for the river and the contiguous areas of the Idaho and Salmon River Breaks Primitive Areas have been held. The input from these public meetings is being analyzed to help decide on a management proposal for the river and the primitive areas. The final report with recommendations is scheduled for late in 1974.

Skagit River—Washington.—The field study has been completed. Management alternatives for the river area have been presented at public meetings. The final report with recommendations is scheduled for late in 1974.

Illinois River—Oregon.—This study is in the second year of a scheduled five-year study.

St. Joe River—Idaho.—The field study is essentially complete. Public involvement meetings are planned and a draft study report is scheduled for completion early in 1974.

Priest River—Idaho and Moyle River—Idaho.—The study process on these rivers is just beginning with a three to five-year study period anticipated.

Senator HASKELL. Let me ask you again the same question I asked Mr. Watt. Have you found the boundaries as set forth in the act to be adequate for your purposes?

Mr. RESLER. Yes, we believe so, Mr. Chairman. There is some specific language in the act that gives us the kind of direction which allows us to and has caused us, for that matter, to look very critically at the boundaries of these areas, during the study period.

Senator HASKELL. May I have your reaction to Senator Hatfield's proposal that authority be given for exchanges with States rather than just donations by States? Do you favor that?

Mr. RESLER. Yes, we would favor it. As it stands, prior to the act we had such exchange authority. The act limited our opportunities for exchange. In fact, during the term of Governor Hatfield, we worked out in the State of Oregon, where I was at that time, an agreement that provided for cooperative exchange between the States and the Federal Government so what this would tend to do would be to restore an exchange authority that we have under most other circumstances.

Senator HASKELL. Thank you very much, Mr. Resler. I have no further questions.

Senator McClure.

Senator McCLURE. With respect to the exchange authority, that exists under general law with respect to private lands as well as State lands, does it not?

Mr. RESLER. Yes.

Senator McCLURE. Do you think this exchange authority that you are talking about now ought to be broadened to include private as well as State?

Mr. RESLER. In terms of this?

Senator McCLURE. In terms of this legislation?

Mr. RESLER. We have exchange authority to acquire private recreational land under this act. Extensive use of land exchange to acquire recreational lands has one drawback, Senator McClure, that I am sure you are aware of. In many quarters, there is rather strenuous objection to that kind of an exchange. We do acquire recreational lands through exchange, but there are some objections from certain quarters because it tends to reduce the base of developable land in the public system or lands from which major national forest receipts flow.

Senator McCLURE. What do you mean by developable land?

Mr. RESLER. Land that can be managed for timber harvesting as well as other uses in addition to recreation. This has been a source of some concern with our exchange program. That would be the only limitation that I would see at the moment.

I would like to, if I may, expand on this in writing after I have a chance to think it through a little more thoroughly?

Senator McCLURE. I wish you would. I am concerned because there is a conflict on the management of any portion of our public lands, and while we have a basic idea of multiple use, that isn't multiple use of every acre. That is a composite multiple use of the total of our public lands, whether it is a single use of a particular area for an administrative site, or a single use of a particular site for public camp ground, and when you mention that there was a conflict on exchanges because of the possibility of exchanging recreational lands, I was presupposing that was the objection you were going to express, that people were talking about taking some kind of recreational lands out of the recreational use. Your answer indicated that it might be toward a broader difficulty of conflict with other resource users?

Mr. RESLER. Yes, the kind of effect it can have, of course, in some areas would be to sharply restrict availability of receipts and therefore receipts that are returned to counties. This is a matter of some concern to them.

Senator McCLURE. You also have authority, as I understand, to acquire less than fee rights in general statute. That is not something that is required or restricted by this particular bill, is that correct?

Mr. RESLER. We have general authority to acquire lands and interests in lands. The Wild and Scenic Rivers Act also provides specific authority within the designated boundaries of the system.

Senator McCLURE. And in the restriction on certain inholdings that are associated with the Wild and Scenic Rivers Act and I refer to inholdings in those areas where the private ownership is substantially a small fraction of the total ownership as compared to public ownerships, the experience that we have had has been that the Forest Service has been very reluctant to make exchanges. Is that a correct impression?

Mr. RESLER. I am not aware of that as being a policy as such, Senator McClure, no. We use the exchange authorities largely to achieve an improvement in the administrative lay of the land, and thus facilitate administration. We have used the exchange authority under various circumstances. I am not aware of any specific prohibition of the type you mentioned.

Senator McCLURE. As regards this particular act, perhaps it is a different problem than it is generally, and I don't want to go into that other aspect at this time necessarily.

You have under this act a specific provision for scenic easements. What has been your experience with scenic easements under this act?

Mr. RESLER. Fairly favorable. Scenic easements are extremely difficult to acquire in many circumstances but the use of easements does permit the acquisition of a limited right which achieves the basic purposes of the act; namely, assuring that the uses continue to conform to the purposes for which the rivers are designated. We are finding that the costs are running fairly high for these limited ease-

ments. In some cases nearly as high as it would be to acquire them in fee. So our experience has been variable, but generally successful, I would say.

Senator McCURE. What kind of a rule of thumb are you using as to when you cross over the judgment barrier between acquiring a scenic easement and acquiring in fee?

Mr. RESLER. I am sure you recognize there are many variables that are involved. I think the proportion of land held in fee by the Federal Government is a factor. There is a definite limit on the acquisition of lands in certain areas, I think, basically where we anticipate that an existing type of use can be continued, and continued in a manner that is compatible with the purposes for which the river is designated, those are circumstances which the partial fee or the easement approach has been successful.

Senator McCURE. I was referring particularly to a proportion of total value. How much—do you have a rule of thumb with respect to how much you will pay for a scenic easement as compared to the full value of the tract?

Mr. RESLER. No. The amount paid for easements varies widely. In our experience the amounts have ranged from less than 10 percent to more than 80 percent of fee value. The average is approximately 50 percent. The Wild and Scenic Rivers Act restricts our acquisition authority to only easements in certain cases. In such cases, we are willing to pay the higher price to insure protection of scenic values.

Senator McCURE. I have been told in the past that the rule of thumb is 60 percent. If the scenic easement exceeds 60 percent of the value of the fee, you opt in favor of acquiring fee; and if it is 60 percent or less, you will pursue the scenic easement. Do you know if there is any change in that policy?

Mr. RESLER. We started out with a 50 percent policy but we are not using a set percentage now.

Senator McCURE. Do you have any idea as to what your experience has been in the Wild and Scenic Rivers Act in its administration as to how many instances in which you have gone over that 60 percent and therefore exercised the option to go for fee instead?

Mr. RESLER. No, I am not aware of those figures. I would be glad to check them out and try to respond.

Senator McCURE. If you would do that you might also check at the same time to see whether or not the acreage limitations under the act has varied the application of the general rule of thumb with respect to valuations?

Mr. RESLER. All right, we will be glad to do so.

Senator McCURE. I wonder if that could be made part of the record when it is submitted?

Senator HASKELL. Certainly.

[The information referred to follows:]

FOREST SERVICE PAYMENTS FOR SCENIC EASEMENTS

We have gone over 60 percent of fee value in four scenic easement cases. In these cases we paid over 60 percent because we were limited to only scenic easements acquisition. We could not seek fee acquisition due to the acreage limitations of fee ownership specified in the Act. The fee acreage limitation and the limitation on use of condemnation have eliminated the general rule of thumb

of what we will pay for a scenic easement. In some cases we may have to pay full fee value to acquire interests in lands necessary to the protection of critical scenic values.

Senator McCLURE. Do you find the scenic easement is an acceptable tool so far as the landowners are concerned?

Mr. RESLER. In many cases it is preferable. Particularly ranching, recreational type ownerships, where the owners desire to continue their present use. They are willing to accept the constraints of an easement.

We have found a few situations, however, in which that kind of constraint might pose a burden on their options to sell at a point later in time, and so we have had both reactions. I would say, generally speaking, it tends to be looked upon with favor by those who intend to be stable in the community.

If an owner has acquired property for obviously development or speculative purposes, then it is not acceptable as a constraint on his options.

Senator McCLURE. I gathered the administration's intention at the time we passed the Wild and Scenic Rivers Act, and was a cosponsor of that act, was to have been that we were not going to try to turn the clock back. We were going to try to stabilize and to guide future developments. Would that be a general statement of philosophy that was accurate?

Mr. RESLER. Yes, I would say so.

Senator McCLURE. And you would not in very many instances, at least looking toward the removal of existing uses along the banks of the streams?

Mr. RESLER. No, sir, that is correct; however, in sections classified as wild we may encourage an owner to limit certain uses.

Senator McCLURE. When you apply that in specific instances, of course you run into difficulties and I am aware of some such difficulty in my own State on the Salmon in which there are some old existing ranches on bars along the river, some of which some years ago were converted to dude ranch operations. Some of those operators have indicated to me that they feel the only interpretation the Forest Service approaches to them has been that it is your intention to eliminate them. Do you have any comment?

Mr. RESLER. Yes, sir, I do. That is not our intention. I think our concern in a number of areas on both the Snake and Salmon Rivers with which you are familiar has been to the point that the lands were reportedly available for acquisition and subdivision development that would not continue the present use and that was an area of our real concern. I think in some cases, both the States of Idaho and Oregon were equally concerned with this prospect and it was for that reason that we were largely concerned, trying to find some way to maintain the present state of development. Certainly, there is nothing in our view about a ranching operation, for instance, such as you find along the Snake that is incompatible with the purposes for which we are managing that river. The development of and subdivision of those lands could very well be another matter, and it was that area of concern that caused us to move.

Senator McCLURE. How about the existing operations in which they don't intend to make any change in their operations, where the Forest

Service is attempting to close out landing strips that have been in existence for many years?

Mr. RESLER. This would be one of the objectives if those properties were acquired, yes.

Senator McCURE. Not the question of what the objective would be if they were acquired but the objective to change the existing use.

Mr. RESLER. I am not aware of which specific one you are referring to, Senator McCure.

Senator McCURE. Well, the information that I have from more than one of the property owners where landing strips do occur along the Middle Fork of the Salmon is that it is their feeling that the approach from the Forest Service personnel has been to indicate that it is your intention to change the existing use to something different and I understood that you had said that your general policy was not to do that?

Mr. RESLER. I am not aware of any circumstance that would lead us to want to eliminate that existing pattern of use except, as I mentioned under the circumstance in which we would acquire the land and it might change. The presence of landing strips and other such uses would tend to change the character of the river and pose some problems in terms of level of use. I would like to pursue this question further and respond specifically to you on this question because I am not aware of any specific efforts to eliminate landing strips. On conventional ranching type operations where a small strip is located—

Senator McCURE. How about in conjunction with an existing dude ranch operation?

Mr. RESLER. I am not aware of any such plans or changes on that basis either, but I will explore it and respond to you specifically on this point, if I may.

Senator McCURE. I would appreciate that. My concern is to find out what policy is at this point with the background of understanding that it was the basic philosophy, that we were not trying to change the existing situation but to preserve the values which now exist as a general matter. Some of those dude ranches have existed for a good number of years. The level of use may vary and how you achieve a status quo in the management that will sustain the current or preexisting level of use of course is somewhat difficult, perhaps, and I can conceive of one or two places along that stretch of the river where you might indeed hope to change the existing use. For instance, I am sure you are aware as I am that there are one or two places where the summer cabins that have been built in the past actually overhang the bank of the river and there would be a very real desirability, in my mind at least, to move those cabins back away from the river bank where they would be less obstructive and there again it would seem to me that rather than just simply excluding the properties, you might well explore the possibility of an exchange, acquiring the fee to the bank of the river in exchange for a piece of land which lies back against the hill some distance from the river. Wouldn't that be a viable alternative?

Mr. RESLER. Yes, it would be. Of course there would be other options, too. An exchange would be a viable option.

Senator McCURE. If indeed there are several properties in that same area, it would seem to me that moving them back away from the

river bank to a more secluded location would achieve every option we are trying to achieve in the management of that section of the river.

Mr. RESLER. I am sure you recognize under the General Exchange Act, however, that is a willing buyer-willing seller relationship and it is seldom in our experience that one who has river front property such as you suggest, is inclined to be willing to accept anything away from the river front.

Senator McCLORE. I am sure he might be willing to do so if, indeed, his option was exchange for one that was back from the river or getting out completely and that seems to be the option that you have given them now. Rather no option in some instances, just saying you are going to leave and they howl in protest and they say why does Uncle Sam need my eighth of an acre. He has 10 million acres right next door. He could at least give me enough room to put my cabin, which would indicate to me that they are willing to accept an exchange rather than exclusion.

I would think that is something we ought to pursue.

In the management of the wild and scenic rivers some question has come up about management philosophy with respect to powerboats on the rivers. I have discussed this matter with Senator Church at some length and it is the very strong opinion that there is nothing in the act which excludes powerboats from segments of the wild and scenic rivers. Is that your understanding of the act?

Mr. RESLER. Yes, that is correct on certain segments of it.

Senator McCLORE. What do you mean, on certain segments of it?

Mr. RESLER. I am curious as to whether or not it would be wise in all cases to allow large powerboats, jet boats in particular, on certain segments of wild rivers, the wild portions of those rivers.

Mr. SHENKYR. As you know in your own State on one river that is in the system, the Middle Fork Salmon, there was no prior use of powerboating there and so now no powerboating is allowed on the Middle Salmon. This river is within the Idaho Primitive Area which is being reviewed as to its suitability or nonsuitability for designation as wilderness. Section 10(b) of the Wild and Scenic Rivers Act would make the Wilderness Act's restrictions about motorized travel applicable to the wild and scenic river, if Congress includes the area in the National Wilderness Preservation System. Another river that is already in the system where powerboating is allowed is the Rogue River where there was an established use of powerboating prior to the act for mail delivery and also for tourist trade. This use is continuing on the Rogue River with certain controls.

I don't believe there is anything, as Mr. Resler said, that would forbid use of powerboats on a wild and scenic river where there has been a prior long-term use, but there might have to be some amount of control of numbers so that the use would not destroy the values for which the river was established.

Mr. RESLER. I think this would be the line that I would take. Senator McClure. For each of these rivers, a management prescription is basically developed during the study process and the question of the kinds of use to which the river has been accustomed is one of the elements on which a decision has to be made. In some, I think very definitely there would be controls on certain types of powerboats.

On the lower Hells Canyon it is no question. The Rogue is another example. Based on our interpretation of law it is a matter of what is an established use at that time and attempting to maintain the status quo on these various segments of the river, and it will vary from segment to segment.

Senator McCLURE. So your primary standard is one of existing use rather than any arbitrary standard other than that, is this correct?

Mr. RESLER. I would say, yes, wherever we can do so. It is a part of the study process to try to develop the uses and options and get some input from the people, the general public, as to what their desires are on that section of the river, too. Prior use has had an effect on how we designate the river whether we could recommend wild, scenic or recreation classification.

Senator McCLURE. We have been furnished with a tabulation which I believe was prepared by BOR on the status of the studies on the 27 rivers listed in the Wild and Scenic Rivers Act, and the chairman, Senator Haskell, has asked that you prepare and submit, or the BOR do so, on the present status. I think this one was probably 6 months ago. But just going through that status report it would appear to me that as an overall matter the study moneys have been concentrated on those segments of rivers which are most under threat of change because of intensive development pressures. Would that be the policy of the Forest Service in directing its studies on those segments which are the responsibility of the Forest Service?

Mr. RESLER. Yes, it would. It would receive the highest priority and attention.

Senator McCLURE. I notice, for instance, I don't recall whether you have the responsibility for the Moyie River study in north Idaho, but I believe you do, as you have the responsibility for the St. Joe study. Both of these rivers were included in the original bill because of my amendment, and the study on the St. Joe has gone forward, and yet the study on the Moyie has not begun, and the St. Joe is primarily in Federal ownership and the Moyie is primarily in private ownership. Is it the criteria for likelihood of development which governs the decision as to which segment goes first?

Mr. RESLER. I am not aware in this particular case of what the basis for selecting the priorities on that particular one is. It is scheduled to get underway in the current fiscal year. As you know, the St. Joe field studies are essentially complete.

Senator McCLURE. Yes, I have been hearing that. Do you have any comment on that?

Mr. SHENKYR. No. I believe it was primarily from the standpoint that the studies were set up on a priority basis based on activity that was going on, plus the urgency of the other landowners to try to get a decision on these rivers as soon as possible where there was some other concern.

In other cases, maybe the St. Joe is one, we had on hand probably a little more resource data of the whole basin which got it higher up on the list. We plan—to get the Priest and the Moyie underway this fiscal year and they are started as of now.

Senator McCLURE. I don't believe I have any further questions, Mr. Chairman. I just want to express my appreciation to you for your

answers and your testimony here today and express the concern that somehow in management we have to be aware of the feelings of the property owners who are affected, who feel they are being somewhat borne down by the weight of the Federal Establishment and with no resources or recourse, and I think each of your field personnel who are assigned to the task of dealing with property owners have to approach it from the standpoint of a sensitive selling job rather than the position of the Federal Government dictating to them what they must do with their property or else, and that is a very difficult thing to do, but I think it must be done.

Mr. RESLER. You make an excellent point, Senator McClure. We are very much aware of that. Our most recent concern has to do with the condemnation action on certain properties about which you have heard a little. Here again, one of our purposes there basically was not to exercise the right of eminent domain to acquire those lands, but rather to resolve another question which had to do with determining what is a realistic price for those properties. You discussed this earlier with Mr. Watt. This is one method of gaining an impartial referee in resolving a very difficult question on pricing.

Senator McClure. Another difficulty on that subject is the fact that the law requires consultation with property owners and at the same time your procedures, as I understand them, require that the appraiser notify the property owner that he will be there and that notification is sometimes reasonable, sometime, in my opinion, unreasonable. Then the appraiser makes his determination of value and that is the only value which will be discussed with the property owner, so if there is to be any realistic negotiation between the Government on one hand and the private property owner on the other, it must occur prior to the time the appraisal is made. As I understand the procedure, once an appraisal is made you can't offer more than the appraiser's valuation.

Mr. RESLER. That is correct. We can offer neither more nor less.

Senator McClure. If there is to be any negotiation between the property owner and the Government it has to be prior to the appraisal and if that is correct, as I believe it is, and in this instance and I think in many others, you contract for appraiser services, the negotiation is never with an employee of the Government, it is with a contractor for the Government. The only contact that the property owner has in this instance may be with somebody who is simply contracting to arrive at an appraised price. Isn't that correct?

Mr. RESLER. Generally this is the way it is perceived, Senator McClure, but in many cases I can recall personally the original negotiations start between an employee of the Forest Service, district ranger or forest supervisor and the other party, the private individual. When it gets down to the point of establishing the appraised value we let a contractor or one of our own appraisers do it, as the case may be, and then the procedure you talked about does apply. When you get down to the point of discussing the actual amount to be paid it is just that, general discussion. It doesn't register. I think in almost all cases we have had or at least strived to have a direct contact between our people and the seller.

Senator McCURE. Let me recite from my memory and I might be mistaken because I haven't looked at the file for some weeks. In at least one of the properties in Hells Canyon in the Middle Snake, one which has caused some controversy as both you and I are aware, the property owner indicated he was contacted first by Forest Service personnel as to whether he was willing to sell his property, was it for sale. He said it was. The next contact he had was a notice from the appraiser that he would be on the property at a certain date at a certain hour, which notice was received by him, I think, some 7 days before the appraiser was to be there and he was some 150 miles away when he received the notice from the appraiser.

The next contact he had with the Government was when he received a letter from the Government that says, we will offer you so much. Will you take it. If not, we will see you in court. That doesn't seem to me to any more than fill the letter of the law, and certainly doesn't fulfill the spirit of the law with respect to any kind of meaningful contact and negotiation with the property owner.

Mr. RESLER. Your point is well made, Senator McClure. I am sure in these kind of negotiations one can't do too much in trying to make personal contacts and discuss things of very great concern to the landowner himself. I certainly agree with that. Perhaps we will have to spend more time with some of our contract appraisers also.

Senator McCURE. I would say in this instance, too, with some of your ranger personnel who had the original discussions. One of these instances up there was perfectly understandable in which the property changed hands between the time of the original contact and the time the notice and offer came to the property owner. The only thing in that instance that the property owner ever saw from the Government was his invitation to accept what they were offering or they would see him in court, but the other thing had transpired before he purchased the property and it was one of those subdivision instances, so I think there is an understandable lapse in that particular case, but in some of the others it seems to me that the efforts of the Government to keep the property owner informed and to negotiate and discuss the problem with him was less than minima and, aside from the price that was involved. I can also sympathize with the property owners who felt there was really no sensitive concern for their rights or their interest.

Again, Mr. Chairman, thank you very much.

Senator HASKELL. Thank you, Mr. Resler, very much, indeed. I appreciate your appearing.

[Subsequent to the hearing Mr. Resler submitted the following:]

The Wild and Scenic Rivers Act prohibits the taking of private lands in fee without the owner's consent in areas where ownership by the Federal Government exceeds 50 percent of the total area. Therefore, condemnation of fee title is not possible on the Middle Fork Salmon Wild and Scenic River. However, limited easements can be taken. The taking of easements cannot alter uses of land existing at the time of taking. Therefore, landing strips on private lands can remain if the owner of the land feels they are necessary.

Ownership of private lands can be acquired by the Federal Government on a willing buyer-willing seller basis. If this were to happen, and title were with the Government, the uses of such land could be altered to conform more closely to the general management objectives for a Wild and Scenic River.

Most of the Middle Fork is classified as a Wild River, free of impoundments and generally inaccessible except by trail, with watersheds and shorelines essentially primitive and waters unpolluted. In order to manage the Wild and Scenic River in a manner to meet these conditions, the Forest Service has general objectives related to private lands in the area, even though the Act does not provide condemnation authority for their achievement. Some of these objectives are to encourage private landowners to:

- Permit to new habitations nor substantially increased capacity.
 - Permit other new structures that are essential for continuance of existing uses, or acceptable new uses, but make such structures inconspicuous and in harmony with the environment.
 - Alter existing improvements that do not harmonize with the environment.
- Our people are encouraging private landowners to meet these objectives, but we do not have authority to assure compliance. These objectives are stated in the "River Plan for the Middle Fork of the Salmon River" which was printed as House Document No. 91-171 of the 91st Congress.

Senator HASKELL. Because of the limited time set aside for this hearing, I am going to ask each of the succeeding witnesses to confine their remarks to 5 minutes, and I am going to ask each Senator to confine his questions to 10 minutes each so that we will be able to get through within the time allotted.

Our next witness is Mr. William Painter, acting director, American River Conservation Council.

STATEMENT OF WILLIAM PAINTER, ACTING DIRECTOR, AMERICAN RIVER CONSERVATION COUNCIL

Mr. PAINTER. Thank you, Mr. Chairman. It is a pleasure to be here. We support S. 921. We, and a couple of other organizations have some suggestions as to how the goals that are being struck at which 921—

Senator HASKELL. Mr. Painter, your statement in full will be included in the record, so you can summarize.

Mr. PAINTER. Yes, the goals that are being reached for with S. 921, we think, might be better reached by a couple of other options. We have listed one here which would be simply to extend the moratorium to the point at which a report is submitted to Congress and then as the act already proposes there is a 3-year extension of the moratorium while Congress has the opportunity to study the proposal.

We are, of course, in favor of the addition of the three rivers that have been submitted to you for study category.

With regard to the protection afforded the river under the act we feel that improvement needs to be made in that the limits on the total area can be managed, should be increased. Contrary to what was said here earlier, we have seen some instances that we feel there are problems with these limits. One we cite in our testimony is a problem of surface mining in the watersheds of some rivers. The Government can be out, spend quite a bit of money purchasing a strip of land along the rivers, and some private owner up high in the watershed can go ahead with surface mine operations and completely destroy the value of the river, thereby eliminating the investment value the taxpayers have already made to this river.

Furthermore, we suggest an amendment in the act that would say that you should preclude Federal involvement in any action which would degrade the quality of the river, either in the system or under the study. As now stated there are restrictions on water resource proj-

ects and some restrictions on mining activities, but it does not extend beyond that. We suggest that there should be provisions for changing the classification of a river after it's been added to the system so that if there are some instances in which there is a small segment of the river that is out of character with the rest of the river, that after time has passed and some of these nonconforming uses can be phased out, then the categorization could be changed from scenic to wild.

We would also like to point out that there is a great possibility at this time for consideration of rivers that are now not of sufficient value to place in the system because of the water quality, the land use around the rivers may be excellent but the quality of the water for one reason or another has been degraded. We suggest that this committee look into such situations and try to move ahead with protection of these rivers now, and then this would be an investment for the future.

We are concerned that the studies and the rivers listed in section 5(a) are taking too long. Section 5(b) requires that these be completed within 10 years. We are concerned that the limitations on various projects are not adequate. In particular you mentioned this, Senator, we don't have any way to restrict private action on these rivers while studies are taking place.

During the course of the 10-year limit the character of the river can be changed completely. As we all know this is especially true of rivers that are close to urban areas, and yet these would be of great value as scenic rivers since they would be closest to the users.

In addition, to take so long in these studies leaves the landowners in a state of limbo, generates ill feeling on their behalf. We think that shortening the period of study to be something like 2 or 3 years, these agencies have been able to do this in some instances, it would be a much better way to proceed.

We are also concerned with section 7(b)(1) which allows a moratorium on a water resource project or mining activity to be removed if the Secretary of the Interior or Secretary of Agriculture decides a river is not worthy of inclusion in the system. It is our opinion this decision should be made by the Congress and not by administrative action and suggest the act be amended accordingly.

Finally, we submit to the committee a list of rivers that our organization has compiled which we feel are highest priority for future examination as part of the Wild and Scenic River System. I won't make any comments on them individually. Some of our members may send in comments. If you have any questions about any of these, we could submit our answers in writing.

Senator HASKELL. Thank you, Mr. Painter. From a parochial viewpoint I notice there are a considerable number in Colorado and I appreciate it if you would contact an organization in Colorado there called ROMCOE, I don't know if you are familiar with it or not and solicit their comments with respect to these rivers.

Mr. PAINTER. They were involved in drawing that list up.

Senator HASKELL. Presumably they have some background information on each of these suggestions that could be of use. Thank you very much, Mr. Painter. I have no questions. As you gather from my questioning of the administration witnesses I am a little concerned about the delay. Thank you very much.

Senator McClure.

Senator McCURE. I would just second the comment that was just made. I think we are all concerned about the delay and I think you make a good point with respect to the landowners feeling that they are left in limbo for far too long. That is one of the problems we have with much of this land management, and certainly as we seek to do what you suggest, and that is, maintain the status quo, while we determine what our ultimate decision will be, that becomes also to a degree unfair to the landowners. They are entitled to a decision and if the decision calls for a taking of property, they are entitled to compensation, not 10, 15 years from now, but when the decision is made.

Mr. PAINTER. The longer we delay the more it is going to cost the taxpayers anyway.

Senator McCURE. That is always the case. Our problem is finding the available dollars.

I have one question with respect to a statement made on page 2 that get back to many of our conservation questions. Down in the fifth paragraph you say that the law should be expanded to preclude Federal involvement in any action which would degrade the quality of a river. As a general statement I have no quarrel with that. As we get down to the no degradation controversy which becomes the core of much of our controversy today, I would ask you if you would prefer to see an absolute standard, which required absolutely no change or no degradation of a river which might preclude the inclusion of that segment of a river at all?

Mr. PAINTER. I think it has to become almost on a case-by-case basis. There are some types of actions that I would say should never be allowed, building a dam on a river once you have already invested money in making it a scenic river, I would say that would be something you would absolutely not do in that section of the river. Some of the other activities, certainly intensive mining and activities within a few hundred yards of the river. That wouldn't be consistent with the act. This is something we don't have enough experience with. This is one of the problems. None of us concerned with this have yet had enough of the specifics to decide where we agree and disagree, what the language of the act does and does not mean.

Senator McCURE. I certainly do not disagree with the general aim and I appreciate the statement that you made that we have to look at it on a case-by-case basis which would imply to me the standard is not absolutely inflexible, that it must be applied without any deviation in any instance. That kind of a rational approach certainly has my support and I think it can generate the kind of support which will make it possible for us to move in some areas where otherwise we couldn't because of other considerations.

One last question. At the top of page 2 you make reference to the necessity for expanding the scope of the wild and scenic rivers areas in order to, for example, control surface mining which might destroy the water quality of the river through sedimentation.

It is my understanding that the other laws on the books now dealing with water quality and the legislation which we are seeking to put on the books in strip mine legislation would deal adequately with the problem of degradation of water quality as a result of mining operations.

Mr. PAINTER. It may be. We would be happy to have this problem solved in any way it can be. As it is right now neither State or Federal laws do give adequate protection.

Senator McCLURE. You don't think the present laws give adequate protection?

Mr. PAINTER. At least in the cases of the rivers I know of there is not adequate protection; no.

Senator McCLURE. Is there not protection from present activities or past activities?

Mr. PAINTER. Present, past, and future. In some cases there is new strip mining. On a river we know of in Tennessee the people's greatest concern is that strip mining will be allowed nearby in the watershed on the study rivers. It is going to be coming before Congress in the not too distant future. The existing State laws, in their opinion, do not prevent complete degradation of it.

Senator McCLURE. Because of the water quality?

Mr. PAINTER. Because of the sedimentation. In the same area, the same basin, but downstream, is another river where there has been a considerable amount of mining activity of that type. The river under study is crystal clear. The other river looks like chocolate.

Senator McCLURE. Again in the context of present or past operations?

Mr. PAINTER. These are going on right now.

Senator McCLURE. Is the condition of the other river because of its past operations or because of what is being done now?

Mr. PAINTER. Both. It started in the past and it continues at present.

Senator McCLURE. Then I would say it was a deficiency in the implementation of the present law, not a deficiency in the present law because I don't read anything in the present law which would allow operations to go forward which have that kind of a result upon the water quality. It seems to me that we have laws now that address that very directly.

Mr. PAINTER. I am not an expert on the surface mining laws.

Senator McCLURE. I am not talking about surface mining laws. I am talking about water quality.

Mr. PAINTER. I contacted someone on this very question and they were concerned that even the new laws are not going to provide as much protection as is going to be needed on these mine sources. I am not an expert and so I can only tell you what someone who is an expert told me.

Senator McCLURE. Thank you very much.

Senator HASKELL. Thank you, Mr. Painter. Your suggestion on time limits is good but when there are a lot of rivers to be studied it is hard to put time limits. However, it is conceivable that if the committee agrees on Senator Nelson's and Senator Hart's bills, we might put a time limit on the study. That might be an appropriate thing to do.

Senator McCLURE. I would make only this comment, that putting time limits on studies doesn't do us any good unless we put the money behind it also. That is the reason we have the stretchout on study provisions being asked here. That is the reason we have the stretchout on hard surface studies for wilderness. We have confronted that continuously and unfortunately we don't have enough dollars, so let's be realistic when we put time limits on. If we do let's be certain that we

can back it up with money, because it takes money, personnel, time in the field, to make the studies, or the studies are worse than useless.

Mr. PAINTER. I might point out the studies on one of these system proposals are very inexpensive compared to many other studies the Federal Government funds, compared to say, the typical water resources dam project. This is indeed a bargain, and up to now I think the total expenditure on this whole wild and scenic river system is less than \$25 million. I know the dam that the Army Corp wants to build in my area of the country will cost \$42 million, and actually the study itself will cost much more than this. We are talking about equivalents in comparison to the types of stretches.

Senator HASKELL. Thank you, Mr. Painter. At least the committee can consider this.

[The prepared statement of Mr. Painter follows:]

PREPARED STATEMENT OF BILL PAINTER, ACTING DIRECTOR,
AMERICAN RIVERS CONSERVATION COUNCIL

Mr. Chairman, I am Bill Painter, I represent the American Rivers Conservation Council, a newly formed organization comprised of groups and individuals from throughout the country, who are dedicated to the preservation and protection of America's remaining wild and scenic rivers.

We are most grateful that you have scheduled these hearings on the Wild and Scenic Rivers Act, and given us the opportunity to appear before you today.

Our organization is in full support of extending the moratorium on water resources projects and mining activities as called for in Sections 7 and 9 of the Wild and Scenic Rivers Act. In the absence of an extension, many of the rivers now under study for inclusion in the National Wild and Scenic Rivers System will not remain protected after October of this year, in spite of the fact that the Congress will not have had the chance to determine if said rivers should be included in the system.

The reason for this situation is that only a few of the reports being prepared by the Secretary of Interior and the Secretary of Agriculture will have been completed and submitted to Congress before the expiration of the current moratorium. We are certain that it was not the intent of Congress to allow actions to be taken which would alter the character of rivers being studied before Congress had the opportunity to act, yet this could happen if the moratorium is not extended.

Although we feel a 5 year extension of the moratorium, as proposed in S. 921 is desirable and worthy of support, we would like to suggest another course of action which might better achieve the desired ends. If the moratorium were to apply to each river under study from the time it is placed in Section 5a of P.L. 90-542 until the time at which the required report is submitted to Congress and the President, there would never be a chance of the moratorium lapsing before the Congress considered a river for inclusion in the National System. Section 7(b) (11) of the Wild and Scenic Rivers Act provides that the moratorium shall continue for 3 years after recommendation of a river by either the Secretary of Interior or the Secretary of Agriculture, in order that Congress might have adequate time to act upon the recommendation. Under this statute plus that suggested above, a river would be protected from the entire time it was deemed by Congress to be worthy of study for possible inclusion in the System until the Congress has full opportunity to determine if it is actually worthy of such inclusion.

We urge you to approve the increase in funds available for acquisition of land and scenic easements under Sec. 16 of the Act. We support the provision of S. 921 calling for increasing the amount that can be spent to \$37,600,000. If this is not approved, some of the rivers now designated as part of the National Wild and Scenic Rivers System will not be given the protection called for in the Wild and Scenic Rivers Act.

With regard to the protection afforded a river under the 1968 Act, we feel that improvements need to be made. The Act limits the total area that can be managed within a designated river to 320 acres per mile of river. This is equivalent to around 1800 feet from back from the river, on the average. Although this is

adequate for many river systems, it is not enough for many others. This is especially true in areas where rivers pass through gently sloped mountains that may be subject to surface mining, which can destroy the water quality of a river through sedimentation.

We suggest that this limit be increased to at least double the current 320 acres. We feel this is reasonable because it would merely be an allowable upper limit, not a required minimum. In most cases, it would not be necessary to bring more than the current limit within the boundary of a river. Such an extension of the allowable size of the management unit of a river in the system would provide needed flexibility for assuring protection of rivers. Furthermore, the Congress will have the opportunity to examine the plans submitted by the Secretary of Interior and the Secretary of Agriculture, and could alter the proposed boundary as they deem necessary.

We submit that although an increase in the boundaries of some of the rivers would require additional money, that this is still a measure of fiscal responsibility. With the boundary limitations as they now stand, it is sometimes not possible to give rivers, all the protection they need. This means that although considerable money and effort had been spent toward the preservation of a river, that some activity, such as strip mining, could destroy the value of the river, rendering the funds spent on acquisition of land and easement for the purpose of protecting the river a virtual waste. By spending a little more money, it might be possible to give all the needed protection, insuring the investment of taxpayers money.

We are especially concerned that the provisions of the Wild and Scenic Rivers Act may not provide adequate protection for the quality of the water of rivers either in the system or under study for inclusion. It may be that the new amendments to the Water Quality Act will provide the needed protection, but we urge the Committee to consider this matter.

The American Rivers Conservation Council also feels that the law should be expanded to preclude Federal involvement in any actions which would degrade the quality of a river either in the System or under study. In both Sec. 7(a) and 7(b), reference is made to restriction of water resources projects. We suggest that this be changed from "water resources project" to simply "project".

We also call for provision in the Act for changing the classification of a river, from Recreational to Scenic and from Scenic to Wild, if such a change in the character results from wide management of a given resource. This is not to mean that it should be the goal of the National Wild and Scenic Rivers System to have all rivers Wild. Rather, it is most desirable that the System include many examples of all three types of rivers so as to provide a wide variety of experiences for users of the System. However, it may be that a given stretch of river is wild in its entirety, except for one or two structures or uses which would result in designation as a Scenic River. It is possible that after a period, the structure or use would no longer be necessary, and that area of the river border could be allowed to revert to a wild state. This type of approach is proving most helpful in the management of the National Wilderness System, and should be applicable to the Wild and Scenic Rivers System.

It should also be noted that three are a number of rivers of wild and scenic character that cannot now be added to the System because they are polluted. As the new water quality standards are enforced, these streams may again run clear. It would seem advisable to include in the Act provision for setting aside such rivers for eventual inclusion if it can be determined that they will be cleaned in accordance with the water quality laws. The cost of obtaining such a river while its waters are still in poor condition would be considerably less than that at a future date. We point to the example of the Shenandoah National Park which was established at a time when it hardly seemed worthy of any kind of park status, yet now we are able to discuss bringing large sections of the Park into the Wilderness System.

It is our opinion that the studies of rivers listed in section 5(a) are taking too long. Section 5(b) requires that these be completed within 10 years. Although the Act prevents federal water resource projects on study rivers, and limits mining activities on federal lands bordering the river, there is no protection from action on private lands. There is great pressure for recreational home development and other over-intense uses of many of our remaining wild and scenic rivers. In the course of 10 years, the character of a river can be completely changed.

In addition, 10 years is too long to leave landowners along study rivers in a state of limbo as to the fate of their land. This generates ill feelings among this

group toward the wild and scenic rivers system. So, it is in the best interest of both landowners and persons interested in preserving a river to have resolution of the issue as early as possible. We have seen that it is possible to do these studies in 2 or 3 years, and feel that the Congress should specify that they be completed within such a period.

We are concerned with the provision of Section 7(b)(1) which allows the moratorium on water resource projects and mining activities to be removed if the Secretary of Interior or the Secretary of Agriculture decide that a river is not worthy of inclusion in the system. It is our opinion that this decision should be made by Congress, not by administrative action, and suggest that the Act be amended accordingly.

We urge this Committee to investigate the status of the implementation of the Wild and Scenic Rivers Act. The law has been in effect for nearly 5 years now. We now have 10 rivers in the system, under one form of management or another. Several of the studies are nearing completion. We think it is of the greatest import that the Congress determine how well the law is working. It may be that some amendments to the Act are in order. In other cases, administrative procedures may need improvement. It is possible that more funding is needed for some aspects of the program. All these things should be explored.

Finally, we turn to the matter of additions of rivers to the study category under Section 5(a) of the Act. We fully support both S. 1391 and S. 1101 which call for adding portions of the Wisconsin River in Wisconsin and the Au Sable and Manistee Rivers in Michigan to the study category.

In addition to the rivers officially before you at this time, the American Rivers Conservation Council would like to suggest a number of other rivers which we feel are worthy of study for inclusion in the Wild and Scenic Rivers System. This list was developed by contacting organizations throughout the country which are involved in the river preservation. These groups are intimately familiar with the streams and rivers of this nation, and are, therefore, most qualified to recommend those rivers that are of the highest quality. I should add that I do not have first-hand knowledge of most of these rivers, but that the Committee will be receiving written comments on each of them by the organizations which brought them to our attention.

We ask that you give these rivers your most careful consideration for inclusion in the study category. Time is running out on our last free-flowing streams, we must act now to protect them.

RIVERS SUGGESTED FOR ADDITION TO THE STUDY CATEGORY

San Juan, Utah—from Bluff to Lake Powell
 San Rafael, Utah—all north of I-70
 Dolores—entire river in Utah
 Escalante, Utah¹—town of Escalante to Lake Powell
 Green, all of river in Utah
 Cheat, W. Va.—Parsons to Rowlesburg
 Cranberry River, W. Va.—entire
 Greenbriar, W. Va.—entire
 Gauley, W. Va.—below Summersville to confluence with Kanawha
 Laurel Fork of Cheat, W. Va.—entire
 Dry Fork of Cheat—north of Laurel to confluence with Blackwater
 Williams, W. Va.—Tea Creek to Three Forks
 Tuolumne, Calif.¹—from Hetch-Hetchy Dam to New Don Pedro Reservoir
 Kings River, Calif.—above Pine Flint Reservoir to headwaters excluding N. Fork
 Methow, Washington
 Wenatchee, Wash.¹—entire, including tributaries, the Chiwawa and White
 Klickitat, Washington
 Stillaguamish—both North and South Fork
 Nisqually, Washington
 Kalama, Washington
 Skykamish, Washington
 St. Francis, Mo.
 North Fork of White, Mo.¹—From State Highway 76 to Lake Norfolk Sipsy,
 Alabama
 Wacissa, Florida¹—entire river
 Imnaha, Oregon¹—entire main stem

See footnote at end of table.

- Grand Ronde, Oregon¹—From Rondowa to Confluence with Snake, with tributaries the Wenaha to Milk Creek on the South Fork of the Wenaha; and the Wallowa to the Minam; and all of Minam
- Snake, Oregon—from confluence with Stud Creek to Oregon, Wash. border
- Madison, Montana¹—from Earthquake Lake to Ennis Lake
- Missouri, Montana—Robinson Bridge to Fort Benton
- Blackfoot, Montana—from Landers Fork to Milltown Dam
- Green, Wyoming¹—source to Horse Creek
- Clarks Fork, Wyo.
- Sweetwater, Wyo.
- Allegheny, Pa.—from Kinzua Dam to Drody's Bend
- Lehigh, Pa.—north of town of Jim Thorpe
- Mullica, New Jersey¹—entire, including tributaries Wading Creek and Bass River
- Yampa, Colo.—from Maybelle to confluence with Green
- White, Colo.—N. Fork including Trappers Lake and South Fork
- Animas, Colo.—from Silverton to Durango
- Green, Colo.—all in Colorado
- Colorado, Colorado—from Public Service Company of Colorado Power Plant to Glenwood Springs; Gore Canyon area
- Roaring Fork, Colo.—from Aspen to Snowmass
- Gunnison, Colo.—upstream from Blue Mesa Reservoir and downstream through Black Canyon and Gunnison Gorge; also Lake Fork of Gunnison
- Piney, Colo.—from source to confluence with the Colorado
- Piedra, Colo.—entire river
- Pine (Los Pinos), Colo.—source to Vallecito Reservoir
- Navajo, Colo.—entire river
- Upper Rio Grande, Colo.—from headwaters to Alamosa, except from Rio Grande Reservoir
- Crystal, Colo.—from Marble to Carbondale
- Poudre, Colo.—from Chambers Lake to Ft. Collins treatment plant
- Arkansas, Colo.—from Granite to Canon City
- North Fork South Platte, Colo.—from Foxton to confluence of South Fork South Platte
- South Fork South Platte, Colo.—from Cheesman Dam to Kassler Treatment plant
- Dolores, Colo.—between Dolores and Bedrock
- South Fork White River, Colo.—entire river
- North Platte, Colo.—from source to Colorado border
- Blue, Colo.—from Green Mountain Reservoir to Spring Creek Road
- Encampment, Colo.—source to Colorado border
- Williams Fork, Colo.—from source to Buford
- Big Pine, Ind.
- 14 Mile Creek, Ind.
- Big Blue, Ind.
- Sugar Creek, Ind.
- Big Walnut, Ind.
- Wildcat, Ind.
- Little Missouri, N.D.¹—from Marmath, N. Dak., to Lake Sakawea
- Chatanika, Alaska¹—from head of McManus Creek to milepost 11 of Elliott Highway
- Birch Creek, Alaska¹—from milepost 94 to milepost 147 of Steese Highway
- Fortymile, Alaska¹—entire river with major tributaries in Alaska
- Rappahannock, Va.¹—from tidewater to Remington, and Rapidan to town of Rapidan
- Delta, Alaska¹—from Round Tangle Lake to confluence with Phelan Creek
- Gulkana, Alaska¹—entire main stem and Middle and West Forks, between Paxton Lake and town of Gulkana
- Chitina, Alaska¹—entire
- Chama, New Mexico, Colo.—source to Rio Grande
- Gila, N. Mexico—source of each of the 3 forks to Florence, Arizona
- San Francisco, N. Mex., Ariz.—from source to confluence with Gila
- Little Muskingum, Ohio—entire river
- St. John, Maine—From Fifth St. John Pond to Dickey
- Dead River, Maine—from Grand Falls to logging bridge below Poplar Hill Falls: Spencer Stream, from Baker Pond to Junction with Dead River; Little Spencer Stream, from Spencer Lake to junction with Dead

Machias River, Maine—from junction with West Branch to Whitneyville, and West Branch from outlet of Lower Sabao Lake to junction with main stem
St. Croix, Maine—from Vanceboro to Kellyland

Saco River, New Hampshire and Maine—from Crawford Notch to Swans Falls
Sacandago River, New York—West Branch, from source to junction with main river at Wells

Oklawaha, Fla.—between Dead River Swamp to confluence with Saint Johns
American, California—North Fork from Cedars to Auburn Reservoir

Cahaba, Alabama—segment downstream from U.S. Highway 31 south of Birmingham in Jefferson County and upstream from U.S. 80 west of Selma in Dallas County

Sipsy Fork, Alabama—from impoundment formed by Lewis M. Smith Dam upstream to point of origin, and tributaries

Shavers Fork, W. Va.—from headwaters above Spruce to confluence with Black Fork River

The above list is not a final list. Some of the groups and individuals we contacted are still considering their recommendations, and will submit them for the hearing record.

¹ Listed in a report by the Secretary of Interior published in 1970, in accordance with Section 5(d) of the Wild and Scenic Rivers Act.

Senator HASKELL. Mr. Pickelner, of the Conservation Council, has submitted his statement for the record, and it will be included here.

[The prepared statement of Joel Pickelner follows:]

PREPARED STATEMENT OF JOEL M. PICKELNER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Joel M. Pickelner, Conservation Counsel of the National Wildlife Federation which has national headquarters at 1412 Sixteenth Street, NW. here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has independent affiliates in all 50 States and the Virgin Islands. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 3½ million persons.

We welcome this opportunity to testify.

The National Wildlife Federation was an enthusiastic supporter of legislation setting up the National Wild and Scenic Rivers System and along with our affiliates we have continued to support the addition of eligible streams to the system.

Mr. Chairman, since I am not personally familiar with any of the rivers included in the various pieces of legislation before the Committee today I will not attempt to describe the qualities which make them eligible for inclusion in the Wild and Scenic Rivers System. Rather I will leave that task to those here who are familiar with the rivers in question. Let it suffice to say that the National Wildlife Federation and its affiliates believe that these rivers should at least be studied to ascertain their eligibility for inclusion in the National Wild and Scenic Rivers System.

For the remainder of my statement I would like to confine my remarks to S. 921. When the Wild and Scenic Rivers Act was enacted in 1968 the study set-up under it to determine what rivers were eligible for inclusion in the system was given a life of five years. The five-year limitation will be up in October of this year. The five-year study limitation has proved to be inadequate and by October only a few of the 27 studies named in the original bill will have been completed. To rectify this the Administration 's recommending that the protections afforded by the study classification be extended for an additional five-year period.

We feel that rather than the mere extension suggested by the Administration a much more logical and workable solution to the moratorium situation can be worked out. The National Wildlife Federation would like to suggest that the Rivers under study be afforded the protections granted under the Wild and Scenic Rivers Act for an indefinite period of time that would end only when

Congress determines that a given river is not a wild or scenic river. This suggested solution would allow Congress to be the final judge of a river's eligibility for inclusion in the system, while at the same time protect the river from exploitation until its suitability for wild or scenic status is determined.

Another problem which we would like to point out concerns the boundary restrictions contained in the 1968 Act. The Act limits the total management area to 320 acres on each mile of river. This works out to an average of about 1300 ft. on each side of the river. Also the Act limits fee simple purchase to 100 acres per mile, on the average. In some instances these limitations have proved to be too restrictive. Often, in order to preserve the quality of the stream, the watershed draining into the stream needs to be covered by the protections contained in the Act. In order to properly take into account the special instances when more protection is needed we feel that the restrictions on management areas and fee simple purchase should be removed and Congress should determine the boundaries of the individual rivers for the purposes of the Act.

Thank you again for the opportunity of making these remarks.

Senator HASKELL. Therefore, our next witness is Mr. Steven Seater, staff biologist, Defenders of Wildlife, also representing Friends of the Earth.

STATEMENT OF STEVEN SEATER, STAFF BIOLOGIST, DEFENDERS OF WILD LIFE, FRIENDS OF THE EARTH

Mr. SEATER. Thank you, Mr. Chairman.

Wild and scenic rivers are as much a part of our heritage as are wilderness areas, national parks, and historic monuments. They are among the priceless treasures of our Nation and as such must be cherished and protected.

The Wild and Scenic Rivers Act of 1968 provides a measure of protection to these beautiful streams, but unfortunately, only a handful of our truly wild rivers are afforded protection under this act. The 17 rivers presently being studied as potential additions to wild and scenic status are now threatened by the expiration of the dam licensing moratorium this coming October. If the moratorium is not extended, it is quite possible that many of these streams will be degraded or even destroyed before Congress has the opportunity to consider preserving them. We, therefore, support a 5-year extension of the moratorium as proposed in S. 921.

We also urge you to approve the additional funds for acquisition of land and scenic easements contained within S. 921. We also ask that the Congress increase the amount that can be spent to \$37,600,000.

Regarding the protection given to a river under the 1968 act, the committee should also consider one of the major inadequacies of this law. Section 9 protects a stream from mining on federally owned lands only to a distance of one-quarter mile from its banks. Unfortunately, this allows extensive logging and mining operations along the tributaries of a stream, which could eventually lead to its destruction. Ideally, the act should be amended to give the Federal Government control over all or most of the stream's watershed. This protection should also be extended to all rivers awaiting consideration in the study category.

Another matter which we think the committee should consider is possible amendments to the Water Quality Act to insure proper protection for wild and scenic rivers.

Our respective organizations believe that the act should be amended to prohibit Federal involvement in any projects that would adversely affect the water quality of a river either in the system or under study. Sections 7(a) and 7(b) refer to restriction of water resources projects only, and should be changed to simply read "projects."

Another inadequacy in the 1968 act is the absence of a provision to allow for a change in the classification of a river from recreational to scenic and from scenic to wild.

Defenders of Wildlife and Friends of the Earth strongly support S. 1101 and S. 1391 which are designed to add three important rivers to the study category. We also urge the committee to hold hearings on S. 449, S. 30, S. 1790, and S. 883 in the near future.

It is truly unfortunate that the United States with its vast amount of public land does not have even 50 rivers in the Wild and Scenic River System. White water canoeing and kayaking are becoming increasingly popular pastimes, and various surveys indicate that there are more trout fishermen today than ever before. Therefore, the increasing demand for recreation on wild free-flowing streams should be met by the Federal Government. Huge amounts of Federal money are spent on providing recreation on flat water, but next to nothing has gone to promoting the preservation of free-flowing rivers. It is our hope that this year and in the years to come, Congress will see fit to add a large number of rivers to the study category.

I might also add, our organization is concerned with the amount of time that it takes to study a river. We feel the Congress should ask for studies to be completed in 2 or 3 years, if possible, and make the necessary funds available. Thank you.

Senator HASKELL. Thank you, Mr. Seater. You have made one specific suggestion on a statutory change, and you make a couple of general suggestions on statutory change. It is always helpful to the committee to have specific language, so if your organization could prepare some specific language to implement your suggestions and give it to the staff, then we would be in a position to consider specifics.

Mr. SEATER. I will be glad to do so.

Senator HASKELL. I have no questions. Senator McClure.

Senator McCLURE. I have only one question. I think it is an excellent statement, and I appreciate having it.

I am concerned about the implications of one statement. On page 2 you say, ideally the act should be amended to give the Federal Government control over all or most of the stream's watershed. Would I understand from that that it would be your expectation that there would be no mining or logging activity within the watershed?

Mr. SEATER. I would like to see mining or logging activities that would have an adverse effect on the water quality, especially if we are talking about wild streams, streams designated wild; I think we wouldn't want to have any logging or mining operations that really degrade the water quality.

Senator McCLURE. I agree with the statement that you make as you qualify it, because I think our concern should be to minimizing the adverse effects of such operations on watersheds. When you get into a State like mine where we are dealing with large watershed like the Salmon River, which is a concern to us for water quality, the upper

headwater of some of its tributaries are almost totally Federal owned, but otherwise managed, then we have to be concerned if we get into a situation of raying, the Federal Government ought to control the total watershed. Further, that if there is any implication that all activity within that watershed must cease. We have to have some kind of a rule of reason.

Mr. SEATER. I meant that any true destructive activity, especially on public lands that would truly degrade the stream, should be prohibited, if possible.

Senator McCURE. We sometimes have a rather restrictive and narrow view, and sometimes it is broader. That is the reason I asked the question. I think your view is broader. I can't help but comment, we talk about sedimentation killing plants or trees, particularly along rivers, and I remember the time I was on Redwood Creek and went down to look at the tallest living Sequoia. As you know it grows in a bend on that river; and close to it, nearby, is an old redwood that was damaged countless years ago by fire, and it is hollow at the base and you look into that hollow in the base of the redwood and it is about 9 feet from current ground level down to the ground level inside, which simply indicates to the experts as well as to myself that there has been at least that much sedimentation built up around the roots of that old tree since the fire damaged it, and it was a good sized tree then, so sometimes nature accommodates itself a little bit more to what were then natural courses, remembering, too, the Grand Canyon wouldn't be there if all erosion had stopped, and we have a lot of people who take a rather awesome view of what is a rather grand natural phenomenon. I think if we keep our perspectives about suggestions and don't demand absolutes, we will be able indeed to forge the kind of legislation and administration that meets our needs.

Senator HASKELL. Thank you very much, Mr. Seater. We appreciate your being here.

Our next witness is Mr. Douglas W. Scott, of the Wilderness Society.

STATEMENT OF DOUGLAS W. SCOTT, WILDERNESS SOCIETY

Mr. SCOTT. Thank you very much, Mr. Chairman. My name is Douglas W. Scott. I am coordinator of special projects for the Wilderness Society, for at least 1 more week, at which time I will be moving to the Southwest to take on the task of the Northwest representative for the Sierra Club.

Senator HASKELL. I notice your statement is somewhat lengthy. Could we submit it for the record and have you summarize the highlights?

Mr. SCOTT. Please do. I would like to have it printed in the record in full.

Senator HASKELL. It will be printed in full at this point.

[The prepared statement of Mr. Scott follows:]

PREPARED STATEMENT OF DOUGLAS W. SCOTT, COORDINATOR OF SPECIAL PROJECTS, THE WILDERNESS SOCIETY

Mr. Chairman, I am Douglas W. Scott, Coordinator of Special Projects for The Wilderness Society. We appreciate this opportunity to appear today as you

consider steps to update, improve and extend the program of the Wild and Scenic Rivers Act. This is the Committee's first broad review of this program since enactment of that landmark legislation in 1968, and therefore represents an important opportunity to inquire into the progress of the implementation of the Act and to make useful and desirable improvements in the Act itself.

As you know, The Wilderness Society is a nationwide citizen conservation group now numbering more than 80,000 members. We have had a long interest in the preservation of America's natural rivers, and were strong supporters of the original Act passed in 1968. We are especially happy to have this occasion to urge significant updating and improvement in that Act.

America's rivers tell the story of our land and our society. Some rivers tell a proud story; too many tell a story of degradation, neglect, and pollution. It is true, as an early Interdepartmental Report on wild rivers said, that "America's rivers flow deep through our national consciousness." Nonetheless, we have too many rivers which rebuke our national conscience by the destruction we have brought them.

There is reason for optimism. The Congress has significantly toughened Federal water pollution controls, and we should see the benefits of that program as polluted rivers are reclaimed—perhaps to the point where rivers which hardly occur to us today may someday be made units of the National Wild and Scenic Rivers System. Most importantly, this Subcommittee and Committee played a key role in an historic reversal of policy and attitude toward our waterways, which were once thought of as only pathways for commerce, merely convenient flowages for our wastes. In the Wild and Scenic Rivers Act, you wrote a declaration of Congress "That the 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."

Mr. Chairman, The Wilderness Society enthusiastically endorses S. 921 which would make two important extensions in the Wild and Scenic Rivers Act—the extension of the interim protection for study rivers for an additional five years and the addition of some \$20 million to the authorization for land acquisition within designated wild, scenic and recreational rivers.

In addition, we welcome this Committee's attention to a number of Senators' individual bills designed to bring additional rivers in Michigan and Wisconsin under the study program of the Wild and Scenic Rivers Act.

While we support these proposals, we believe they can be improved upon, and we solicit your favorable consideration of additional improvements needed.

1. Full Extension of Interim Protection for Study Rivers.

By authorizing the study program for potential wild, scenic and recreational rivers, the Congress has recognized that numerous still free-flowing rivers and streams merit careful and balanced consideration, with preservation on an equal footing with traditional forms of water development. This study provision is much like the study provision in the 1964 Wilderness Act, which is now bringing detailed studies and recommendations for national park, forest and wildlife refuge wilderness areas before the Congress—with interim protection for candidate areas until the Congress acts. There is no reason for the Congress to place itself under the gun in considering such proposals, yet an artificial cut-off date for interim protection does just that. Just as is now the case for wilderness studies, we believe that interim protection against all kinds of adverse development should be provided as long as necessary until Congress has made an ultimate determination. If there are competing proposals and pressures for the development of a particular study river, then this Committee ought to have a role in that decision, as competing values are considered and weighed in reaching a judgment. Just as other Committees, which guide the development of water resources, place themselves under no artificial cut-off deadlines, so this Committee—which has the expertise, jurisdiction and principal voice for river protection—ought not to undermine its own options. Competing values of rivers ought to be considered in a balanced way, without the threat that once the deadline has passed, a "choice" has automatically been made as a result of the automatic surrender of interim protection before Congress has made a decision.

We believe interim protection of all study rivers should extend until Congress has decided otherwise, and that development projects on the designated sections

of rivers should be absolutely prohibited, not merely left to the discretion of the administering Secretary (particularly where the administering Secretary is subject to conflicts of interest because of his simultaneous responsibilities for direct river-development agencies). Thus, we recommend the following amendment language as a full substitute for the existing provisions of the first complete sentence in subsection 7(b) of the Act (that is, down through the end of subparagraph 7(b)(1)):

"(b) *Until Congress determines otherwise*, 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, license, or otherwise in the construction of any (water resources) project that would have a direct and adverse effect on the values for which such river might be designated."

The effect of this proposed amendment would be (1) to extend the interim study river protection indefinitely, until further decision by Congress; (2) to remove the unnecessary and potentially conflicting discretion of the administering Secretary to ascertain whether a proposed project "would have a direct and adverse effect"; and (3) to extend this interim protection to include protection against *all* types of projects which, with direct Federal support, would have "direct and adverse effect" on potential wild or scenic river values on which this Committee and the Congress have not yet rendered a final decision.

2. Provide a More Effective Timetable for Completion of River Studies.

The pace of the river studies as required by section 4 of the Act has been altogether unsatisfactory. Means must be found for speeding this process up and enforcing a study deadline. This becomes all the more important as additional study rivers are added to the list. The existing provision of a ten-year deadline (in subsec. 5(b)) is the kind of "requirement" which administrators are able to ignore, and it apparently has given them almost no leverage in seeking adequate and necessary funding from either the OMB or the Congress. Thus, the only effective "prod" for getting on with the studies has been the approaching end of the five-year moratorium on development (found in sections 7, 8 and 9 of the Act). Here, however, it has apparently been concluded that it will be simpler to return again and again to the Congress proposing short-term extensions of this interim protection, rather than giving the program the support and priority it needs to get the studies completed and rivers classified. In addition to extending the interim protection indefinitely, until Congress determines otherwise, we believe you should consider revision of the Act to provide, a more effective, more enforceable study deadline.

These are really two distinct matters. To rely on the impending termination of the interim protection as a prod is a serious mistake. It is a weakness in the original Act that these two distinct (and incompatible) functions were lumped together. The resulting dangers are, on the one hand, that the termination of the protection might well be allowed to occur at some future juncture, leaving study rivers unprotected without Congressional determination, and, on the other, that the study program will lag on endlessly.

An instructive contrast is offered by the way in which the Wilderness Act deal with a similar problem. The interim protection that Act gives to national forest "primitive areas" under study last "until Congress determines otherwise" (Sec. 3(b)). As an entirely distinct matter, the Act places a very firm ten-year deadline on these wilderness studies (within interim deadlines for each third of the job), and applies that deadline directly to the President. Thus, in a technical sense, failure to meet the deadline will be a matter that rests directly on the President.

This mechanism has worked very well. While there has been some lag in the wilderness studies, this provision of the Act has come to the rescue effectively. On the one hand, regardless of whether the deadline is met by the agencies and the President, the interim protection of the national forest "primitive areas" and contiguous wildlands continues indefinitely, until Congress determines otherwise. On the other hand, the placement of responsibility for meeting the deadline directly on the President provides a very real, high-level focus for public and Congressional attention to the pace of the studies. Thus, when the lag came in the wilderness studies, in 1969-70, this matter could be (and was) effectively raised to the attention of the President himself, as a matter of policy. (For example, see then—Rep. McClure's questioning of Assistant Secretary Glasgow

on this point during House hearings on two National Park wilderness proposals, at pp. 476-81 of the record of House Subcommittee on National Parks and Recreation's hearings on June 28, 1970, Serial 91-25.)

All of the resultant attention caused the Administration to focus on this question of the President meeting his deadline. As a consequence, steps were taken internally to increase the priority on these studies, and in the environmental message of February 8, 1972, the President gave his own firm commitment that the deadline would be met (and repeated it in his wilderness message of September 21, 1972). That declaration established the priority of this program as a matter of the highest Executive Branch policy. As you can imagine, this had had an immediate and continuing impact all down the line, to the point that we are now convinced that the deadline will be met, even though that seemed impossible less than two years ago.

This experience offers the Committee a model for revision of the Wild and Scenic Rivers Act in a way that will provide the necessary higher-level policy focus on the pace of the studies. That revision would be to simply amend the Act to make its provisions equivalent to those of the Wilderness Act. This involves a minimum of change in the Act. We suggest the following language to accomplish this.

Proposed Amendment

(Strike out all of the first paragraph of section 4(a) and insert in lieu thereof:)

Sec. 4. (a) "The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study, as to its suitability or unsuitability for designation under this Act, each river or section thereof which is identified in Section 5(a) of this Act, by the Congress, as a potential addition to the Wild and Scenic Rivers System, and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such advice shall be given with respect to all rivers listed in subparagraphs 5(a)(1) through 5(a)(27) of this Act inclusive within ten years after the date of enactment of this Act: *Provided, however,* That with respect to the Suwannee River Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress within two years from the date of enactment of this Act. Such advice shall be given with respect to all other rivers herein or hereafter listed in subsection 5(a) of this Act within three years after the date of enactment of the Act designating such river or section thereof for potential addition to the National Wild and Scenic Rivers System. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.)."

(Also strike all of subsection 5(b) and renumber the following subsections and any references thereto accordingly)

We believe that language along these lines, together with the amendment we suggested earlier to extend the interim protection indefinitely, will go far to increase the workability of the study provisions of the Act, to accomplish the goals the Act established, to protect the jurisdiction of this Committee, and to give the public and the Congress a means of focusing on and enforcing the mandate now established in 1948 to get these river studies completed.

3 *Increase Flexibility in Acquisition of Scenic Easements.* The 1968 Act limits the total management area along a designated wild, scenic, or recreational river to, on the average, no more than 320 acres-per-mile (including both sides of the river), of which no more than 100 acres-per-mile may be acquired in fee. This 320 acres-per-mile restriction works out to a mere 1800 foot setback from the riverbank on each side, on the average. While this may often be sufficient, or even more than necessary in some cases, there is a danger of creating a restriction so inflexible as to, in fact, defeat the purposes of the Act by failing

to fully protect the watershed, scenic vistas and recreational values of the designated rivers. We believe that, as a minimum improvement at this time, the Committee should extend the 320 acres-per-mile limitation on scenic easements to a more reasonable figure.

It would be possible, of course, for the Congress to enact specific, non-standardized acre-per-mile limitations for each river on a case-by-case basis as it comes up for designation overriding the general limitations in the parent Act. The danger, as we see it, is that administrators and the public may be misled by the narrow restriction now in the parent Act, and thereby conclude that options are hopelessly curtailed and that nothing beyond the 320 acres-per-mile may be even recommended or considered. For this reason, we urge the Committee to increase the allowable acres-per-mile for scenic easements *and* to specify in the Committee Report, for the purposes of legislative history and guidance to those administering this program, that the general restriction in the Act is not to preclude recommendation and consideration of a greater extent of either easement or fee acquisition in particular proposals for particular rivers coming through the study process.

4. *Additional Study Rivers.*

The Wilderness Society believes it is time—high time—to greatly extend the reach and fulfillment of the Wild and Scenic Rivers Act. The original Act was highly selective in the rivers it included for study, listing only 27. Many, many more rivers are fully eligible for consideration and, more importantly, in real need of the interim protection given by study designation.

While it may have been appropriate for the Congress to begin this new program with a small selection of study rivers, that consideration must now, five years later, be balanced against the very real need to give this interim protection to additional eligible rivers and river segments.

In this way, this Committee can assure that these rivers receive balanced consideration and will not be subject to the kind of one-sided development planning that has been a too-typical fate of some many fine rivers needlessly.

I am personally familiar with the background of public concern for the preservation of the AuSable and Manistee Rivers in Michigan. The designation of these rivers for study enjoys unanimous support of the officials of the State of Michigan and in both Houses of Congress. Similarly, the Wisconsin River fully merits this protection. We strongly endorse both S. 1101 and S. 1391, and would urge this Committee to merge the provisions of those bills into S. 921 so as to report a single omnibus amendment to the Wild and Scenic Rivers Act.

The AMERICAN RIVERS CONSERVATION COUNCIL and other conservation groups will, in the course of these hearings, propose a number of additional rivers for study. We have observed the care of their research into these rivers and their full coordination with local organizations and citizens fully familiar with each river and its local situation. The Wilderness Society wishes to support those additional rivers recommended by the American Rivers Conservation Council. We urge this Subcommittee to schedule hearings on the other proposals for new study rivers which have been introduced by various Senators. Thank you.

Mr. SCOTT. As you know, the Wilderness Society is a nationwide organization now numbering more than 80,000 members.

We are especially happy to have this opportunity to speak on the Wild and Scenic Rivers Act. We were strong proponents of the act which it passed in 1968. This is the first opportunity this committee has had to exercise an overall function. We take this occasion to propose in the testimony, a number of changes in the basic structure of the act which we think would be significant improvements in particularly the study process and the interim protection that the bill allows.

We do enthusiastically support S. 921 and the bills by Senator Nelson and Senator Hart and Senator Griffin for the additional studies rivers. But we would like to propose that you go beyond these basic steps to some more fundamental and more far reaching revisions in the act itself.

In the first instance we would like to propose that the interim protection granted by section 7 and section 9 of the act be extended not just for 5 years as would be the case in S. 921 but until Congress has made a decision, that is, until this committee in particular has made a final decision on the disposition of each of these study rivers.

I hasten to point out that is exactly the pattern followed in the wilderness for natural forest primitive areas which are protected as though they were primitive until such time as Congress has made a decision, yes, no, and where the boundaries go. This seems to be particularly important in that it is a means you can control the jurisdiction over the rivers.

The Public Works Committee does not place any time limit on itself which automatically enters on its ability to construct dams and other changing type of developments on rivers and we see no good reason for this committee to undermine its one option by setting a termination date on the interim protection it is affording these rivers until the studies are complete and until a decision has been made.

The danger in this process is that for various reasons the studies may not be completed in time and the interim protection will lapse before the Congress has been able to make a determination. For this reason we propose an amendment to section 7(b) of the act which would simply extend this protection until Congress determines otherwise. That language is copied exactly from the Wilderness Act.

We would also propose, as Mr. Painter has before us, the removal of the term "water resources project" from the provisions of 7(b) so that the protection will extend to all forms of federally aided or assisted activities which might change the nature of the river. We are not asking for an absolute lockup of these rivers until the study is completed, but we see no reason for any agency of the Government on any kind of project to be providing incentives, financial or otherwise, for the development of those rivers during the interim period they are being considered for recreational purposes.

Second, we have been concerned with the slow pace of the river studies. While it is possible that it's 10-year deadline of studies in the act may be met, we would have hoped for a much more aggressive pace in these studies because considerable private development and other changes are taking place while the study period is dragging along. A very useful comparison is afforded by the Wilderness Act which has a relatively more enforceable deadline and timetable for the studies that it called for.

Senator McClure may remember some years ago having the occasion to cross-examine at some length, I might add, then Assistant Secretary Glasgow, on the 14-month delay that the National Park Service had caused in the pace of the wilderness program. They went for 13 months without a single public hearing, a single bit of evidence of any progress in those studies at all, and the fact that the Wilderness Act by comparison to the Wild and Scenic Rivers Act places a very definite responsibility on the President has enabled citizens to call attention to the slow pace of the program and has enabled President Nixon to his belief and to his considerable credit to focus the policy decisions on the lack of policy on the act and to get it across to OMB and everybody else involved, that there is a deadline involved and that must be met.

We have confidence that the deadline in the Wilderness Act will be met, whereas there is some reason to be less than confident about the pace of the wild and scenic river study.

An enforceable deadline of that kind would also give the agencies better leverage both with OMB and Congress to get adequate funding to complete the studies as rapidly as possible.

We would respond very favorably to the suggestion that you made, Mr. Chairman, concerning a definite study period of a few years on these new rivers that you are considering adding to the study category. We think 3 years would be entirely adequate for three additional rivers. The studies could be certainly completed within that time.

I am personally familiar with the Au Sable and Manistee Rivers situation and with the long efforts going back to the 91st Congress that Senator Hart and Senator Griffin had made to get these rivers into the study category and the developments that have occurred in the meantime are something we can be only extremely sorry for and we would like to see the benefit of the doubt given to increasing the time to get the studies done and in that way putting some pressure on the administration and the Congress to get enough money into this program so these shorter deadlines can be met. We are being pennywise and pound foolish if we delay the protection of rivers to the point that it will cost the taxpayers, ultimately, vast sums more to obtain the land and so forth.

Third, we would like to support the suggestions that have been made by others that the amount of land that can be acquired either in scenic easements or in fee along a river be increased, not necessarily a substantial increase, but we think there ought to be greater flexibility. Our concern in this case goes particularly to the new study rivers. We would hate to have a situation in which the parent law in 1968 sets a limit of 320 acres per mile. We would hate to see that carried over and have the administrators come before you and feel they could not recommend more where there was a good justification for more. We would like to see you amend the act to increase the 320 acres per mile, but we would hope you would place in the study report language that says while the basic act says 320 acres per mile, if there is good reason the administrators are invited to come forth for greater acreages per mile.

Senator HASKELL. I think we could do that. As I read the statute it provides an average of 320 acres per mile which would give administrative discretion in some areas to have more than the 1,300-foot setback we are talking about, and in some cases less, so there is an element of flexibility.

Mr. SCOTT. If there is a need to go considerably further on one part it may put a necessity to restrict at another part of the river.

Senator McCLURE. There is some discussion, some disagreement over the language whether it is an average of the entire segment or the acreage limitations for each running mile. There is some administrative uncertainty as to the meaning of that language, as indeed I think perhaps there should be because it was not clearly defined.

Senator HASKELL. This is something we might consider.

Senator McCLURE. This is something we might want to have some further hearings on to determine exactly what it does mean and how it's been applied.

Mr. SCOTT. One of the problems we are all suffering from as we look at this act 5 years later is the slow pace of the studies, and understandably slow, I think, result in the fact that the Congress and the rest of us had very, very little working experience with reports on study rivers coming forth where we can see where the problems are going to be, and we would hope to see some of these reports start to surface at an early date, and that will give us some practical examples of what needs to be improved in the basic act.

We strongly support the addition only of the three rivers listed in the hearing today, the lower Wisconsin, Au Sable, and Manistee, but a considerable number of additional rivers.

At the time the act was passed the House Interior Committee said in its report that it felt it was necessary to carve the number of study rivers down to a fairly minimal number simply to get the program underway. We are now 5 years into the program and we feel there has to be a balance between the desire to start slow and work into a new program of this kind and the fact that a lot of rivers are not getting interim protection during this period that they are not even in the study category of the act, and we feel it would be very important to try and improve that situation.

Finally, Mr. Chairman, not covered in my prepared testimony, we have a special situation in the State of Oregon involving the need for Federal protection for five rivers that the State has designated for scenic river protection but the Federal Government has not. These five rivers are protected under an initiative passed by the people of Oregon overwhelmingly. Most of them run primarily through Federal lands. The State of Oregon and the people of Oregon have gone to considerable lengths to protect these rivers insofar as they can under State authority and State responsibility. They have petitioned the Department of Interior to add these five rivers to the Federal system so the Federal land involved will have the same guarantee of protection.

Unfortunately, for a variety of reasons which may or may not be substance. Secretary Morton found it necessary to turn down the request to designate these five rivers by administrative action. In his letter Secretary Morton essentially invited the State to consider having these five rivers added by specific Federal legislation to the instant category.

We are not prepared with adequate information at this time to ask that all five of those rivers be amended into the instant category at this time, but I feel it is an important matter that the committee and the delegation from Oregon, as I know they are, ought to look into and I would like to provide for inclusion into your record, if I may, the correspondence from the Governor of Oregon requesting the Federal designation of those five rivers and the response of Secretary Morton and a local memorandum concerning that response.

Senator HASKELL. That will be included in the record.

[The correspondence and memo follow:]

OFFICE OF THE GOVERNOR,
Salem, Oreg., June 15, 1971.

Hon. ROGERS MORTON,
Secretary of the Interior, Office of the Secretary,
Washington, D.C.

DEAR MR. SECRETARY: By initiative action in the general election of November, 1970, Oregon established a Scenic Waterways System, now referred to as Chap-

ter 390.805 to 390.925, Oregon Revised Statutes. Six rivers, segments of rivers and related adjacent lands were designated as scenic waterways.

Section 3. The following rivers or segments of rivers, and related adjacent land are designated as scenic waterways:

(1) The segment of the Rogue River extending from the confluence with the Applegate River downstream a distance of approximately 88 miles to Lobster Creek Bridge.

(2) The segment of the Illinois River from the confluence with Deer Creek downstream approximately 46 miles to its confluence with the Rogue River.

(3) The segment of the Deschutes River from immediately below the existing Pelton reregulating dam downstream approximately 100 miles to its confluence with the Columbia River, excluding the City of Maupin.

(4) The entire Minam River from Minam Lake downstream a distance of approximately 45 miles to its confluence with the Wallowa River.

(5) The segment of the South Fork Owyhee River in Malheur County from the Oregon-Idaho border downstream approximately 25 miles to Three Forks, where the main stem of the Owyhee River is formed, and the segment of the main stem Owyhee River from Crooked Creek (six miles below Rome) downstream a distance of approximately 45 miles to the mouth of Birch Creek.

(6) The segment of the main stem of the John Day River from Service Creek Bridge (at river mile 157) downstream 147 miles to Tumwater Falls (at river mile 10).

The segment of the Rogue River is identical to the "instant" wild and scenic Rogue River created by Public Law 90-542. The Illinois River is a "study" river under the Federal act, and with the exception of the Owyhee, the other rivers are so-called Section 5(d) rivers of the Federal act.

Under provisions of Section 2. (a) (ii) of Public Law 90-542 which provides for inclusion of our scenic waterways "... upon application of the Governor of the state ..." I hereby ask inclusion of the rivers and segments of rivers in Oregon declared to be scenic waterways by action of our citizens. I realize that the Federal act speaks to "... pursuant to an act of the Legislature of the State ..." as a condition of inclusion, but I cannot believe an interpretation would be so narrow as to force a prohibition in face of an initiative by our people. I look forward to your favorable action.

Best wishes.

Sincerely,

TOM McCALL, Governor.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 30, 1971.

Hon. TOM McCALL,
Governor of Oregon,
Salem, Oreg.

DEAR GOVERNOR McCALL: Thank you for your letter of June 15 asking about the possibility of including the six units of the Oregon Scenic Waterways System in the National Wild and Scenic Rivers System under the provisions of section 2(a) (ii) of Public Law 90-542.

One of the basic principles behind enactment of the Wild and Scenic Rivers Act is that the task of preserving and administering outstanding free-flowing river areas is one that cannot or should not be undertaken solely by the Federal Government. This Administration, and the Department of the Interior are fully committed to that objective and I stand ready to assist the people of Oregon in their worthy endeavors to preserve scenic waterways.

The people of Oregon are to be commended for their action in the establishment of the Oregon system. Chapter 390.805-.925, Oregon Revised Statutes, provides procedures to assure that adverse use and development by non-Federal entities will not occur, much in the same fashion as the Federal Act protects against adverse action by Federal agencies. *The Oregon statute now provides complete protection for the segment of the Rogue River designated an initial component of the national system created by Congress in 1969, and does much to assure complete and continuing protection to the Illinois River which is now undergoing study as a potential addition to the national system under the provisions of section 5 of the Wild and Scenic Rivers Act. Likewise the positive statement that the Deschutes, Minam, John Day and Owyhee Rivers are to be protected sup-*

ports Federal efforts to protect and improve the special environments of these river areas.

The action establishing the Oregon Scenic Waterways System falls within the scope of section 2(e)(ii) in that it provides a means to assure protection of selected free-flowing rivers and "related adjacent lands" for the benefit and enjoyment of present and future generations. Two additional qualifications for the inclusion of State protected rivers by my authority are that such rivers and their immediate environments be:

- (1) permanently administered by an agency or political subdivision of the State or States concerned; and
- (2) administered without expense to the United States.

Existing Federal ownership of land or minerals along a free-flowing river area protected under State statutes does not foreclose my authority for adding that river area to the National Wild and Scenic Rivers System as a State-administered component. Each river area would be considered on its individual merits and *might include land exchanges or cooperative agreements to shift Federal administrative responsibilities and costs to State or local agencies*. I would stress, however, that *we do not believe it was the intent of section 2(a)(ii) to provide this Department authority to add free-flowing rivers to the national system whenever substantial blocs of Federal land are involved. That should be done with enactment of specific Federal legislation similar to the way the Rogue was included.*

In reviewing the six units of the Oregon Scenic Waterways System we find:

Rogue (83 miles).—About 56 miles are under the direct administration of the Forest Service of the Bureau of Land Management. Since inclusion in the National Wild and Scenic Rivers System by Congress in 1968 substantial sums have been appropriated for land acquisition and continuing development and administration of this river area by these two agencies. The Wild and Scenic Rivers Act placed overall administrative responsibility for this river area with this Department and the Department of Agriculture.

Since the Rogue is already in the national system as a Federally administered component, my authorities under section 2(a)(ii) do not apply. However, the provisions of section 10(e) are applicable.

Illinois (46 miles).—About 35 miles are under the direct administration of the Forest Service as part of the Siskiyou National Forest and all the river is within the established boundaries of the National Forest. Study is required by the Wild and Scenic Rivers Act. The objectives of that study include:

A determination of whether the river meets the criteria and guidelines adopted by this Department and the Department of Agriculture in February 1970; and if so, the appropriate administrator or administrators; and the extent to which State and local agencies can participate in the administration and the costs thereof should the river be added to the national system.

Since Congress directed that the results of this and 26 other studies be submitted to the President and Congress, *it is doubtful that my authorities under section 2(a)(ii) could be applied without benefit of a completed study*. Accordingly, I strongly urge you to continue working with the Department of Agriculture, which is responsible for the study of the Illinois River.

Deschutes (96 miles).—About 45 percent of the river area is administered by the Bureau of Land Management and 15 percent is owned by the Confederated Tribes of the Warm Springs Reservation. This Department has long recognized that there are significant free-flowing values along the lower 96 miles of the Deschutes River, which has been identified under the provisions of section 5(d) of the Wild and Scenic Rivers Act for special attention in all Federal planning efforts.

Because of recent actions by the State to regulate motor boat use and proposals by the Bureau of Land Management which affect long range management and protection of these values, I believe that it is timely for all interested parties to discuss the possibilities of preparing a comprehensive program for the preservation and enhancement of the entire lower Deschutes. *Accordingly, I have requested the Bureau of Outdoor Recreation to meet in Portland at an early date with your representative and representatives of the Bureau of Land Management, Bureau of Sport Fisheries and Wildlife and the Bureau of Indian Affairs. I have also directed that the Bureau of Outdoor Recreation make a special effort to invite representatives of the Confederated Tribes of the Warm Springs Reservation. I would add that it is doubtful that my authorities under section 2(a)(ii)*

applies to lands owned by, or administered on behalf of, Indians without the specific consent of the tribe.

Minam (45 miles).—Over 36 miles are directly administered by the Forest Service as part of the Willowa-Whitman National Forest. Most of this river is within the established boundaries of that National Forest. The Minam, in its entirety has been identified under the provisions of section 5(d) of the Wild and Scenic Rivers Act for special attention in all Federal planning efforts.

Since the Minam concerns an area under the administration of the Secretary of Agriculture my authorities under 2(a) (1) would not apply without his consent. *Accordingly, I suggest you explore the possibility of developing a mutually satisfactory program with the Forest Service which administers that area. I understand that this has not yet been done.*

Owyhee (70 miles in two segments).—About 85 percent of the river area is administered by the Bureau of Land Management. We are not aware of the free-flowing values of the Owyhee nor the extent to which such values qualify its inclusion in the National Wild and Scenic Rivers System.

Accordingly, I am not prepared to apply the authorities under section 2(a) (1). Since much of this river area crosses land administered by the Bureau of Land Management, I suggest that Mr. Robert K. Potter, Coordinator, Oregon Scenic Waterways System meet with representatives of that Bureau in an effort to develop a mutually satisfactory program for continuing preservation and enhancement of this area. The Bureau of Outdoor Recreation will be able to assist in this effort insofar as determining the qualifications of the river for inclusion in the national system.

John Day (147 miles).—About 40 percent of the river area is administered by the Bureau of Land Management. This segment plus some additional upstream river area which is largely within the boundaries of national forest, have been identified under the provisions of section 5(d) of the Wild and Scenic Rivers Act for special attention in all Federal planning efforts.

The John Day is undergoing investigation as a part of a comprehensive river basin study under the leadership of the Corps of Engineers.

Accordingly, it would be premature for me to use my authorities under section 2(a) (1). This can be explored more fully as the ongoing study progresses. If you have not already done so, you may wish to contact the Corps of Engineers and indicate the degree to which the State desires to participate in that study.

I emphasize that I will be pleased to consider your formal application to include State protected free-flowing rivers in the national system. Enclosed is a copy of the Guidelines for evaluating such rivers and a copy of the application by the State of Maine which was used as the basis for including the Allagash Wilderness Waterway, Maine, as a State-administered component of the national system under the authority of section 2(a) (1). The Bureau of Outdoor Recreation will be pleased to work with you and Mr. Robert K. Potter, in developing the details on how to best proceed.

Sincerely yours,

(Signed) ROE MORSON,
Secretary of the Interior.

Enclosures.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SOLICITOR,
Washington, D.O., March 21, 1973.

Memorandum

To : Director, Bureau of Outdoor Recreation.

From : Associate Solicitor, Parks and Recreation.

Subject : Subsection 2(a) (1) of the Wild and Scenic Rivers Act, 82 Stat. 906, 16 U.S.C. § 1273(a) (1) (1970).

On June 15, 1971, the Governor of Oregon requested the Secretary of the Interior to include pursuant to subsection 2(a) (1) of the Wild and Scenic Rivers Act, 82 Stat. 906, 16 U.S.C. § 1273(a) (1) (1970), segments of the Rogue, Illinois, Deschutes, Owyhee, and John Day Rivers, the Minam River and related adjacent lands in the national wild and scenic rivers system. These rivers and adjacent lands were designated as scenic waterways under ORS 390.805-390.925 which were adopted by an initiative petition approved by the voters of Oregon on November 3, 1970.

Responding to the Governor's request on September 30, 1971, the Department stated that existing federal ownership of lands and minerals along a state-designated wild, scenic or recreational river area does not foreclose its authority to add that river area to the national wild and scenic rivers system as a state-administered component. However, the Department also noted that "... we do not believe it was the intent of section 2(a) (ii) to provide this Department authority to add free-flowing rivers to the national system whenever substantial blocks of federal land are involved." The Department further asserted that additions to the system of free-flowing rivers involving substantial federal ownership should be done by an act of Congress. Finally, it was suggested that the decision to exercise the authority under subsection 2(a) (ii) of the Act must be based on the examination of the individual merits of each river area.

After reviewing the six units of the Oregon Scenic Waterways System; the Department decided not to exercise its authority under subsection 2(a) (ii) of the Act and declined to include these rivers in the national system. Commenting on the Rogue River area, the Department stated that its authority under subsection 2(a) (ii) does not apply because the river area has already been designated by Congress as a federally-administered component of the national system. Since Congress has directed that the Illinois River area be studied as a potential addition to the system, the Department concluded that subsection 2(a) (ii) could not be invoked without the benefit of a completed study. As to the Deshutes River, Minam River, and John Day River areas, which have been identified as subsection 5(d) "study rivers", the Department recommended federal-state cooperation in developing comprehensive plans to preserve those areas. Finally, the Department took the position that, because it was not aware of the free-flowing qualities of the Owyhee River area or the extent to which it qualifies for inclusion in the system, inclusion of the Owyhee River in the system at this time would be premature. In each case, the Department also noted the existence of substantial federal ownership of the related adjacent lands.

On January 8, 1973, the Assistant Director for Federal Programs requested an interpretation by this office concerning the scope and intent of subsection 2(a) (ii) of the Act. Subsection 2(a) of the Act provides:

The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the States or States through which they flow, that are to be *permanently administered* as wild, scenic or recreational 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, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, 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, including upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County. (Emphasis added.)

Specifically, we have been requested to interpret the phrase "without expense to the United States" as it applies to state-protected wild, scenic, or recreational rivers which flow through federally-owned lands. In order to determine whether subsection 2(a) (ii) (i.e., inclusion by approval of the Secretary of the Interior) is the appropriate method for including within the system state-administered components which flow through federally-owned lands, the intent of Congress with regard to state administration of federal lands must also be examined.

After reviewing the legislative history of the Act, we have concluded that it corroborates the position that, *although federal ownership of lands within a state-protected area does not necessarily preclude inclusion of that area as a state-administered component under subsection 2(a) (ii), Congress does not intend the Secretary to exercise his authority under subsection 2(a) (ii) to add free-flowing rivers to the system whenever substantial blocks of federal land are involved.*

The only discussion of the phrase "without expense to the United States" that we can find in the legislative history of the Act is contained in H.R. Rep. No. 1628, 90th Cong., 2d Sess. 9 (1968). After describing the two methods by which an eligible river may be included in the system, the committee report explains subsection 2(a) of H.R. 18260, which is nearly identical to subsection 2(a) of the Act.

The provision with respect to administration is phrased in terms of "administered . . . without expense to the United States" in order to avoid any implication that financial assistance to the States through land acquisition grants from the land and water conservation fund or other similar sources will bar inclusion of the river in the system. Grants for this purpose are not grants for administration within the meaning of the bill.

At most, the report can be interpreted as saying that the committee did not intend to modify by implication the provision of section 5 of the Land and Water Conservation Fund Act of 1965, 78 Stat. 900, 16 U.S.C. section 4601-8(f) (1970), which precludes financial assistance for state administrative costs. Thus, grants from the Land and Water Conservation Fund, encouraged under subsection 11(a) of the Act, for state acquisition of related adjacent lands along state-protected rivers may not be used to defray the costs of administering the state components in the system.

The report does not explain in any further detail why the committee was concerned that inclusion upon approval by the Secretary of a state-administered river area should be without expense to the United States. Though this point is not specifically illuminated by H.R. Rep. 1623, *supra*, perhaps some insight is gained by looking at the inverse of the phrase. If subsection 2(a)(11) authorized the Secretary to approve for inclusion in the system components which are administered by the states at federal expense, in whole or in part, Congress would, in effect, be authorizing the Secretary to place an obligation on Congress to appropriate funds to assist in the administration of state components in the system.

In any case, a clear understanding of the phrase "without expense to the United States" is not dispositive of the problem of inclusion of the six units of the Oregon Scenic Waterways System under subsection 2(a)(11) of the Act. It will be recalled that a subsection 2(a)(11) river is to be *permanently administered* by an agency or political subdivision of the state or states concerned. Under subsection 2(b) of the Act, a wild, scenic or recreational river eligible for inclusion is a free-flowing stream which, with the related adjacent land area, possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values. The Act requires permanent state administration without expense to the United States of the related lands adjacent to rivers included under subsection 2(a)(11). Where the related adjacent lands involve substantial blocks of federal lands, as in this case, the question is whether Congress intends to authorize the Secretary to transfer the administrative jurisdiction over such lands to state agencies upon his approval of state-protected river areas for inclusion in the system.

In order to answer this question, it is necessary to look at various provisions of the Act. Provision for inclusion of state-protected rivers in the system is based on the premise that the states should participate in the preservation of wild, scenic and recreational rivers. H.R. Rep. No. 1623, *supra*, lists several means, including subsection 11(a) of H.R. 18260, for the states to become active partners in the development of the national system. Subsection 11(a) of H.R. 18260, which was enacted with minor changes, directed the Secretary to encourage and assist the states to consider needs and opportunities for establishing state and local scenic river areas in submitting proposals for financing assistance for state and local projects under the Land and Water Conservation Fund Act of 1965, 78 Stat. 897. This provision grew out of the experience of the Department in assisting Maine and Wisconsin to preserve certain segments of the Allagash and Wolf Rivers. The Department made grants from the land and water conservation fund to these states for the acquisition of lands adjacent to these rivers. Hearings on S. 119 and S. 1092 before the Senate Committee on Interior and Insular Affairs, 90th Cong., 1st Sess., at 46 and 51 (1967). With these funds, Maine has acquired fee simple title to a 400-800 foot corridor along the entire length of the Allagash Wilderness Waterway and Wisconsin is preserving a sixty-mile segment of the Wolf River. This background suggests that section 11(a) of the Act envisions state, rather than federal, ownership of the lands adjacent to a stream which qualifies as a state or local wild, scenic or recreational river area.

Given the concept of state ownership implicit in subsection 11(a), it is significant that Secretary of the Interior Stewart L. Udall stated, while testifying on S. 1092, the Administration's bill, before the Senate Committee on Interior and Insular Affairs, that it was the rivers established by state or local action which were intended to be added to the national system by the Secretary upon request by the appropriate governors. This relationship between subsections 11(a) and

2(a)(11) is demonstrated by the treatment of the Allagash and Wolf Rivers. When the Administration's bill was introduced, these rivers were listed in the provision dealing with the establishment of state and local rivers. The relocation of these rivers in subsection 2(a)(11) suggests the intended scope of the Secretary's authority under subsection 2(a)(11). In our opinion, these two rivers, characterized by an absence of federal ownership of their related adjacent lands, exemplify the type of river area intended by Congress to be included in the system upon approval by the Secretary.

The Senate Committee on Interior and Insular Affairs specifically gave some consideration to the question of state administration of federal lands. State administration of river areas characterized by some, as opposed to predominant, federal ownership was proposed in the Administration's bill. Subsection 7(e) of S. 1002 provided:

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* (i.e., state, local, or private) 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 the 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*. (Emphasis added.)

This provision, or any one similar to it, allowing state administration of federal lands was not enacted by Congress.

It is interesting to note that Congress did, however, adopt a provision which authorizes the federal agency administering a component of the system to cooperate with the States and their political subdivisions in planning and administering those components of the system which "include or adjoin State- or county-owned lands." Subsection 10(e) of the Act provides:

The Federal agency charged with the administration of any component of the national wild and 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.

Again, the conclusion to be drawn is that Congress intends state administration only of non-federal lands.

We find further support for our conclusions regarding state administration of federal lands from the fact that considerable emphasis is given to federal administration of the components of the system throughout the Act. Under subsection 3(a)(5) of the Act, Congress states that the Rogue River is to be administered by the Department of the Interior or Agriculture. Administration of the Rogue River by the State of Oregon pursuant to subsection 2(a)(11) would be inconsistent with that directive. Likewise, sections 4 and 5 envision federal administration of areas, including the Illinois River, proposed for addition to the system by an act of Congress. However, consistent within subsection 10(e), various provisions of the Act, including subsections 4(a) and 5(c), make it clear that federal administration of an area need not be exclusive and that a state may participate, where appropriate, with the administering federal agency in the preservation and administration of an area. Finally, whereas subsection 6(e) authorizes the transfer of jurisdiction from the federal agency having administrative jurisdiction over lands within a federally-administered component to the appropriate Secretary, there is no similar specific authority to transfer federal administrative jurisdiction to a state or its political subdivisions for the purposes of this Act.

Considering these provisions of the Act and their legislative history, it is our view that Congress established two basic conditions in the statutory scheme for inclusion of state administered rivers into the system. The river and adjoining land must be administered permanently by the state and without cost to the Federal Government. Absent the transfer to a state of title to or jurisdiction over federally-owned lands, these criteria cannot be effectively met when

substantial federal lands are included in a state proposal. Given our understanding of the various provisions of the Act, inclusion by the Secretary of the six units of the Oregon Scenic Waterways System in the national wild and scenic rivers system would not be a proper application of subsection 2(a) (1).

BERNARD R. MEYER.

Mr. Scott. That is all I have to say. I will be happy to respond to any questions.

Senator HASKELL. Thank you. I think you have made a very thorough statement. I appreciate your suggesting statutory language backing up some of your comments. We will certainly look into the Oregon situation, and I know Senator Hatfield will be particularly interested.

I have no questions at this time.

Senator McCURE. I wonder if Mr. Scott could tell us whether or not there is a cost to the Federal Government involved in the incorporation of these Oregon rivers into the Federal system, a direct outlay of cash?

Mr. Scott. My understanding is there would not be. I think this is touched on in the correspondence. I haven't read it for several days and I am not really able to respond to that in detail. I don't think there would be a major cost. The State legislation should provide protection on private lands that would conform to the protection along the Federal lands. All five of these rivers substantially flow through Federal lands.

Senator McCURE. To the extent there are State lands involved, the State can use the police powers to protect. The Federal Government applies the scenic easement which has quite a different monetary impact.

Mr. Scott. My feeling, from the correspondence as I recall it, is the State is interested in protection on the existing Federal lands. They are prepared to take thorough police action steps necessary to protect the private lands. There is a cost in the sense of administrative cost.

Senator McCURE. I have no objection to looking at it. I think we ought to do so, and I don't necessarily have any objection to including all of these in the national system. We might be getting involved in a question of priorities.

Mr. Scott. The initiative that was passed by the people of Oregon designated six rivers, one of which was the Rogue, which has already been designated in the Federal system. One is the Illinois River, and that river is already in the study category, and we think it would make just as good sense to let the study be completed. However, the other four rivers, all in eastern Oregon, are ones that we feel should be given priority by this committee.

Senator McCURE. You suggested that we ought to extend the moratorium indefinitely until studies are completed. Isn't it a useful device to establish periods of time in which studies shall be completed in order to provide a fixed focal point against which we can demand that the Federal agencies go forward with the studies?

Mr. Scott. This is the question I tried to address in my prepared statement in greater detail. The problem seems to be that an interim protection device of limited term seems to be at least a sloppy incentive. Interim protection and getting the jobs done are two separate functions, and the protection ought not to be used as the product for getting the agency to finish because if they don't we have cut off our hand to save our face by lapsing the protection. Our feeling would be

these two functions ought to be separated as they are in the Wilderness Act. Right now the only product in the Federal act is this 5-year limitation on development.

Senator McCLORE. You say the only product. You say it is separated in the Wilderness Act, but it is not really that separated; is it? It is separated so far as the primitive areas are concerned, but not so far as other Federal agencies are concerned. We have effectively used the products against the Park Service.

Mr. SCORR. The point is the Wilderness Act is silent on interim protection for wildlife parks or areas. The Wilderness Act is very explicit on primitive areas. I think that the product that you found so useful and you took the leadership on this, Senator McClure, to your great credit, the product that was useful there was the fact that the President was going to be in dereliction of duty and I well remember Mr. Glasgow squirming in his chair considerably, and the former chairman, Mr. Aspinall, joined you in this effort of pointing out that the President was the person going to be in technical violation of the law. That is something we don't have in the Scenic Rivers Act and I think it would be a greatly—

Senator McCLORE. I understand your help and appreciate the reference to that other exchange, because it was a very interesting one.

Mr. SCORR [continuing]. A memorable day.

Senator McCLORE. It was for me. You suggest that we should widen the permissible boundaries for the wild and scenic rivers. Do you have any information that limit in the present law has restricted the planning of wild and scenic rivers?

Mr. SCORR. I do not and I would presume for the original 8 in-State rivers the 320 acres per mile was in some way related to what was known about those rivers. My concern goes to—will 320 acres per mile be adequate in the future. The concern is the agencies might read 320 acres per mile and say even though we need more the law won't allow us to tell Congress we need more. We would like to have some legislative language to say if you have a good case come before us.

Senator McCLORE. You are not necessarily suggesting that we change that limit now, except to invite them to suggest that it might be changed in individual cases?

Mr. SCORR. That is my primary point. I am simply not qualified to tell you whether the limitation has been the cause of problems on the original eight rivers.

Senator McCLORE. Let me conclude only by thanking you for your statement but also to welcome you to the Northwest. I don't know how you managed to get an assignment that takes you out of Washington into the Northwest. That is one thing that causes me to question my own sanity the most, as I am sure Senator Haskell must feel, that we voluntarily sought an assignment in Washington when we could have stayed in the Northwest.

Mr. SCORR. The Northwest is my home and I have been waiting for an opportunity.

Senator HASKELL. There was another opportunist who recently traded his assignment in the Northwest for one in Washington which makes me question his sanity.

Thank you very much, Mr. Scott.

Our next and last witness is Mr. Brock Evans of the Sierra Club. I understand Mr. Evans will submit his statement for the record and it will be received.

[The prepared statement of Brock Evans follows:]

PREPARED STATEMENT OF BROCK EVANS WASHINGTON REPRESENTATIVE FOR SIERRA CLUB AND FEDERATION OF WESTERN OUTDOOR CLUBS

I am the Washington, D.C. Representative for our two organizations, both of which have a long and active history of involvement in efforts to preserve and protect some of the finest remaining parts of the great system of American Rivers. We deeply appreciate the opportunity to testify before you today on these hearings on the Wild and Scenic Rivers Act.

We completely support the extension of the moratorium on water resources projects and mining activities as called for in the Wild Rivers Act, because if there is not an extension, many rivers now under study for inclusion in the System would not remain protected after October of this year, and Congress may never have an adequate opportunity to consider whether they should be finally included within the System. We are disappointed that only a few of the reports now being prepared by the Secretaries of Interior and Agriculture will have been completed in time to submit to Congress before the expiration of the current moratorium. We feel certain that the intent of Congress was that actions which might alter the character of rivers being studied should not be taken before it had the opportunity to consider them for classification under the System.

The above is why we support a five year extension of the moratorium, as proposed in S. 921. However, we think that there is a better remedy yet for the situation which we now face and probably will continue to face in the future. We support the suggestions of others that the moratorium provisions be expanded to apply to each river under study from the time it is placed in Section five of the Wild Rivers Act, at least until the time that the required report is submitted to Congress and to the President. When this kind of provision would be added to existing Sections seven (b) (ii) of the Act, which states that the moratorium shall then continue for three years after recommendation of a river for inclusion in the System, then we would have true and full protection.

We further support increases in funds for acquisition of land and easements an increase and allowable boundary limits. The price of prime land, particularly the river front land, has increased greatly since the passage of the 1968 Act, and we will lose resources of great public importance unless more money is available. And the present boundary limitations limiting areas which can be managed to only 320 acres per mile is not sufficient in many areas to protect the riverine values at stake. We support the recommendations of others to increase the *allowable* (not required) upper limit to at least double the current amount. We think such a provision might actually save Federal money in the long run, because it will probably mean that the Government will not have to step in later and spend large sums of money to rehabilitate river areas which were damaged by strip mining and other uses outside of the presently allowed boundaries.

We further support the recommendations of other groups which would permit changes in classification of rivers after their inclusion in the System, which would make provisions for setting aside presently polluted rivers for eventual inclusion in the System if they can be cleaned up, and which would speed up the time for required studies.

Finally, we fully support both S. 1391 and S. 1101, which call for adding portions of the Wisconsin River in Wisconsin and the Au Sable and Manistee Rivers in Michigan to the study category.

We understand that you are not considering testimony at this time on additional rivers to be added to the System, but we would like to bring to your attention the fact that many of the rivers do exist in the country which had been carefully studied by many within our organization, and which are worthy of inclusion in the System. The partial list submitted to you by the American Rivers Conservation Council is a good sampling of what still can be done to protect this magnificent resource, and we strongly recommend it to this Committee's attention.

Senator HASKELL. This, then, concludes the hearing on these three bills, but the record will stay open for 7 days for the submittals I have requested. Thank you very much.

[Whereupon, at 12:30 p.m., the hearing was adjourned.]

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APPENDIX

[Under authority previously granted, the following statements and communications were ordered printed:]

PREPARED STATEMENT OF THE OREGON ENVIRONMENTAL COUNCIL

The Oregon Environmental Council is a coalition organization made up of 85 conservation, planning and sportsman organizations throughout the State of Oregon and additionally has 2,000 individual dues paying members.

We support the passage of Senate Bill 921 which would extend the moratorium on licensing of FPC dams and other water resource oriented projects on rivers that are being studied for possible inclusion in the Wild and Scenic Rivers System. We are sure that the reasons for the continuance of the moratorium provision is obvious to this Committee.

Oregon currently has one River under study classification—the Illinois. This River is being studied by the U.S. Forest Service for possible inclusion in the Wild and Scenic Rivers System.

In order to strengthen the safeguards provided in this Bill we suggest that the Bill be amended so that the moratorium cannot be lifted on any study river unless authorized by Congress. As the Act now reads, the Secretary of the Interior or the Secretary of Agriculture, whomever is conducting the study, have the right to lift the moratorium on a particular river if they determine that it does not qualify for inclusion into the national system. We feel that these agencies should be directed to report to Congress their findings and conclusions so that Congress has an opportunity to review the agency's findings and to weigh its worth. At that time Congress then can decide whether or not the moratorium should be lifted.

We also urge that the moratorium be broadened to include not only the building of dams and other water resource projects, but any federal action which would adversely effect the wild and scenic nature of the studied river. This should include channelization, riprapping and irrigation projects.

Oregon is proud to have contained within its borders the entire length of the Rogue River which is a Federal Wild and Scenic River. This Committee should be aware that Oregon established its own Wild and Scenic Rivers System and has also placed the Rogue within the State System. Much of the Rogue runs through federally owned lands administered by the Bureau of Land Management and the Forest Service. However, there is also considerable private property within the administrative boundaries as established under the Law, (320 acres per mile) are simply not broad enough to protect the scenic and recreational values of the River. We urge this Committee to seriously consider the doubling of the allowable boundary within the Wild and Scenic River Act. Ideally, we would like to see the entire watershed managed so as to protect the quality of the Scenic Waterway. Doubling the boundary would add flexibility to the management of the Scenic Waterways so that the agency could more easily stop those intrusions which will adversely effect the quality of the Scenic Waterway which may be beyond the approximate one quarter mile limitation.

In conclusion, we support S. 921, which would extend the moratorium for another five years on our Wild and Scenic Waterways with the suggested amendment.

Please include this testimony as part of the hearing record.

LAWRENCE F. WILLIAMS,
Executive Director,
Oregon Environmental Council.

EXECUTIVE DEPARTMENT,
Atlanta, Ga., July 19, 1973.

Hon. FLOYD K. HASKELL,
Chairman, Interior Public Lands Subcommittee,
New Senate Office Building, Washington, D.O.

DEAR SENATOR HASKELL: As you are well aware, your subcommittee has recently considered S-921, which amends the Wild and Scenic Rivers Act. Passage of this bill is absolutely necessary to continue the Scenic Rivers program. The original funding authorized in Section 16 of the Act must be increased if we are to preserve our wild rivers. The limitations on construction of power and water resources facilities in wild river areas as outlined in Section 7(b) must also be extended for at least another five (5) years. Only by a moratorium on such construction can we retain both the option to build facilities at a later time and the ability to preserve the rivers in their virgin state.

The pending inclusion of the Chattooga and Suwannee Rivers in the Wild Rivers System makes the passage of S-921 especially important to the State of Georgia. The Chattooga is one of the longest and largest free-flowing mountain rivers in the Eastern United States remaining in a relatively primitive, undeveloped condition. No other mountain river in the Southeast equals it in its combination of natural features, fishing potential, and white-water recreational opportunities. The Suwannee is one of the only major unspoiled rivers in the Southeastern Coastal Plain. Its primitive condition, abundant wildlife, and recreational potential make it an invaluable State and regional resource.

The Georgia General Assembly, by resolution, has stated the value of these rivers and has encouraged congressional action toward their protection as part of the National Wild and Scenic Rivers System. We must extend the Scenic Rivers Act in order to preserve these two rivers, as well as many others throughout the nation.

I strongly urge the swift passage of S-921 as the current construction moratorium limitations expire in early October. I encourage your committee to expedite the bill as much as possible.

Sincerely,

JIMMY CARTER.

ST. JOE VALLEY ASSOCIATION,
St. Maries, Idaho, July 20, 1973.

Hon. FLOYD K. HASKELL,
Senate Office Building,
Washington, D.O.

DEAR SENATOR HASKELL: It's our understanding that the Sub Committee on Public Lands of the Senate Interior Committee is to consider, on July 23, a proposal to extend the moratorium on development in areas which are under study or designated to be studied for potential inclusion in the Wild and Scenic Rivers Act.

The Bill S-921, an amendment to PS 90-542, calls for the moratorium to be extended another five years and also asks for an additional \$20,000,000 to conduct the studies, according to our sources of information. That amount is over and above the \$17,000,000 already appropriated for the current five year study.

Because the St. Joe River Basin here in North Idaho is a part of that study, our group, the St. Joe Valley Association, is solidly opposed to a continuation or extension of the moratorium. There are several reasons we are opposed, among them:

1. The current moratorium already has caused a hardship on the logging and forest products industry in this area, an industry on which we are all heavily dependent. Millions of dollars worth of standing timber is dying in the St. Joe National Forest because the moratorium prevents its harvest. With the price of lumber as it is, it seems that tying up still more timber is a total waste.

2. Private landowners along the river can't prepare plans of any kind for future development of their land.

3. The economics of it all (an additional \$20,000,000) seem to be totally out of proportion with what could logically be expected as an end result.

The St. Joe Valley Association operates on a basic theme of "Environmental Quality With Economic Security" which means to us the usefulness of a river

which also provides a living. The proposal included in S-921 runs counter to both those ideas.

Therefore, we of the St. Joe Valley Association urge you to carefully consider all the aspects of the proposed measure. Thank you.

Sincerely,

DOLLY HARTMAN (MRS. HOMER J.),
President,
St. Joe Valley Association.

SOUTHWEST RIVER STUDY COMMITTEE,
Albuquerque, N. Mex., July 10, 1973.

Hon. FLOYD HASKELL,
Chairman, Subcommittee on Public Lands, Senate Interior and Insular Affairs
Committee, Washington, D.O.

DEAR SENATOR HASKELL: The Southwest River Study Committee is very pleased to hear that your Subcommittee will hold hearings on S. 921, S. 1391, and S. 1101, all dealing with amendments to the National Wild & Scenic Rivers Act. We strongly support all three of these bills.

Your Subcommittee may also consider the possibility of a water development project moratorium based on the completion of the river study of individual rivers instead of a set 5 year extension. By this method, a river under study for wild/scenic/recreational designation would be free from the threat of development until its study was completed. At the completion of the study, Congress could either add the river to the National Wild & Scenic River System or remove the moratorium. Also, the moratorium should cover any adverse federal activity, not just dams and the like as the law now reads.

We would also support the expansion of the allowable boundaries along Wild/Scenic/Recreational Rivers to possibly 640 acres per mile instead of the present 320. This added flexibility would add greatly in administration and protection of free-flowing rivers.

We also urge you include the following bills in the hearing schedule—S. 30 & S. 449, dealing with the Colorado River in Utah and Colorado; S. 1790, the Rio Grande in Texas; and S. 833, the Oklawaha in Florida. All of these rivers richly deserve protection.

Sincerely,

DAVID FOREMAN,
Director.

BLUFF CITY CANOE CLUB,
Memphis, Tenn., July 29, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee on Public Lands, Senate Committee on Interior and
Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR HASKELL: The Bluff City Canoe Club supports Senate Bill 921 to extend the moratorium on rivers in the study category under the National Wild and Scenic Rivers Act.

We support a view held by others that the moratorium extend not for a fixed five-year term, but until an actual study report is submitted on each river. The moratorium should protect against any form of federal action that might alter a river.

Strengthening of the act to permit increased acreage along river banks and to prevent removal of a river from a particular category by executive action above is needed.

In Tennessee we have the Obed and Buffalo Rivers that we need to fully protect until final action is taken.

We hope this reaches you in time to be included as part of the official hearing record on S. 921. Will you please advise.

Thank you.

Sincerely,

O. U. WALLING,
Co-Chairman, Conservation Committee.

WARRENBURG, Mo., July 20, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee on Public Lands, Senate Interior and Insular Affairs
Committee, Washington, D.C.

DEAR CHAIRMAN: I would like to voice my support on the Senate bill which extends the moratorium on F.P.C. dam licensing and other water resources (from 5 to 10 years) for "Study" category rivers in Wild and Scenic Rivers Act.

I would like to request that my letter be made a part of the record for the hearing.

Sincerely,

RICHARD CARLETON.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Hon. FLOYD HASKELL,
Capitol Hill, Washington, D.C.:

Vote against bill number 921, amendment to Public Law 90-4542. Idaho's economy is at stake.

C.E.E.P., INC.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee of Public Lands,
Capitol Hill, Washington, D.C.:

Vote no on amendment to Senate bill Public Law 90-542.

FREDRIC CHAMBERLIN.

[TELEGRAM]

ST. MARYS, IDAHO, July 22, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee Public Lands,
Senate Office Building, Washington, D.C.:

Vote against Senate Bill 921 amendment to Public Law 90-542. No moratoriums, no additional public expense to taxpayers.

CHARLES REITMEIER and LOUISE E. REITMEIER.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Senator FLOYD HASKELL,
Senate Office Building, Washington, D.C.:

Feel bill F. 921 should be voted down; too much encroachment.

Mr. and Mrs. THOMAS LINDSEY.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Hon. FLOYD HASKELL,
Chairman, Subcommittee on Public Lands,
Senate Office Building, Washington, D.C.:

Landowners on Salmon River strongly oppose bill number F-921, amendment to Public Law 90-542, Coming chronic food shortage should be considered before you vote.

DON and PAM HECKMANWHITE.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Senator FLOYD HASKELL,
Chairman, Subcommittee on Public Lands,
Senate Office Building, Washington, D.C.:

Vote down amendment F. 921. Feel it is getting out of hand.

SAM and ROSALIE LARGO.

[TELEGRAM]

WHITE BIRD, IDAHO, July 23, 1973.

Senator FLOYD HASKELL,
Capitol Hill, Washington, D.C.:

Vote down amendment Senate Bill F. 921. It's getting out of hand.

JAMES and CLEO LARGO.

[MAILGRAM]

WHITE BIRD, IDAHO,
 July 23, 1973.

Senator FLOYD HASKELL,
Capitol Hill, Washington, D.C.:

Please—no on amendment for Senate Bill Number S921 original bad enough for the cattleman.

Mr. and Mrs. ERNEST ROBINSON.

[MAILGRAM]

CALDER, IDAHO,
 July 22, 1973.

Senator FLOYD K. HASKELL,
Capitol Hill, Washington, D.C.:

As citizens and landholders we protest strongly moratorium expenses and \$20 million further study on wild river as an amendment on S. 921 of Wild Rivers bill, Public Law 90-542. A Federal Government controlled over two-thirds of Idaho. This bill and amendment is a hardship to necessary logging and private owners.

MURIEL and MILDRED SIEGEL.

[MAILGRAM]

AVERY, IDAHO,
 July 22, 1973.

FLOYD K. HASKELL,
Chairman, Subcommittee of Public Land Use,
U.S. Senate, Washington, D.C.:

We have always opposed the Wild and Scenic Rivers Act—Public Law 90-542. Because of the proposed restrictions on property owners and because of the detrimental effect on the economy of Idaho. Now we learn that the Senate is going to vote today on an amendment S. 921 to this act which will impose an indefinite moratorium on all river studies. It also asks for 640 acres per mile through the corridor instead of the present 340 and it proposes an appropriation of \$20 million to continue the studies. We vigorously oppose amendment S. 921 for three reasons: (1) the present act is already too restrictive; (2) the economy of Idaho will stagnate, while writing out a moratorium; and (3) we believe the \$20 million represents a waste of the taxpayers money, considering that too much money has already been spent in studying just the St. Joe River. We urge you to exert all possible pressure to defeat this measure.

PHILIP and JANE STANLEY.

[MAILGRAM]

SAINT MARYS, IDAHO, July 22, 1973.

Senator FLOYD HASKELL,
 Chairman, Subcommittee on Public Land Use,
 Senate Office Building, Washington, D.C.:

We oppose expenditure of \$20 million study of wild rivers extension moratorium in amendment F921 Wild Rivers bill Public Law 90-542. We are able to take care of our own land without further government interference.

Mr. and Mrs. E. S. ANDERSON.

[MAILGRAM]

AVERY, IDAHO, July 22, 1973.

FLOYD K. HASKELL,
 Chairman, Subcommittee on Public Land Use,
 Senate Office Building, Washington, D.C.:

We understand the Senate is planning to sneak through an amendment S. 921 to the Wild and Scenic Rivers Act number Public Law 90-542 to impose an indefinite moratorium on all present river studies, to double the acreage per mile through the corridor and appropriate \$20 million to continue the river studies. This is unbelievable. Watergate pales beside the scandal of the environmental movement. You fellows better check with Svetlana Alliluyeva and Alexander Solzhenitsin to find out what happens to people who are pressured too much by totalitarian tactics. We implore you to defeat this measure.

THELMA CRAMP,
 DOOLEY CRAMP,

Former president of St. Joe Valley Association.

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WISCONSIN

