

AMENDING THE WILD AND SCENIC RIVERS ACT

DECEMBER 19, 1974.—Ordered to be printed

Mr. TAYLOR of North Carolina, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 3022]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the National Wild and Scenic Rivers System; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174), and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

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

(a) In subsection (a) of section 5 after paragraph (27) insert the following new paragraphs:

“(28) American, California: The North Fork from the Cedars to the Auburn Reservoir.

“(29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.

“(30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.

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"(31) *Cache la Poudre, Colorado*: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

"(32) *Cahaba, Alabama*: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

"(33) *Clarks Fork, Wyoming*: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

"(34) *Colorado, Colorado and Utah*: The segment from its confluence with the Dolores River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

"(35) *Conejos, Colorado*: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, including Platoro Reservoir.

"(36) *Elk, Colorado*: The segment from its source to Clark.

"(37) *Encampment, Colorado*: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

"(38) *Green, Colorado*: The entire segment within the State of Colorado.

"(39) *Gunnison, Colorado*: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

"(40) *Illinois, Oklahoma*: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Baren Fork Creeks.

"(41) *John Day, Oregon*: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

"(42) *Kettle, Minnesota*: The entire segment within the State of Minnesota.

"(43) *Los Pinos, Colorado*: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

"(44) *Manistee, Michigan*: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Holsenpyl Reservoirs.

"(45) *Nolichucky, Tennessee and North Carolina*: The entire main stem.

"(46) *Owyhee, South Fork, Oregon*: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

"(47) *Piedra, Colorado*: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160, including the tributaries and headwaters on national forest lands.

"(48) *Shepaug, Connecticut*: The entire river.

"(49) *Sipsey Fork, West Fork, Alabama*: The segment, including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.

"(50) *Snake, Wyoming*: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.

"(51) *Sweetwater, Wyoming*: The segment from Wilson Bar downstream to Spring Creek.

"(52) *Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.*

"(53) *Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.*

"(54) *Wisconsin, Wisconsin: The segment from Prairie du Sac to its confluence with the Mississippi River at Prairie du Chien.*

"(55) *Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.*

"(56) *Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2, township 38 north, range 16 west NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River."*

(b) *In section 5 re-letter subsections (b) and (c) as (c) and (d), respectively, and insert a new subsection (b), as follows:*

"(b) (1) *The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: Provided, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier.*

"(2) *The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.*

"(3) *There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$2,175,000.*

(c) *In clause (i) of subsection (b) of section 7 strike the final comma and the following word "and" and insert in lieu thereof a colon and the following proviso: "Provided, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and"*

(d) *In the fourth sentence of subsection (a) of section 4*

(1) *between "rivers" and "with" insert "(i)", and*

(2) *strike "system." and insert in lieu thereof "system, and (ii) which posses the greatest proportion of private lands within their areas".*

SEC. 2. Subsection (a) of section 6 of the Lower Saint Croix River Act of 1972 (86 Stat. 1174) is amended by deleting "\$7,275,000" and inserting in lieu thereof "\$19,000,000".

And the House agree to the same.

ROY A. TAYLOR,
HAROLD T. JOHNSON,
TENO RONCALIO,
J. SKUBITZ,
SAM STEIGER,

Managers on the Part of the House.

HENRY M. JACKSON,
FLOYD K. HASKELL,
HOWARD M. METZENBAUM,
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Managers on the Part of the Senate.

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JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3022) to amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate segments of certain rivers for possible inclusion in the National Wild and Scenic Rivers System; to amend the Lower Saint Croix River Act of 1972 (86 Stat. 1174); and for other purposes, submit the following joint statement to the Senate and to the House in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference, except for minor drafting changes of a purely technical nature, are noted below.

STUDY OF POTENTIAL COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

The first section of both the Senate bill and the House amendment would amend the Wild and Scenic Rivers Act (82 Stat. 906) to designate certain rivers or segments thereof for study to determine whether they should be added, by subsequent legislation, to the National Wild and Scenic Rivers System established by that Act. The Senate bill would designate twenty-five rivers in eleven States and the House amendment thirteen rivers in ten States. The conference report designates twenty-nine rivers in thirteen States.

Included in subsection (a) of section 1 of the conference report are all nine of the rivers which would be designated by both the Senate bill and the House amendment. These rivers are the American, California; Au Sable, Michigan; Cahaba, Alabama; Colorado, Colorado and Utah; Kettle, Minnesota; Manistee, Michigan; West Fork of the Sipsey Fork, Alabama; Tuolumne, California; and Wisconsin, Wisconsin. The Senate bill provided for somewhat longer segments in the case of two of these rivers—the American (from Cedars to Mountain Meadow Lake and the lower 7.5 miles of the North Fork of the North Fork) and the Colorado (the thirty-six mile stretch in Utah from the Colorado-Utah border downstream to its confluence with the Dolores River)—than did the House amendment. The conferees agreed to the Colorado segment as designated in the Senate bill and the American segment as designated in the House amendment.

Second, the conferees agreed to include in subsection (a) of section 1 sixteen rivers contained in the Senate bill, but omitted from the House amendment: the Illinois, Oklahoma; John Day and South Fork Owyhee, Oregon; Shepaug, Connecticut; Upper Mississippi, Minnesota; and eleven rivers in Colorado—the Big Thompson, Cache la Poudre, Conejos, Elk, Encampment, Green, Gunnison, Los Pinos, Piedra, Yampa and Dolores. The Conferees did however, agree to limit the Illinois River segment to that portion within Oklahoma and to delete that portion in Arkansas which would be designated for study under the Senate bill.

Third, subsection (a) of section 1 of the conference report includes four rivers designated in the House amendment but absent from the Senate bill: the Nolichucky in Tennessee and North Carolina and three rivers in Wyoming: Clarks Fork, Snake, and Sweetwater. In the case of the three Wyoming rivers, however, the conferees agreed to provide the State legislature with the opportunity to act upon the recent recommendations of the Wyoming Stream Preservation Feasibility Study Committee. In particular, the conferees added a proviso stating that "with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier."

TIME PERIODS AND AUTHORIZATIONS FOR THE RIVER STUDIES

Clause (1) of subsection (b) of the Senate bill concerns the time period in which the twenty-six river studies are to be conducted. This clause would amend section 4(a) of the Wild and Scenic Rivers Act to provide that twenty-five of the studies are to be completed by October 2, 1979. The twenty-sixth study—that of the Dolores—would be required to be completed by October 2, 1975. The reasons for the early date on this river study are set forth in full on pages 27, 28 and 31 of Report No. 93-1207 accompanying the Senate bill.

The House amendment provided for a one year shorter study, concluding on October 2, 1978. The conferees agreed that although the four year study period in the House amendment might be sufficient to complete the thirteen river studies provided for in that amendment, the longer five year period would be necessary for the twenty-nine studies required by the conference report.

The conferees, therefore, agreed to adopt as clauses (b)(1) and (2) of section 1 of the conference report language amending section 5 of the Wild and Scenic Rivers Act to provide for a study period ending on October 2, 1978, for twenty-eight of the rivers and ending on January 3, 1974, for the Dolores. (The Dolores study was moved from October 7, 1975, to January 3, 1976, to insure a full year's study period.)

Section 2 of the House amendment provided for a \$975,000 authorization for the study of the thirteen rivers designated in that amendment. The Senate bill had no specific authorization for the study of the twenty-five rivers it designated for study. The conferees agreed to the principle in the House amendment of an authorization ceiling, adjusted for the sixteen more rivers to be studied under

the conference report than under the House amendment. Therefore, the conferees agreed to provide in clause (3) of subsection (b) of section 1 of the conference report an authorization ceiling of \$2,175,000.

The decision to adopt a longer study period than the automatic three fiscal year period provided in section 7(b) of the Wild and Scenic Rivers Act necessitated the inclusion in subsection (c) of section 1 of the conference report the Senate bill's subsection 1(c). This subsection would amend subsection 7(b) of the Wild and Scenic Rivers Act by adding a proviso that where any Act which designates additional study rivers also establishes a different study time period than the three fiscal year period required by section 7(b) the different period prevails. This would eliminate any conflict between the conference report's provisions calling for a five year study period and the Wild and Scenic Rivers Act's provisions establishing three fiscal year study periods. It would also remove any ambiguity which may result from any future Acts establishing different study periods for study rivers which those Acts designate.

PRIORITY OF RIVERS STUDIED

Subsection (d) of section 1 of the conference report is identical to section 1(b)(2) of the Senate bill. The purpose of subsection (d) is to shorten the period of uncertainty landowners would experience when the rivers along which they live or work are designated for study under the Wild and Scenic Rivers Act.

Subsection (4)(a) of the Wild and Scenic Rivers Act, as amended by the Act of May 10, 1974 (88 Stat. 122), establishes a basis for determining the order in which rivers are to be studied. The fourth sentence of the subsection provides that "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 the rivers unsuitable for inclusion in the national wild and scenic rivers system."

Subsection (d) would amend that sentence by providing a second basis for determining priority: early consideration is also to be given those rivers "which possess the greatest proportion of private lands within their areas" This basis for establishing priority would insure that those studies involving river segments which have a great number of private landowners along their borders will be completed quickly. This will serve to reduce the period of uncertainty landowners would otherwise experience while the study is being conducted and the President's recommendations determined.

AMENDING THE LOWER ST. CROIX RIVER ACT OF 1972

Section 2 of the conference report amends section 6 of the Lower Saint Croix River Act of 1972 (86 Stat. 1174) by increasing from \$7,275,000 to \$13,000,000 the authorization for the acquisition and development of land and interests therein along the 27 mile segment of the Lower Saint Croix River to be administered by the Secretary of the Interior. This authorization increase will permit the National Park Service to acquire the necessary land and interests in land to provide the degree of protection to the Federal segment of the wild and

scenic river which was intended in the Wild and Scenic Rivers Act and the Lower Saint Croix River Act of 1972.

This section 2 is identical to section 2 of the Senate bill and has the identical result of increasing the authorization by \$11,725,000 as that of H.R. 12960 which has been reported by the House Committee on Interior and Insular Affairs.

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