

AMENDING THE WILD AND SCENIC RIVERS ACT AND
THE LOWER ST. CROIX RIVER ACT OF 1972

OCTOBER 1, 1974.—Ordered to be printed

Mr. HASKELL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 3022]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3022), to amend the Lower St. Croix River Act, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following language:

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) 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.

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

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

"(31) West Fork of the Sipsey 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.

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

"(34) 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.

"(35) American, California: The North Fork from Mountain Meadow Lake to the Auburn Reservoir and the lower 7.5 miles of the North Fork of the North Fork.

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

"(37) Illinois, Arkansas and Oklahoma: The entire river, from Tenkiller Ferry Reservoir upstream to its source, including the Flint and Barren Fork Creeks and excluding Lake Frances.

"(38) Shepaug, Connecticut: the entire river.

"(39) 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.

"(40) 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.

"(41) 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.

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

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

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

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

"(46) 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.

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

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

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

"(50) Dolores, Colorado: 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; the segment of the main stem from Rico upstream to its source, including its headwaters; and the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem."

(b) In subsection (a) of section 4—

(1) in the third sentence strike "1978." and insert in lieu thereof "1978; with respect to all rivers named in subparagraphs 5(a) (28) through (49) of this Act no later than October 2, 1979; and with respect to the river named in subparagraph 5(a) (50) of this Act no later than October 2, 1975."; and

(2) in the fourth sentence: (A) between "rivers" and "with" insert "(i)", and (B) strike "system." and insert in lieu thereof "system, and (ii) which possess 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".

Amend the title so as to read:

A bill 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.

I. PURPOSE, BACKGROUND, AND SUMMARY OF S. 3022, AS ORDERED REPORTED

SUBSECTION (a): STUDIES OF TWENTY-THREE RIVERS

Subsection (a) of S. 3022, as ordered reported, would amend the Wild and Scenic Rivers Act (82 Stat. 906), as amended, to designate

segments of twenty-three rivers in ten States 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 studies would be authorized by amending subsection (a) of section 5 of the Wild and Scenic Rivers Act. This subsection contains a list of rivers designated for study. Under the Wild and Scenic Rivers Act, a river so designated is to be studied by either the Bureau of Outdoor Recreation of the Department of the Interior or the Forest Service of the Department of Agriculture to determine its suitability for inclusion in the national wild and scenic rivers system; whether administration should be undertaken by the State or Federal government, and if the latter, which agency should be given the administrative task; and in which of the three categories established by the Act—wild, scenic, or recreational—the entire segment of the river or portions thereof should be classified. The study, once completed, is submitted to the President who, in turn, transmits his recommendations to the Congress. Congress must then enact further legislation should it wish to designate the river as a component of the wild and scenic rivers system. (An exception to this procedure allows the Secretary of the Interior to designate a river without Congressional action if the relevant State or States assume responsibility for its management and recommend it to the Secretary for inclusion in the system.) During the period of study, the Wild and Scenic Rivers Act affords certain protection to a river, including a prohibition against the construction of water resource projects upon it.

The Wild and Scenic Rivers Act designated twenty-seven rivers for study and eight rivers to be immediately included in the system. Since the Act's enactment in 1968, two State-administered rivers have been added to the system by the Secretary of the Interior. In addition, Congress has enacted into law two measures which designated segments of the Lower St. Croix River in Minnesota and Wisconsin (the Lower St. Croix River Act of 1972, 86 Stat. 1174) and the Chattooga River in North Carolina, South Carolina, and Georgia (Act of May 10, 1974, 88 Stat. 122) as components of the system. These two river segments had both been on the original list of twenty-seven study rivers and the reports on them, submitted by the Administration, recommended the Congressional action which was subsequently taken.

The period of study provided for the 27 study rivers in the Wild and Scenic Rivers Act was ten years; however, the provisions in the Act which afforded protection to the study rivers from water resource projects contained a five year expiration date (October 2, 1973). When it became apparent that the studies of all 27 study rivers would not be completed prior to the deadline for protection against water resource projects, the Administration submitted proposed legislation (S. 921, introduced by Senators Jackson and Fannin (by request) on February 20, 1973) to extend the protection period for five more years (to October 2, 1978) to coincide with the study period. The Act of May 10, 1974, in addition to designating the Chattooga River and making several amendments to the Wild and Scenic Rivers Act, also provided this extension of the protection period.

Now that the study task mandated in the Wild and Scenic Rivers Act is nearing completion, numerous proposals for additional rivers to study have been made. Twenty-seven bills proposing a total of fifty-four rivers for study have been introduced by various Senators this

Congress. Three bills (S. 1101, S. 1391, and 2439) proposing segments of the Wisconsin, Au Sable, Manistee, and New Rivers for study have already passed the Senate and are awaiting House action. Furthermore, on June 27, 1974, Senators Jackson and Fannin introduced (by request) S. 3708 proposing 32 new study rivers. This bill, an Administration measure, is the result of an inter-agency review to determine which potential wild and scenic rivers should next be studied.

The Subcommittee on Public Lands has held five days of hearings on most of the proposed bills. Subsequent to these hearings, on July 29, 1974, the Subcommittee, by unanimous voice vote, approved for full Committee action S. 3022, as amended. The full Committee gave unanimous, voice vote endorsement to the bill on September 10, 1974.

The twenty-three river segments designated for study in subsection (a) of S. 3022, as amended, contain river segments proposed in S. 30 (Moss), S. 449 and S. 2319 (Dominick), S. 2151 and S. 2216 (Allen and Sparkman), S. 2386 and S. 3186 (Cranston and Tunney), S. 2443 (Mondale), S. 2691 (Mondale, Humphrey, Nelson, and Proxmire), S. 3130 (Ribicoff), and S. 3628 (Bellmon and Bartlett), and the river segments contained in S. 1101 (Hart and Griffin) and S. 1391 (Nelson), as already passed the Senate. Six of these river segments were also proposed for study in S. 3708.

Section II of this report contains descriptions of the segments of the twenty-three rivers which would be studied pursuant to subsection (a) of S. 3022, as amended. Below is a list of those river segments, their approximate length, and the States in which they are located:

1. Au Sable, 75 miles, Michigan.
2. Manistee, 75 miles, Michigan.
3. Wisconsin, 74 miles, Wisconsin.
4. West Fork of the Sipsey Fork, 24 miles, Alabama.
5. Cahaba, 85 miles, Alabama.
6. Kettle, 58 miles, Minnesota.
7. Upper Mississippi, 330 miles, Minnesota.
8. American, 53.5 miles, California.
9. Tuolumne, 96 miles, California.
10. Illinois, 255 miles, Arkansas and Oklahoma.
11. Shepaug, 25 miles, Connecticut.
12. Colorado, 55.5 miles, Colorado and Utah.
13. Gunnison, 30 miles, Colorado.
14. Los Pinos, 18 miles, Colorado.
15. Big Thompson, 12 miles, Colorado.
16. Green, 35 miles, Colorado.
17. Conejos, 35 miles, Colorado.
18. Elk, 30 miles, Colorado.
19. Cache La Poudre, 70 miles, Colorado.
20. Piedra, 20 miles, Colorado.
21. Encampment, 50-55 miles, Colorado.
22. Yampa, 65 miles, Colorado.
23. Dolores, 265 miles, Colorado.

As subsection (a) of S. 3022, as amended, amends the Wild and Scenic Rivers Act, all the provisions of that Act concerning study procedures and management of rivers during study apply to the twenty-three rivers named in the subsection. Section III of this report

contains a discussion of these provisions of the Wild and Scenic Rivers Act as well as the provisions which would apply to the rivers if, following completion of the studies, they are designated by Congress as components of the national wild and scenic rivers system.

SUBSECTION (b) (1) : FIVE-YEAR STUDY PERIOD

As noted above, the Administration is now completing the 27 river studies which it was required to conduct by section 5(a) of the Wild and Scenic Rivers Act. The Committee, in reviewing this experience, attributed the extension beyond the 5-year protection period made necessary by the completion schedule for the original 27 studies to the slow start on the studies during the "start-up" period in which personnel to conduct the studies were being assigned, funds appropriated, and the study methodology designed. As no start-up period would be required for the 23 new studies which S. 3022, as amended, would mandate, the Committee determined that a little over 5 years would be sufficient time to complete those studies. The Administration estimates that now that funds are available and personnel are in place the average time necessary to complete a river study is 18 months. The Committee believes that the possibility of staggering the one and half year studies throughout the 5-plus years will further diminish any pressure which S. 3022, as amended, might exert on existing human and financial resources in the Bureau of Outdoor Recreation and the Forest Service.

For these reasons, subsection (b) (1) sets October 2, 1979, as the deadline for all but one of the 23 studies.

The one study to which this deadline does not apply is the Dolores River in Colorado. The importance of this river as a potential wild and scenic river is described below in section II of this report. However, the river and its water are also critical to the economy of the southwestern region of Colorado. A good number of private landowners, most of them engaged in ranching, have property along its banks. Furthermore, a major water resource project—the Dolores Project—is planned for portions of the river. Its most important facility—the McPhee Dam—is well into the planning stage, and, although the stretch of river on which it would be located is not to be studied, the question of compatibility of the dam and the proposed wild and scenic river segments below it is not altogether certain. An early completion of the study will insure that the McPhee Dam is not delayed by this uncertainty. Furthermore, most observers believe the study will demonstrate that the construction and operation of the dam and designation of segments of the Dolores as components of the national wild and scenic rivers system are compatible—that the dam proponents can guarantee a minimum flow sufficient to reassure river runners and other recreationists that the Dolores will provide a true wild and scenic river experience.

To insure the desired quick completion of the Dolores study, subsection (b) (1) provides a 1-plus year deadline—October 2, 1975—for completion of the Dolores study.

Section (b) (1) sets both the 5-plus year and 1-plus year deadlines by amending subsection 4(a) of the Wild and Scenic Rivers Act to

insert the two dates immediately after the deadline for the 27 original studies.

The study deadlines provided by subsection (b) (1) do not fully coincide with the period of protection provided study rivers. The Act of May 10, 1974 (88 Stat. 122) amended section 7 (b) of the Wild and Scenic Rivers Act (82 Stat. 906, 914) to provide protection against water resource projects for rivers under study for a period of 10 years after the enactment of the Wild and Scenic Rivers Act (October 2, 1978) or 3 fiscal years after enactment of an Act providing for study of an additional river or rivers. S. 3022, however, allows the studies it mandates to run until October 2, 1979.

Thus, S. 3022, as amended, presents the same anomaly as that contained in the original Wild and Scenic Rivers Act—a shorter protection period than a study period. Of course, the reason for the difference between the study and protection periods in the present situation is that the 3 fiscal year protection limitation provided in the 1974 law for future legislation was based on the theory that each individual legislative proposal would, at most, name only two or three study rivers at a time. Although Congress could make the two periods coincide, at some future date, the Chairman of the Subcommittee on Public Lands has announced that he will consider offering an amendment to correct this anomaly when the Senate takes up S. 3022, as amended.

SUBSECTION (b) (2) : PRIORITY OF STUDIES

The purpose of subsection (b) (2) of S. 3022, as amended, 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 (b) (2) 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.

A brief study period for rivers involving a high percentage of private land is particularly important in light of subsection 6(b) of the Wild and Scenic Rivers Act. This subsection is as follows:

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State, or States within which it lies, or by political subdivisions of those States,

neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

Clearly, landowners along any river segment designated for study the area of which is less than 50% federally-owned are placed in a particularly difficult situation during the study period. They do not know whether the river will be determined to meet wild and scenic river criteria and thus make condemnation of their property a distinct possibility. They do not know whether the proposed boundaries of the river will be redrawn to exclude their property or to establish an area which will include their property but which enjoys more than 50% Federal ownership. If the latter alternatives develop, then, of course, the threat of condemnation of fee title is eliminated. While the threat hangs over the landowners they will obviously be reluctant to improve their businesses or residences and they may very well experience difficulty in obtaining any loans using their property as collateral. This amendment to subsection 4(a) would insure that the periods of uncertainty for private landowners affected by S. 3022, as amended, and other legislation designating river segments for study will be as brief as possible.

SUBSECTION (C) : AMENDING THE LOWER SAINT CROIX RIVER ACT

Subsection (c) amends section 6 of the Lower Saint Croix River Act of 1972 (86 Stat. 1174) by increasing from \$7,275,000 to \$19,000,000 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.

The Lower Saint Croix River is one of the most intensely studied rivers in the Nation. Congress, itself, has devoted a great deal of attention to the river. Bills to protect the river were introduced by Senator Nelson in 1965, 1967, and 1971. Section 5(a) (21) of the Wild and Scenic Rivers Act specifically mandated the Federal Government to study the river and determine its suitability as a component of the national wild and scenic rivers system. In January 1970, a joint Federal-State team initiated the study. The preliminary findings of the study team contained the conclusion that the Lower St. Croix met the criteria for inclusion in the national system as set forth in section 2(a) (i) of the Wild and Scenic Rivers Act.

During the 1972 Subcommittee on Public Lands hearings on legislation to implement the recommendations of the study team's preliminary findings and designate the Lower Saint Croix River as a component of the national wild and scenic rivers system, a map was

submitted by the study team. This map, entitled "conceptual development plan for the Lower St. Croix River" contained the recommendations of the Federal-State study team as to the best management for the river, recommendations which were concurred in by the Wisconsin and Minnesota congressional delegations. The development plan called for the Federal Government to acquire title and scenic easements for all of the land from the dam at Taylor Falls to the Washington County Line. From the Washington County line to Stillwater, Minnesota, a distance of approximately 17 miles, the development plan clearly contemplated that the Federal Government would acquire limited fee title and large amounts of scenic easements. The remainder of the river, from Stillwater to its confluence with the Mississippi would be managed jointly by the States of Wisconsin and Minnesota.

The preliminary findings included a \$7,275,000 cost estimate for the implementation of the Federal portion of the development plan.

On October 25, 1972, Congress enacted the Lower Saint Croix River Act of 1972, which, based upon that development plan and cost estimate, added the river to the national wild and scenic rivers system.

The preliminary findings of the study team were reaffirmed in the Department of Interior's final report on the river entitled "Scenic River Study of the Lower St. Croix" published in February 1973, four months after enactment of 1972 Act. This report sets forth the conceptual guidelines for the classification, development, and management of the river as a component of the national wild and scenic rivers system. Page 93 of this report bears the statement that, in the 27 mile federal portion, 5,400 acres of land would be acquired in fee or easement. Within the recreational segment which will be protected by the states of Wisconsin and Minnesota an estimated 2,500 acres of land was to be protected including the acquisition of 2,470 acres of easements and 30 acres in title. The final report estimates the cost of the entire 52 mile project at \$8,680,000; \$1,405,000, to be spent by the States. The report estimates that \$7,275,000 should be spent on the entire 27 mile Federal sector and \$1,405,000 spent on the lower 25 miles.

The record time in which the Lower Saint Croix River Act of 1972 was passed—5 days from the initial mark-up by the Senate Interior Committee through Committee and floor action in the House—attests to the urgency Congress attached to protecting the river in view of the immediacy of the threat to it posed by potential development.

As noted by Senator Mondale in testimony at the June 20, 1974 hearing of the Subcommittee on Public Lands on S. 3022:

This sense of urgency was fully justified. If the Congress had not moved as quickly as it did to pass the Lower Saint Croix River Act, cliff dwelling townhouses and a midrise apartment building might today scar the bluffs of the river. For even as Federal-State planners first met to develop the specific details of the protection program, one developer was proceeding with his own plans for the construction of a housing project which included townhouses and an apartment building to tower over the valley.

Even with the Act, it took massive pressure from the Governors of the two States, members of the Congress, and

a lawsuit filed by the Attorney General of Minnesota to force the developer to reconsider his plans. In the face of the lawsuit the developer signed an agreement last September 27th, resulting in the modification of his plans to conform to riverway guidelines.

Although this project was stopped in time, there is nevertheless no assurance today that another developer could not attempt to press for a similar project and win even in the courts.

The basic reason for the statement made in the last sentence of the quoted passage is the discovery that funding authorization in subsection 6(a) of the Act to provide for the protection of the 27-mile segment of the river to be administered by the Federal Government was only slightly more than one-third the actual funding necessary.

The initial estimate of the cost of the project which was included in the preliminary findings of the study team, the Department's final report, and the Act, itself, was developed by the Bureau of Outdoor Recreation. It was based upon the average per acre price of land in the Saint Croix Valley. Neither the Congress nor the States had any reason to question this estimate of \$7.275 million for acquisition and development in the federal zone, and this figure was included as the authorization ceiling in the Lower Saint Croix River Act. Only later, after more detailed appraisals, was it discovered that the actual cost, based on the price of land per foot along the river, would be much higher.

The discovery of this cost discrepancy prompted Governors Wendell R. Anderson of Minnesota and Patrick Lucey of Wisconsin to write, on October 22, 1973, a letter to the Secretary of the Interior, Rogers C. B. Morton. The letter contained the following statements:

As you know, the State governments of Minnesota and Wisconsin are participating with your Department through the National Park Service in the formulation of the Federal-State Comprehensive Master Plan for the protection of the Lower Saint Croix River under P.L. 92-560.

We are, however, distressed that the funding provided by last year's Lower Saint Croix River Act for acquisition and development of lands in the 27-mile federally administered river zone appears to be inadequate. Nearly two-thirds of that segment will have to be controlled through a fragmented system of local zoning codes, rather than through full or partial public interest in lands by your department. We are concerned as to how this serious gap occurred since there seemed to be no question at the State or Federal levels during negotiations on the bill that the \$7,275,000 sought for the federally administered segment would be sufficient to protect the full 27 miles of the river valley through fee or easement purchase on river front lands, except within four small municipalities and State-owned areas.

The Governors requested Secretary Morton's assistance in seeking additional funds from the Congress. But in its reply, dated Decem-

ber 6th, the Department rejected this plea. Instead, the National Park Service circulated for discussion a draft master plan which sets forth the protection efforts possible within the constraints of the \$7,275,000 authorization ceiling. The plan provides for acquisition of land and easements in the first 10 miles of the Federal zone. However, except for the proposed purchase of a few acres for a visitors' center above Stillwater, the plan provides for no acquisition of land or easements along the shore of the remaining 17-mile stretch, which comprises almost two-thirds of the Federal portion of the riverway. In effect, the plan would require the States of Minnesota and Wisconsin and their subdivisions to assume responsibility for protecting the additional 17-mile segment of the river which the lower Saint Croix River Act of 1972 made the responsibility of the Federal Government.

This draft master plan and the response of the Department to the Governor's letter prompted members of the Minnesota and Wisconsin Congressional Delegations on December 20, 1973 to request a meeting with Ronald H. Walker, Director of the National Park Service. The meeting was held in the Capitol on February 6, 1974. Assistant Secretary John Kyl, Dr. Richard Curry, Robert Chandler, Richard Whittpen and others represented the Department of the Interior. Governor Wendell R. Anderson, Commissioner Robert Herbst and Assistant Commissioner Archie Chelseth of the Minnesota Department of Natural Resources attended on behalf of Minnesota. Farnum Alston appeared for Governor Lucey and James Harrison and James Johnson for the Minnesota-Wisconsin Boundary Area Commission. Finally, Senators Nelson, Humphrey and Mondale and Representatives Blatnik, Fraser, Karth, Quie and Thomson took part in the discussion.

Subsequent to this meeting, on May 17, 1974, Assistant Secretary John Kyl wrote to each of the Congressional participants. His letter indicated that \$18,775,000 would be required to carry out the program of full protection for the entire 27 mile Federal segment of the river suggested in the preliminary report of the study team and clearly envisioned by Congress in enacting the Lower Saint Croix River Act of 1972.

The letter states:

In response to your suggestion that the draft master plan be modified, we are preparing an amendment to the master plan which would provide for this alternative regarding the protection of the lower 17 miles of the Federal portion of the riverway. The amendment would be applicable if additional funding is secured. However, I have under advisement the following recommendations of the Land Planning Group:

1. The National Park Service be instructed to direct the field planners to reevaluate the areas proposed for acquisition and to identify those areas in the Federal sector of the Lower Saint Croix that are under immediate threat and would be lost if acquisition is not made immediately.

2. The National Park Service begin immediate acquisition with the money authorized by Public Law 92-560 (\$7.275 million) and to acquire on a first priority basis those 18 areas identified by the States that are under immediate threat and would destroy the resources of the river.

3. Wherever possible, less than fee title to the lands be acquired.

4. The Department of the Interior, at this time, submit a negative report on the legislation H.R. 12690 (S. 3022), amending the Lower Saint Croix Act of 1972 until there is sufficient evidence resulting from the National Park Service acquisition of the areas along the Saint Croix to show that funds available under Public Law 92-560 are not sufficient to carry out the acquisition program for these areas.

5. As soon as it becomes evident and experience is available that as a result of the land acquisition in the Lower Saint Croix area that the costs of acquiring the land will exceed the monies authorized for the acquisition, the Department should advise Congress that additional funding is needed and request such additional authorization and funds needed to carry out the acquisition to protect the resources of the Lower Saint Croix according to Public Law 92-560.

The Committee firmly believes that to await further recommendations of the Administration as to what, if any, additional funding may be required is to run the risk that the intent of Congress as embodied in the Lower Saint Croix River Act of 1972 will not be fulfilled. If the draft master plan is followed, nearly two-thirds or 17 miles of the Federal segment of the river will not be protected by Federal acquisitions of land or interests in land. Under the plan, the only controls on land use in the 17-mile stretch would be through zoning. The reason for reliance on zoning in this segment is clearly articulated on page 28 of the draft master plan, which states, "The provisions of Section 6 [Ceiling on Appropriations] have exerted the greatest constraints on preserving a significant portion of the Federal segment of the riverway."

Yet, the deficiencies in the use of zoning were recognized on page 51 of the draft master plan:

Historically, zoning has proven to be the weakest tool available for the protection of riverway corridors. At times, zoning laws can be changed by political and economic pressures. A few variances, if incompatible with the National Wild and Scenic River Program, could jeopardize the environmental quality of the Lower Saint Croix Riverway. In addition, it has been extremely difficult in the courts to justify zoning primarily on the basis of esthetics.

Furthermore, the zoning power was declare to be clearly inadequate to protect the scenic zone. Page 33 of the plan contained the statement that:

Given the level of funding authorized in Public Law 92-560, it is not possible to acquire lands in fee or scenic easements in the Federal recreation zone without seriously compromising the preservation intent of the scenic zone.

In reply, Senator Mondale noted:

If the absence of fee and easement acquisition would compromise the preservation intent in the scenic zone, it is obvi-

ous that the lack of such acquisition would seriously jeopardize protection for the 17-mile Federal recreation zone.

The Federal Government should not be in the position of abandoning all protection of two-thirds of the area it is supposed to administer in order to save the upper one-third. While there is just enough development in the lower segment to require that it be legally defined as recreational rather than scenic, there is in fact no abrupt change in the river environment below the boundary between the two classifications. On the contrary, the river maintains for the most part the intimate island and slough setting and the essentially unspoiled natural beauty which led to its designation as a component of the national wild and scenic rivers system.

As, under the draft master plan, aggressive land and easement acquisition programs will be conducted by the Federal Government on the upper 10 miles of its 27-mile segment and by the two States on their 25 mile segment, the 17-mile gap, to be protected only by zoning, will be subjected to intense development pressures.

A study developed by the Minnesota-Wisconsin Boundary Area Commission has revealed some 19 current proposals for development along the Lower Saint Croix. Six of these proposals involving 3,280 acres are already targeted for the 17-mile unprotected corridor in the Federal zone. They would involve 500 or more units of housing and a commercial recreation complex with possible construction of a hotel and restaurant facilities for skiing and a trails network.

This development pressure cannot easily be forestalled while Congress awaits new Park Service cost estimates, particularly when the Department has not evinced a firm commitment to a program of full protection of the 27 mile Federal segment of the river envisioned by the Congress in the Lower Saint Croix River Act of 1972.

This Committee believes that the intent of Congress must be effected and that the only way to insure this result is to promptly raise the authorization level in the 1972 Act. Furthermore, if the Congress is to be responsible, the Committee believes that it must match the funding level to the program which it has mandated. The raising of the authorization has the full support of the Governors of the two States, the Minnesota-Wisconsin Boundary Area Commission, the Saint Croix River Association (representing local residents), and State and national conservation organizations.

II. DESCRIPTIONS OF THE TWENTY-THREE RIVERS TO BE STUDIED

Set forth below are brief descriptions of the 23 rivers of which segments would be designated by subsection (a) of S. 3022, as amended, for study to determine their suitability for inclusion in the national wild and scenic rivers system. Designation of these river segments for study does not, of course, constitute a Congressional determination that they meet all the criteria for wild and scenic river designation. Instead, it does indicate a Congressional finding that the testimony of the hearings has made at least a prima facie case for such a determination. The studies themselves will prove or disprove that case.

1. AND 2. THE AU SABLE AND MANISTEE RIVERS, MICHIGAN

(28) 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.

(29) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

Together the Au Sable and Manistee Rivers span nearly the entire State of Michigan. Each river is approximately 75 miles in length and has its headwaters in the north central portion of Michigan's lower peninsula.

The Au Sable River has its source in the Gaylord-Grayling area and flows halfway across the lower peninsula to its mouth on Lake Huron at the city of Oscoda. The entire river is proposed for study with the exception of the reach between Foote Dam and Loud Reservoir and the Banfield and Mio Reservoirs. A major portion of the river is within the Huron National Forest.

Conditions vary widely along the various segments of the river dependent on land ownership and topography. Segments of the river are relatively remote with limited access, while other areas have easy access with roads paralleling portions of the river. The Au Sable River and adjacent areas support a good fishery and diversified wildlife population. Brown, rainbow, and brook trout predominate in the main river area and northern pike, walleye, small and largemouth bass, and panfish are present in the impounded areas.

The Manistee River flows west from north central Michigan through the Manistee National Forest before emptying into Manistee Lake, which in turn drains into Lake Michigan at the city of Manistee. The entire river is proposed for study with the exception of Tippy and Hodenpyl Reservoirs. Between the reservoirs and below the lowest dam, the river flows through some ruggedly glaciated areas, offering a spectacular view of varied land forms and vegetation. The drainage is served by an excellent system of roads which provide access to river areas from the downstate population centers. The Manistee River offers one of the best combinations of cold and warm water fisheries which exist in the State of Michigan. The free flowing segments provide quality cold water fishing.

At the July 16, 1973 hearing on S. 1101, all witnesses, including representatives of the administration and a number of environmental organizations, concurred in the judgment that the Manistee and Au Sable Rivers are deserving of study for possible inclusion in the national wild and scenic rivers system. In fact, these rivers had already been identified by the administration in 1970 as appropriate for study. No opposition to S. 1101 was communicated to the Committee.

3. THE WISCONSIN RIVER, WISCONSIN

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

The seventy-four mile segment of the lower Wisconsin designated for study is situated in the southwestern portion of the State of Wisconsin, beginning at Prairie du Sac and flowing west to its confluence with Mississippi River at Prairie du Chien. The river corridor contains some 98,500 acres, of which about 16,000 acres are public lands, 3,603 acres are public utilities land, 55,000 acres are private land, and approximately 21,000 acres are covered by water. At the hearing on S. 1391 before the Subcommittee on Public Lands, Senator Gaylord Nelson, author of S. 1391, described the proposed study river, as follows:

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. . . .

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.

16 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 . . . the addition of the lower Wisconsin River to the Wild and Scenic River study list 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.

Witnesses representing the Administration and a number of environmental organizations concurred in the judgment that this segment of the lower Wisconsin River is deserving of study for possible inclusion in the wild and scenic rivers system. No opposition to the proposal was communicated to the Committee.

4. AND 5. THE WEST FORK OF THE SIPSEY FORK AND THE CAHABA, ALABAMA

(31) West Fort of the Sipsey 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.

(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.

As stated by Senator Sparkman in the June 20, 1974 hearing of the Subcommittee on Public Lands:

The enactment of S. 2151 and S. 2216 is important to the people of Alabama because these bills offer protection to two unique rivers. Both the Cahaba and the West Fork Sipsey are beautiful rivers which flow through scenic forests. If these rivers are to be preserved, action is needed now. Timber cutting, strip mining, and the growth of the areas along these rivers pose threats that could destroy their special character.

The *West Fork of the Sipsey Fork*, proposed for study meanders through deep canyons with vertical sandstone cliffs bordering both sides of the river in many cases. Bottomland hardwoods and hemlock are the most common trees. The area is very rich botanically and a unique species of fern has been discovered along the river banks. The area abounds in archeological areas, including a cliff overhang dwelling which shows evidence of long-time Indian habitation and sandstone carvings made by primitive man sharpening stone tools.

Extensive measurements of water quality and flow have been made by the U.S. Geological Survey at their benchmark gauging station near Grayson, Alabama. The major results of the study can be summarized as follows:

Based on the fecal coliform count, the river is well within Public Health Service standards for swimming all year long, even at low flow in the summer; much of the time the river water quality will probably meet drinking water standards; the river is clear and silt-free except at flood stage; and pesticide and mineral content are very low. There are few streams with higher water quality in the east and southern United States.

The river is canoeable, with perhaps only 2 or 3 short portages, from Thompson Creek at Northwest Road (FS 208) to the highway 33 bridge for approximately 5 to 6 months during the year, a canoe trip which can be made in 2 or 3 days. In this stretch of river there are several shoals which offer a beginning canoeist a safe but exciting white water experience. December through May is the best canoe period, although the river can be floated on a tube during other months. The December-May period coincides with the most enjoyable time for backpacking and canoeing in Alabama.

Fishing in the study area is good. The primary game fish are black bass and spotted bass. The world-record spotted bass was taken in Smith Lake adjoining the study area. Fly and spin-fishing for bass in the study area is productive year round. The streams are easily waded. The area is famous among the local residents for *trotline* fish-

ing for catfish at night. A favorite family weekend for nearby residents is to hike into the river for catfishing during the spring and summer.

The area has an extremely high recreational potential for Alabama and the Southeastern United States.

A portion of the river runs through the Sipsey area of Bankhead National Forest. This area is proposed as a wilderness area in the Eastern Wilderness Areas Act which this Committee reported and the Senate passed earlier this Congress.

In addition to its reknowned beauty, the *Cahaba River* has great historical significance. The first permanent capital of the State of Alabama was located on its banks. The Cahaba also served as a major means of transport during the settlement of Alabama and the development of the cotton trade of the Old South. Indian canoes, settlers' barges and rafts, and steamboats plied the river. It was especially important to the Indians of Alabama, and derives its name from the language of those who lived along its banks. The Cahaba too has fine poential for canoeing and other forms of recreation.

6. THE KETTLE RIVER, MINNESOTA

(33) Kettle, Minne-ota: The entire segment within the State of Minnesota.

Originating in Carlton County, the Kettle River winds its way southward toward the town bearing its name and then flows into the Saint Croix. Essentially a wild river with only a few scattered dwellings throughout most of its length, it is a spectacular area enjoying a national reputation for its excellence, as a white water canoe river. Rapids interspaced with long tranquil pools offer a challenge to even the most experienced canoeists, as well as a chance for quiet reflection. Deep gorges, moraines, glacial outwash, plains, kettle holes and caves illustrate the glacial geology of the area. Deer, muskrats, beaver, herons and hawks are only a few examples of the abundant wildlife that inhabit the valley. In the clear waters of the Kettle, fishing is excellent, especially for walleyes, sturgeon and small mouth bass.

From its headwaters in Carlton County, the Kettle flows in a generally north-south direction. For the first six miles the river flows through an area of glacial moraine where pools and rapids are closely interspaced. Heavy forests of aspen and birch, dotted with occasional stands of Norway and white pine, extend almost to the water's edge, enclosing the river and creating an intimate and intensely natural setting.

As the river widens, the pools and rapids become longer and deeper. Islands become a dominant feature of landscape, and the main channel soon becomes difficult to distinguish. Below the point where the Moose River joins the Kettle, the ever-widening stream flows through a valley of farmland and open woods.

At Banning State Park the Kettle flows through a gorge approximately 130 feet deep, which forms the nationally celebrated Hell's Gate Rapids. These rapids, approximately one mile in length, consist of four major drops of about five feet each.

Further downstream the river passes through several short rapids and pools of up to 20 feet in depth. It widens out below this point to

a series of rapids that are of moderate difficulty and very popular with canoeists.

Nearly two-thirds of the Kettle River basin is forested. There are some farms along the river and a number of small communities. From the town of Sandstone some 53 miles to the mouth of the Kettle at the St. Croix, there are only about five homes visible from the river. Public land ownership in the General C. C. Andrews State Forest, Banning State Park, the Sandstone Game Refuge, Chagwagan State Forest and St. Croix State Park has helped to protect the primitive values of the area.

Nevertheless, conditions favoring future development of the Kettle are rapidly emerging. Two-thirds of the land along the Kettle is in private ownership. Taxes are escalating, and it is becoming more and more expensive for people to maintain undeveloped property. The populous Twin Cities and Twin Ports areas are exerting increased pressure for second home development, and visitor use in the major State Parks along the Kettle has tripled during the past five years. Finally, Federal protection under the Wild and Scenic Rivers Act of the Saint Croix (into which the Kettle flows) and of the Saint Croix's other major tributary, the Namekagon, will inevitably heighten development interest in the Kettle.

The Kettle River has been designated for study under the 1973 Minnesota Wild and Scenic Rivers Act. The State study is now nearing completion, and all indications are that the Minnesota Department of Natural Resources will be prepared to move ahead with a program for the Kettle.

In light of this State study, Senator Mondale, sponsor of S. 2691, which proposes the Kettle for Federal study described the prospective role to be played by the Federal study:

A study of the features of the Kettle most deserving of national protection is clearly warranted. The fact that the State study is now almost complete should not serve as a deterrent to action, but rather as a means to expedite a federal evaluation. The work of the federal study team would be greatly facilitated by drawing upon the analysis already done by the Minnesota Department of Natural Resources. This study, I would hope, would focus primarily on what the appropriate roles of Federal, State and local government should be in providing for an effective preservation program. If the study findings reveal that the State of Minnesota has all of the financial and management tools required to avoid any destruction of the scenic and primitive values of the Kettle, the federal government's responsibilities might be confined merely to recognizing the unique nature of this resource. But if the study reveals that federal back-up protection is required to safeguard the Kettle, then an appropriate State, Federal and local government management program could be devised.

7. THE UPPER MISSISSIPPI, MINNESOTA

(34) 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.

The Mississippi River, America's best known river, needs no introduction. For most of its 2,350 mile length, however, the Mississippi today could scarcely be considered an untouched natural resource. In many areas it has been heavily impacted by pollution. Competing commercial uses have by and large overshadowed attention to the recreational potential of the river. But, winding from its source at Lake Itasca south to the City of Anoka, Minnesota, the 330-mile stretch of the river offers opportunities for visitors to enjoy a variety of excellent wild, scenic and recreational qualities. In this area much of the river still warrants Mark Twain's description, written nearly a century ago:

"The majestic bluffs that overlook the river, along through this region, charm one with the grace and variety of their forms, and the soft beauty of their adornment. The steep verdant slope, whose base is at the water's edge, is topped by a lofty rampart of broken, turreted rocks, which are exquisitely rich and mellow in color—mainly dark browns and dull greens, but splashed with other tints. And then you have the shining river, winding here and there and yonder, its sweep interrupted at intervals by clusters of wooded islands threaded by silver channels; and you have glimpses of distant villages, asleep upon capes; and of stealthy rafts slipping along in the shade of the forest walls; and of white steamers vanishing around remote points. And it is all as tranquil and reposeful as dreamland, and has nothing this-worldly about it—nothing to hang a fret or a worry upon."

Today, as it was a century ago, it is possible to float down stretches of the Mississippi's still serene waters, to enjoy untouched forests and plains, and to swim and fish in water of superb quality.

From the standpoint of a wild river experience, Itasca State Park, at the source of the Mississippi, embraces roughly 50 square miles of exceptional wilderness, forested with virgin Norway and white pine. The Chippewa National Forest adjacent to the Mississippi offers miles of clear northern water with excellent stands of pines and an abundance of wildlife. Rugged beauty can be seen near Ball Club Lake where the river becomes exceedingly tortuous, and a double stream of water encloses a series of large islands.

The early history of Minnesota and the conquest of the frontier unfold mile by mile along the riverway. Ancient Indian mounds and battlefields, early routes of exploration, and pioneering trading posts. Fort Ripley, Minnesota's second oldest military post, from which Zebulon Pike, Sieur Duluth, Father Hennepin and Jonathan Carver set out upon their historic voyages, can be found along the banks of this stretch of the river.

The geologic origins of Minnesota are also traced along the Mississippi from the ancient bed of glacial Lake Aitken, where the river meanders across a broad alluvial plain to the glacial till stretching south toward St. Cloud and further downstream to the Anoka Sand Plain where fine sand through the years has formed striking dunes visible from the river.

At least 52 different species of fish have been identified in the Upper Mississippi, including Walleye, Northern Pike, Yellow Perch, Small-

mouth Bass, Black Crappie, and Muskie. Wildlife of all shapes and sizes abound in the river valley, and rare and endangered species native to the North Central Region of the United States are frequently sighted there.

The entire river segment proposed for study under the National Wild and Scenic Rivers Act enjoys excellent scenery. Clear, tree-lined lakes, waterfalls, pine forests and valleys offer at times a quiet a spectacular view of the river as it has remained untouched for centuries. Even the community of St. Cloud, one of the most developed along this stretch of the river, still largely fits the description of a special correspondent from Harpers Magazine who wrote the following in 1859:

St. Cloud is today of only three years growth and though it has a couple of fine hotels, a large number of stores and is tastefully laid out, it is less remarkable for its size, its rapid progress and the good quality of its components than for its natural beauties and picturesque location. It stands on a high wooded bluff, at the bend of the Mississippi, and is on all sides surrounded by trees.

Some 1,700 resorts located within easy access of the river attest to the appeal this area holds for recreationists. The Mississippi offers opportunities for fishing, camping, hiking, canoeing, swimming, boating and many other water based sports. Given the proximity of the Upper Mississippi to the Twin Cities Metropolitan area and to the Duluth-Superior ports, the demand for such recreational activities is high and rapidly growing.

But the increasing recognition of the Upper Mississippi as a high quality recreational resource constitutes a threat to its wild and scenic river characteristics. This is especially true in the counties nearest Minneapolis-St. Paul where the character of the river valley is expected to rapidly change from agricultural to residential-commercial. Anoka, at the southern boundary of the proposed study area, is, according to the latest figures, the fastest growing county in the State. To get an idea of the tremendous development pressures on the river, one need look only to the figures on building permits and plats in 1973. For Wright County there were 90 such permits and 14 plats containing up to 250 lots per plat in 1973. For Stearns County there were 181 permits and 15 plats. In Sherburne County there were 160 permits and 6 plats. Existing plats alone could lead to 10,00 or more new housing units in the lower segment of the valley.

The State of Minnesota, in approving the 1973 State Wild and Scenic Rivers Act, officially responded to the obvious need for action on behalf of the Upper Mississippi by selecting it as one of 16 rivers in the State to be studied for possible protection under that Act. The Minnesota Department of Natural Resources is moving forward on the evaluation of the Mississippi between Anoka and St. Cloud—the segment that is under the most intensive pressure for development. But this study in itself constitutes a formidable task for that Department, and even after the State study is complete, there are severe limitations on the ability of the Department to effectively control development along the river. Currently, there are no funds whatsoever for acquisition, and the State lacks the condemnation authority pro-

vided under the National Wild and Scenic Rivers Act. Voluntary cooperation through zoning and willingness not to develop on the part of thousands of private landowners and numerous communities would be required to preserve the Mississippi under such circumstances. A Federal study will help determine whether these protective tools alone are sufficient to hold the actions of developers in check without the fee title and easement acquisition authority and funding provided by the Federal Wild and Scenic Rivers Act.

8. THE AMERICAN RIVER, CALIFORNIA

(35) American, California: The North Fork from Mountain Meadow Lake to the Auburn Reservoir and the lower 7.5 miles of the North Fork of the North Fork.

The North Fork of the American River originates in the Tahoe National Forest in eastern Placer County at an elevation of 7,000 feet, and joins the Middle Fork at Auburn to form the American River. The 46 miles between the Cedars, a private resort near Soda Springs, and the Auburn Reservoir, under construction by the Bureau of Reclamation, would be studied. This portion of the North Fork has both wild and scenic characteristics, comprising a landscape of contrasting beauty and a variety of scenic features, including broad panoramas, views of the steep canyon, numerous tributaries, great gorges, waterfalls, wooded canyons, and many wildflowers.

The North Fork of the American River from the Cedars to Colfax remains one of the last undisturbed stretches of wild river in the Northern Sierra Nevada. For nearly forty miles, the river winds through a scenic canyon, inaccessible except by foot trails which wind precipitously along tributaries and through notches to the canyon floor. Except during heavy spring runoffs, the water runs perfectly clear on its pebble bed, potable throughout and free from contamination. The North Fork originates in the western part of Placer County near Lake Tahoe and joins the Middle Fork at Auburn to form the American River. The river generally flows west to southwest and is bounded on the north by the watershed between the American and Yuba River basins along which runs Interstate 80, and on the south by the Foresthill Divide, whose back country separates the North Fork from the Middle Fork and Rubicon Rivers.

From the towering cliffs of Royal Gorge and Giant Gap to the spacious meadows and pine forest of Green Valley, the entire length of the North Fork affords unparalleled vistas of Northern Sierra terrain. The river here forms an important wilderness river fishery for native rainbow trout and other species, and lies within the heart of the Blue Canyon winter deer range. Along the tributaries, picturesque mines and placers long abandoned and reclaimed by nature testify to the rich human history of the area. On river camps and bars, remnants of old vineyards and orchards bring to mind the flourishing settlements of mining days where some of the most prominent men of the state and some of the roughest went to seek their fortunes.

There appears to be little controversy over the proposed study of the North Fork. The State of California already has demonstrated its support for wild river protection as the State Legislature added a portion of the river to the California Wild Rivers System in 1972.

The State statute, however, applies only to State and private lands, while in the case of the North Fork canyon more than 50 percent of the property is Federally owned. S. 3022 would insure that the entire stretch would be considered as a unit. And if the study is favorable and Congress responds that both the Federal and State segments would receive protection.

As the Department of Agriculture has concluded from a field examination that the North Fork of the American River above the Cedars and extending to Mountain Meadow Lake and the lower 7½ miles of the North Fork of the North Fork also are undisturbed and should be studied, they have been added to the description of the river segments to be studied.

9. THE TUOLUMNE RIVER, CALIFORNIA

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

The 158-mile long Tuolumne River begins in mountainous Tuolumne County, California, and then meanders through agriculturally-rich Stanislaus County. The upper 96 miles are proposed as a study river.

This river, which is the fifth largest flowing from the Sierra Nevada, has its source on 13,053 foot Mt. Dana in Yosemite National Park and on Mt. Lyell, the highest peak in the Park.

The first flowing water can be seen near 12,000 feet where it emerges from the Lyell Glacier. The John Muir Trail and the Pacific Crest Trail follow the Lyell Fork for more than 11 miles. The Lyell and Dana Forks join near a campground in Tuolumne Meadows and continue as a placid high mountain stream of exceptional clarity, which is often filled with small trout.

Suddenly the river starts its swift descent, passing over Waterwheel Falls and enters the Muir Gorge, passes through Hetch Hetchy Valley, the smaller twin of Yosemite Valley. Hetch Hetchy is now a reservoir supplying drinking water to 8% of California's population. It contains numerous waterfalls, both thunderous and light.

As the river leaves the Park and enters the Stanislaus National Forest, the vegetation in the 2000-foot deep canyon changes from bare granite slab to chaparral and scattered pine. Still descending at 100 feet per mile, the 12-mile stretch below Hetch Hetchy and the 8-mile stretch below Cherry Creek confluence is deserted except for wildlife and an occasional fisherman.

The next 15 miles in the Stanislaus National Forest below Lumsden Campground, followed by 3 miles administered by the Bureau of Land Management, comprise what many regard as the best white water canoe and kayak stretch in California. With a gradient of from 45 to 35 feet per mile, this stretch provides a truly exciting white water raft run.

The Federal agencies regulate commercial raft operations at a level that preserves the wild environment as well as the feeling of solitude. The commercial raft use of this stretch was 2300 paid customer days in 1973.

Fishermen carefully guard the location of the pools that contain trophy-size native trout.

Next the river passes under Wards Ferry Bridge and enters the Don Pedro Reservoir with water level about 830 feet above sea level. This reservoir is a multipurpose project owned and operated by the Modesto and Turlock Irrigation Districts and the City and County of San Francisco.

Nearly all of the 96 miles of the river designated for study and the land within sight of it is federally owned or administered by the City and County of San Francisco, except about one mile of scattered, inactive mine claims. No commercial timber is within sight of the river. In this 96-mile stretch 10 bridges span the stream; five of these are wooden footbridges and one other has no floor. San Francisco administers portions of the river at Hetch Hetchy Reservoir and for about 2 miles at Early Intake where their powerhouse, aqueduct intake dam, switchyard, overhead transmission lines, one of the road crossings, and the only permanent dwellings within sight of the river are located. Also there are also a number of mine buildings and historical structures along the 96 miles, plus two or three stream gauges, four campgrounds, two concessioner-operated camps, and a rumor of Indian caves in the steep canyon side. The general feeling, however, is of a rugged and remote place, largely unchanged by man.

In some areas along the river there is pressure by people desiring freer access to the river and for increased use by commercial raft companies and private white water boaters. Proposals for construction of dams and diversions of water for power generation have been in the early stages of investigation by the City and County of San Francisco for the last seven years.

10. THE ILLINOIS RIVER, ARKANSAS AND OKLAHOMA

(37) Illinois, Arkansas and Oklahoma: The entire river from Tenkiller Ferry Reservoir upstream to its source, including the Flint and Barren Fork Creeks and excluding Lake Frances.

The Illinois River originates in northwest Arkansas and flows first northerly, then curves westerly through the Ozark National Forest, and finally flows southwesterly into east central Oklahoma. The main stem is approximately 125 miles long and the major tributaries run for approximately 130 miles.

The upstream areas are in forested Ozark mountain country of exceptional beauty. The watershed is sparsely populated and has abundant wildlife including great blue and green herons and egrets. Above Lake Frances the stream would appear to be an excellent candidate for wild river classification.

Below Lake Frances the river becomes more pastoral and the threat of commercialization more imminent. Agricultural activities and summer homes sometimes intrude to the water's edge. Here the water quality is still good and the fishing excellent, especially for black and spotted bass.

Seventy-five canoe liveries are reported on the river with several hundred canoes being rented. There is considerable use by boating and fishing enthusiasts as well as swimmers and hikers.

About 25 to 30 percent of the river appears to be national forest and the balance essentially in private ownership. The Oklahoma Scenic Rivers Act of 1970, designates the river from above Tenkiller Ferry Reservoir and its tributaries, Flint and Barren Fork Creeks, as initial components of the system.

S. 3628, as introduced by Senators Bellmon and Bartlett on June 12, 1974, proposed only the Oklahoma portion of the river for study. Subsequently, however, the Administration submitted its proposal, S. 3708, which would designate the Arkansas segment, as well. At the request of Senators Fulbright and McClellan, the Arkansas segment, the segment of truly exceptional beauty which bears the characteristics of a wild river, was added to S. 3022, as amended.

11. THE SHEPAUG RIVER, CONNECTICUT

(38) Shepaug, Connecticut: The entire river.

The Shepaug is a surprisingly untouched river located close to several of the country's major population centers. It is within an hour's drive of 10 Connecticut cities. Along most of its 25 mile length it is bordered by forest, and the only homes are well back from the river or screened by vegetation. Water quality is excellent. The Appalachian Mountain Club's canoe guide says the river "provides some very fine, not too difficult white water running." While most of the remaining areas are accessible only by unpaved access roads, there is one 10 mile stretch below Washington Depot on which there is no road access and the setting is one of wilderness character. In some spots, the river becomes a torrent of white water and rapids running through a series of gorges which rise up more than 700 feet.

The Shepaug River valley remains if not the only, at least one of the very last, largely undeveloped major watersheds in southern New England. Over twenty-five miles of forested hills are scarcely broken by three small, essentially rural communities.

The American Indian has lived in this region for at least 9,000 years—at times in vast numbers and with a highly evolved culture. One five-mile stretch of the river now being explored by local archaeologists contains eight Indian sites, most of which were occupied for 5,000 years or longer.

The Shepaug is now threatened by development. Four sites for damming it are already sketched on topographical maps—along with projected 345 kv transmission lines which would cut a path parallel to the river.

12. THE COLORADO RIVER, COLORADO AND UTAH

(39) Colorado River, 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.

The Colorado, like the Mississippi which is also among the rivers which have segments for study under S. 3022, as amended, needs no introduction to anyone remotely familiar with American geography or history. Like the Mississippi, the Colorado has been subject to

intense developmental pressures. However, unlike its sister, the Colorado has also always been recognized for its recreational qualities.

The Colorado is a wide river, averaging upwards of 400 feet, of navigable depth (up to 20 feet). The flow is subject to rapid and extreme fluctuations somewhat regulated by upstream and tributary impoundments. The entire length is boatable in the spring season and does enjoy considerable boating use. The course is stable, but there are changeable sandbars. Together with the Dolores River, also to be studied under S. 3022, as amended, the river offers entrenched and colorful canyon areas, white water, and rugged canyon country terrain. The segment of the Colorado River to be studied includes a flat water stretch through the Ruby Canyon of the Colorado side and a wild water stretch in Westwater Canyon on the Utah side. Vegetation is sparse and features principally desert types with some cases of cottonwood and other water-loving types at springs. There is a modest sport fishery, with catfish the dominant catch. Mule deer, rodents, reptiles are common; bighorn sheep, rabbits and chukar occur along the river.

In addition, the River and its side canyons possess unique geological and paleontological values beyond the semiarid desert canyon atmosphere it presents to the visitor. Dinosaurs were once prolific in the area and gastroliths can still be found there. The ages revealed by the river's carvings engender a sense of timelessness to the river traveler.

Water quality is still relatively good. Access is available by roads, but portions of the river are relatively inaccessible.

13 THROUGH 23. THE GUNNISON, LOS PINOS, BIG THOMPSON, GREEN, CONEJOS, ELK, CACHE LA POUDBRE, PIEDRA, ENCAMPMENT, YAMPA, AND DOLORES RIVERS, COLORADO

(40) 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.

(41) 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.

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

(43) Green, Colorado: The entire segment within the State of Colorado.

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

(45) Elk, Colorado: The segment from its source to Clark.

(46) 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.

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

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

(50) Dolores, Colorado: 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; the segment of the main stem from Rico upstream to its source, including its headwaters; and the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem.

The rivers of the State of Colorado are of vital importance to the nation. Six major rivers of the West have their sources in Colorado's mountains: Colorado, Rio Grande, Arkansas, North and South Platte, and Republican Rivers. The waters of these rivers flow out of the State into eighteen neighboring States. Colorado, itself, has 231 rivers, traveling a total of 14,000 miles within the State. The Bureau of Outdoor Recreation of the Department of the Interior has found that only 90 of these Colorado rivers, totalling 3,400 miles, remain, which have significant free-flowing waters. Yet even these 90 rivers are under constant threat of impoundment or diversion.

Of course, impoundment and diversion lessens the opportunity for canoeing, kayaking, rafting and other forms of river-running recreation. However, other recreational pursuits are also threatened by such development. According to the Colorado Division of Wildlife, fish life has been virtually eliminated from over 2,800 miles of Colorado streams by dams, channelization, stream alteration, and pollution. Since 1900, 220 miles of prime trout streams have been lost to on-stream construction of reservoirs. The Division estimates that within the next three decades between 250 to 500 stream miles where fishing now occurs will be eliminated by water resource projects. The fishery values of such streams range from \$28,500 to \$50,000 per stream mile and are increasing rapidly.

In short, these remaining freeflowing rivers provide countless hours of recreation and peace of mind for many Coloradans, as well as tourists from all over the United States. Summer tourism brings in over \$550 million per year and a substantial part of Colorado's image revolves around its mountain streams.

Despite the importance of Colorado's rivers and the increasing pressure to impound and divert them, not one of them is a component of the wild and scenic rivers system. Nor have any of them been designated for study.

S. 3022, as amended, would designate, in addition to a segment of the Colorado River, segments of eleven of these ninety remaining rivers

with freeflowing waters. All eleven rivers were on the list of fourteen rivers contained in S. 2319, introduced by Senator Dominick on August 1, 1973, and two of those are also contained in the Administration proposal, S. 3708. In several cases, to be discussed below, alterations were made in the segments to be studied. The three rivers in S. 2319 deleted from S. 3022, as amended, are the North Platte, Laramie, and Michigan. These rivers were withdrawn at the joint request of Senator Dominick, sponsor of S. 2319, and Senator Haskell, Chairman of the Subcommittee on Public Lands which gave the initial consideration to both bills. The reason for the deletion was the very high percentage of private land along the three rivers and the excellent voluntary efforts by the landowners—most of whom are ranchers—to preserve those rivers' wild and scenic river characteristics which they themselves cherish. The other Colorado river in S. 3708—the White—was dropped because of the lack of a hearing record on it in this Congress. It will be the subject of hearings when S. 3708 is given consideration in the next Congress.

The eleven Colorado rivers were discussed more fully in hearings than any of the other twelve rivers which subsection (a) of S. 3022, as amended, would designate for study. S. 2319, which contains all eleven rivers was considered in a field hearing by the Subcommittee on Public Lands in Durango, Colorado on May 13, 1974, as well as the Washington, D.C. hearing on June 20, 1974. None of the other twelve rivers were the subject of field hearings.

The eleven Colorado rivers possess a unique variety of plant and wildlife, scenic, historic, archeological and recreational values and display an extraordinary range of environments from desert to alpine, from forested mountains to rocky canyons.

The *Dolores River*, known to Indians for centuries and first visited by the Fathers Escalante and Domingues on August 11, 1776, in the course of their wanderings toward the settlements of Monterey, still contains today much of the mystical charm it held then. The river is best known for its striking desert environment, its red brown waters, its natural sandstone canyons, and its primitive cliff dwellings and pictographs.

The most popular stretch is that between Cahone and Bedrock. From Cahone to Slickrock, the river undergoes a startling transition from a subalpine to a desert stream. It is rare to be able, in a single day's journey, to travel so abruptly from one zone to the next. Its value is further heightened by the consideration that this is one of the very few remaining rivers anywhere in the United States with this type of character and which is still largely in its natural state.

Between Slickrock and Bedrock, the Dolores becomes a true desert river, with many interesting side canyons to explore. However, its most spectacular feature is its narrow, deep, sandstone canyon of sheer red walls and fantastic overhangs. It is the only known example of a Glen Canyon type formation with a navigable river flowing through it in the United States. In contrast to the part from Cahone to Slickrock, which requires expert boatmanship to run, this part provides a most beautiful 3-day trip which an amateur can easily make.

The Dolores differs from other desert rivers in that its flood waters are icy cold, its descent rapid, its channels more rock cluttered, and its lability of flow more extreme.

S. 2319 originally called for a study of the entire Dolores and its West Fork from their sources to the Utah border. However, the Committee gave consideration to a point made by a representative of the Dolores Water Conservancy District at the Durango hearing:

We suggest that the Dolores River above the proposed McPhee Dam be excluded from S. 2319 in that essentially all of this reach of stream valley is currently developed and used for ranching enterprises.

Because of the high percentage of private ownership above the proposed McPhee Dam and in light of the desire of the two Colorado Senators not to interfere in any way with the Dolores Reclamation Project (see discussion below), the request of the District was honored when the Subcommittee on Public Lands ordered S. 2319 reported to the full Committee on July 29, 1974 with only the stretch below the McPhee Dam designated for study.

Subsequent to the Subcommittee's action, the Subcommittee Chairman received the following communication from the Dolores Water Conservancy District.

In response to proposed Senate bill 2319 as it would affect the Delores Reclamation Project, the board of directors of the Delores Water Conservancy District, is vitally interested and it is the consensus of the board that the inclusion of that part of the Delores River approximately 1 mile below McPhee Dam: described as, beginning at the west boundary of section 2, township 38 N, range 16 West, NMPM to the river bridge near Cahone, Colo., would be necessary and advantageous to the Project development.

The reason for the inclusion of this part of the Delores River in Senate bill 2319 is that it would be compatible with the proposed storage release of water for the enhancement of fisheries and wildlife which is an integral part of the Project development.

In addition, it is also the consensus of the board of directors of the Delores Water Conservancy District, that the inclusion of the West Fork of the Delores River from Dunton, Colo., to its headwaters and the east fork of the Delores River from Rico, Colo., to its headwaters should receive consideration in Senate bill 2319, for study under the national wild and scenic rivers act as these rivers afford excellent fishing and recreation areas, and we do not believe that they should in any way interfere with the Delores Reclamation Project.

We hope this information will be of value to you and your committee and the final draft of the proposed study bill. If we can be of assistance to you in any way, please let us know.

Reflecting this suggestion, the full Committee, in its mark-up of S. 2319, added the headwaters of the main stem upstream from Rico to its source. However, the Committee also added the entire West Delores from Forks to its source, not just the headwaters above Dunton as suggested by the District. Although the West Delores does contain a good percentage of private land, a close study of the map revealed that, as easy access to the river is possible, the land would not be threatened by easement condemnation.

Finally, the Subcommittee and full Committee excluded a stretch of river in the Paradox Valley in Montrose County so as not to interfere with the Paradox Valley unit of the Colorado River basin salinity control program. The unit was authorized in section 202(1) of the Colorado River Basin Salinity Control Act (Act of June 24, 1974, 88 Stat. 266, 271).

Paradox Valley is underlain by a collapsed salt dome known to be 14,000 feet thick. Within the valley, the pure salt source is within 60 to 100 feet of the ground surface. The Dolores crosses the valley near its midpoint and picks up over 200,000 tons of salt annually from rising groundwater entering the river. This area has been under consideration as a salinity control project for many years.

Detailed investigations began in 1972 with the installation of stream gauging and water quality stations. Data from these stations verified earlier estimates of the quantities of salt being added to the river system. Geophysical surveys and exploratory drilling conducted in 1972 and 1973 defined the area of salt pickup and the movement of saline groundwater into the river. At about mid-valley there is a sharp interface between the saline and fresh groundwaters which appears to be stable. A test well has been drilled into the fractured salt dome cap and pumping tests performed to evaluate the proposed control plan.

The results of this testing indicate that the salt being added to the Dolores in Paradox Valley can be effectively controlled by pumping saline groundwater from the brine zones. The estimated annual removal of salt by the proposed program is 180,000 tons.

The project plan for the unit calls for the installation of a field of about 8 brine wells, 250 feet deep, that would lower the fresh water-brine interface by pumping, thus preventing the brines from rising to the ground surface and entering the river. The pumped brines would be conveyed about 20 miles from the well field at an elevation of 4,940 feet, through a series of pumping stations, to the proposed Radium evaporation reservoir at about 7,000 feet elevation. Radium reservoir would be constructed on an impervious, marine shale. Tests indicate that there would be no leakage from either the dam or reservoir.

The U.S. Bureau of Reclamation estimated cost of construction, based on 1973 prices, for the brine wells, pumping plants, pipeline, and evaporation reservoir is \$16 million, and interest during construction raises the total capital costs to \$17,650,000. The annual operation, maintenance and replacement costs based on the expected life of equipment and a 6 $\frac{7}{8}$ % interest rate is \$350,000. Total annual costs, including amortization of the capital costs over 100 years at an interest rate of 6 $\frac{7}{8}$ % would be \$1,600,000.

The importance of the unit and the reason for deletion of this portion of the Dolores from study can be demonstrated by the following statistics: The unit, once constructed, could remove 180,000 tons per year of salts from the Colorado River system. This would reduce the river's salinity at Imperial Dam by 20 ppm in the year 2000. This would result in a reduction in damages to users of \$4,600,000 per year, for a benefit/cost ratio of 2.9 to 1.

The *Green and Yampa Rivers* also offer desert type canyon experiences, though rather different from the Dolores. The Upper Green River actually cuts through the east-west Uinta Mountain Range,

rather than run along it as rivers conventionally do. This is analogous to the Lower Dolores River cutting across Paradox Valley (thus its name) rather than threading its length. Both the Green and Yampa are rather large rivers, possessing exciting, heart-stopping rapids. The Yampa, one of the few Colorado rivers which is free-flowing throughout its entire length, is characterized by high canyon walls, cactus, and pinyon trees. The Green is a beautiful desert river with medium-to-wide stretches bounded by sandstone cliffs. The upper portion of the Green is an excellent natural fishery. Bighorn sheep and mountain lions inhabit the isolated canyons which the two rivers have carved in the Dinosaur National Monument. Taken together, the Dolores, Yampa, and Green offer the first opportunity to preserve examples of desert river eco-systems in the national wild and scenic rivers system. Both rivers are exceptionally popular for boating. The segment of the Yampa designated for study lies entirely within the National Monument. A stretch above the Monument was deleted because of the extensive private holdings along its banks. Approximately 70% of the Green lies within the National Monument and much of the remainder is on the lands of the Browns Park National Wildlife Refuge.

Not all rivers deserve protection due to their recreational potential. Some, like the *Gunnison River* as it fights its torturous path through the famed Black Canyon National Monument and BLM's Gunnison Gorge, have unique natural attributes unequaled elsewhere in the Nation. This stretch grinds its way through spectacular canyons and Precambrian formations. The isolation provided by these canyons makes them prime wildlife habitat. Bobcat, mountain lion, prairie falcon, ravens, and golden and bald eagles are all residents of the canyons, but the most significant species found in the lower sections are peregrine falcon and ospreys. The Colorado Division of Wildlife has identified the Gorge area as an exceptional habitat for peregrine falcon and ospreys. Dr. Anderson of Colorado College, a raptor expert, has reported that fewer than half a dozen pairs of peregrine or ospreys exist in the entire State. The topography of the canyons, the delicate soils, and the solitude required for the eagle, peregrine, osprey, bobcat, and Bighorn sheep make the Gunnison a river imminently suitable for study as a potential wild and scenic river.

Most of the remaining streams—the Los Pinos, the Poudre, the Conejos, the Elk, the Piedra and the Encampment—are primarily noted for their scenery and wildlife and fishing opportunities.

The *Conejos River* originates along the Continental Divide east of Pagosa Springs and flows approximately 50 miles before its junction with the highway. It is a good trout stream with naturally propagating populations of brown trout, cutthroat, and eastern brook trout. The river ecosystem supports a variety of wildlife including the especially rare and endangered peregrine falcon. One pair of peregrine falcon has been sighted in the main canyon of the Conejos River.

The early portion of the segment borders the South San Juan roadless area and the entire segment lies within the Rio Grande National Forest. The Platoro Reservoir (built in 1951 for irrigation and flood control purposes) was excluded from, and the three forks were added, to the river description in S. 2319.

Both the *Los Pinos River* and the *Piedra River* have their sources high in the mountain peaks of the proposed Weminuche Wilderness (S. 1863, passed the Senate on February 7, 1974, and H.R. 12884, passed the Senate on August 1, 1974). The segment of Los Pinos to be studied lies entirely within the proposed wilderness, while the Piedra flows south through the First Fork Roadless Area. The First Fork Roadless Area is a presently untouched section of the San Juan National Forest with an exceptional stand of virgin timber. Except for the rugged box canyons of the Piedra, it is generally characterized by relatively wild terrain with comparatively easy accessibility. The timber contained here is an unusual example of the original terrain found in the State. Due to the absence of roads in the river drainages, very excellent fisheries have been maintained in both the Los Pinos and the Piedra. Both river systems support large and growing populations of elk and black bear. Consequently, in this area there is intensive outdoor recreation in the form of elk and bear hunting. Rocky Mountain goats have been sighted on Pyramid Peak at the northern end of the Piedra drainage. Bald and golden eagles winter in the southern Los Pinos River area. As their natural diet is fish, these eagles use sections of the Los Pinos, Piedra, and the Animas River as a food source during the winter. The Colorado Division of Wildlife in Durango states that recent evidence indicates that the grizzly bear still survives on a limited population in these two drainages. The San Juan National Forest is the only forest in Colorado in which grizzlies are believed to exist, and the Los Pinos and the Piedra River drainages are two of these prime grizzly areas.

Ranking as one of the two best recreational rivers in the Denver area, the *Poudre River* sports the dual advantage of possessing prime white water and an excellent fishery. One of the best white water rivers in Colorado, the Poudre accommodates a wide range of boating skills. Beginner and intermediate boating capabilities are suitable for the lower reaches. Further upstream is the site of the 1972 Olympics qualifying slalom course where, for the past four years, the Poudre wildwater and slalom race has been sponsored by the Colorado White Water Association. An excellent natural spawning stream for trout, the Poudre is the subject of fishery research conducted by Colorado State University and the Colorado Division of Wildlife. A major portion of the Poudre is located in the Rocky Mountain National Park and Comanche Roadless Area. Virtually all of the segment lies within the park boundaries and the boundaries of the Roosevelt National Forest.

The *Encampment River* flows north to the Wyoming border through a choice wilderness setting of heavy virgin forest adorning gently rolling hills and with occasional openings into verdant parks. Much of the area is proposed as an extension to the Mt. Zirkel Wilderness. The Encampment and its tributaries boast not only an outstanding and singular wilderness environment, but also large self-sustaining populations of brown and rainbow trout. There is no private property along the segment designated for study.

The *Elk River* originates just across the continental divide from the Encampment in the Routt National Forest and flows 30 miles south

and southwest within the national forest until it reaches Clark, the termination for the segment designated for study. A beautiful stream, bordered by conifers and narrow canyons, the Elk possesses a medium flow of quality water. It offers excellent fishing for rainbow trout and enjoyable boating through fairly continuous rapids.

None of these rivers has escaped totally from suggestions of alternative use, whether it be mining (e.g., Piedra, Los Pinos, and Dolores), timbering (e.g., Encampment and Piedra), or impoundments (e.g., Gunnison and Dolores).

The Committee took special recognition of three impoundment possibilities. The first is the Dolores Reclamation Project authorized by the Congress on September 30, 1968 as a part of the Colorado River Basin Project Act (P.L. 90-537). Through storage at the McPhee Reservoir site, located immediately downstream from Dolores, Colorado, it would develop surplus flows of the Dolores River for municipal, industrial, rural, domestic, irrigation, flood control, recreation, and fish and wildlife purposes. It would include a substantial development of the resources of Ute Mountain Indian land and would aid an area of Southwestern Colorado which is in need of economic development.

As noted earlier, because this project is in the advanced planning stage and the question of compatibility of the McPhee Dam and the proposed wild and scenic river segments below it has not been determined with certainty, the study of the Dolores would be limited to a one plus year period. In addition, the McPhee Dam and Reservoir are specifically excluded from the segments under study. Although the Committee felt this deletion was unnecessary, Senators Haskell and Dominick requested this action in order to reassure local residents of their intention that the wild and scenic river study was not to interfere with the Dolores Project.

Also on the Dolores in the Paradox Valley is the proposed Paradox Valley project authorized in section 202(1) of the Colorado River Basin Salinity Control Act (88 Stat. 266). As discussed above in this section of the report, a segment of the Dolores in the valley has been deleted to accommodate this project.

Finally, the Committee noted that the City of Delta, Colorado, has a conditional decree out of the Gunnison River for domestic water purposes. The point of diversion is located on the left bank of the Gunnison River south of the South Fork at a point 1,420 feet west and 1,000 feet south of the east one-quarter corner of Section 24, Township 15 South Range 94 West of the 6th P.M. The Committee believed that exclusion of this diversion point should not be made at this time, because unlike the Dolores, the Gunnison is not otherwise divided into separate segments for study and unlike the McPhee dam, the Delta diversion is not in as an advanced state of planning. However, the Committee wishes it clearly understood that the entire segment of the Gunnison is designated for study only at this time. The Committee will take a fresh look at the proposed diversion at such time as it might consider legislation to designate the Gunnison a permanent component of the wild and scenic rivers system.

III. THE WILD AND SCENIC RIVERS ACT AND ITS RELATIONSHIP TO THE RIVERS TO BE STUDIED PURSUANT TO S. 3022

Very few of the 3 million miles of rivers and tributaries of the United States appear as they did two or three centuries ago. Rivers have been altered and dammed for flood control, navigation, hydroelectric power, water supply, and irrigation. These uses of rivers were clearly necessary for the development and settlement of this nation. Our modern economy, despite its intensive use of advanced technology, has not lost its dependence on our water resource.

Early in the sixties, however, there developed a new concept in our national management of water resources: the protection of free-flowing rivers. In 1965 a study by the Secretaries of Agriculture and the Interior recommended that rivers be protected from dam construction and be preserved in a "wild and free-flowing" state. In 1968, under the leadership of Senator Frank Church and Representatives Wayne Aspinall and John Saylor, Congress enacted legislation which embodied this recommendation—the Wild and Scenic Rivers Act (82 Stat. 906).

The new management concept of preserving free-flowing rivers was forcefully expressed as national policy in the Act's introductory provisions:

... certain selected rivers of the Nation which, with their immediate environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares 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. (Section 1(a).)

The Act fleshes out the management concept in the following manner:

1. *The River Study.* Even if S. 3022, as amended, were to be enacted by Congress, it would not automatically place the segments of the 23 rivers named in subsection (a) in the national wild and scenic rivers system. The Wild and Scenic Rivers Act requires that each river be reviewed in great detail, with full participation of the public involved, before a decision is made to include or exclude it in or from the system.

First either the Forest Service in the Department of Agriculture or the Bureau of Outdoor Recreation in the Department of the Interior must conduct a study of each river segment to determine if it meets the qualifications for inclusion. Each study must not only discuss the river's qualifications but also show, among other things, the current status of land ownership and use; reasonable, foreseeable, potential uses of the land and water which would be enhanced, fore-

closed, or curtailed if the area were included; and the estimate of the cost of acquiring necessary lands and interests in land and administering the area as a wild and scenic river.

Furthermore, the Act specifically states that each study "shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act."

Before each study can be transmitted to the President and the Congress, it must be submitted for comments to the Secretary of Agriculture, Secretary of the Army, Chairman of the Federal Power Commission, the head of any other affected Federal department, and the Governors of the relevant States.

Most important, the Wild and Scenic Rivers Act requires that, as an integral part of each study, a hearing, with full advance notice, must be held in the vicinity of the river segment. All interested parties are to be heard.

Finally, even if the President's recommendations to Congress on a particular river segment are favorable, the Interior Committees of both the House of Representatives and the Senate must hold additional hearings and both Houses of Congress must pass a bill before that particular segment can officially become a component of the national wild and scenic rivers system.

2. *The Multiple Use Approach.* Because the word "wild" is a part of the Wild and Scenic Rivers Act, many assume that the wild and scenic rivers areas are treated like wilderness areas. It is completely erroneous to make an analogy between the Wild and Scenic Rivers Act and the Wilderness Act. The Wild and Scenic Rivers Act should more properly be considered a multiple-use act, save one use. The only use strictly prohibited is impoundment; the river segment must remain free flowing.

The Wild and Scenic Rivers Act sets forth three management categories into which various sections of a wild and scenic river may be placed:

The "recreational" river category refers to river sections readily accessible by road or railroad which may have some development along shorelines and which may have undergone some impoundment or diversion in the past.

The "scenic" river category is given to sections of rivers free of impoundments with shorelines and watersheds largely undeveloped but accessible in places by roads.

The "wild" river category is reserved for those sections of river segments which are free of impoundments and generally inaccessible except by trail, with watershed and shorelines essentially primitive and unpolluted.

In the first two categories, most traditional uses—roads, bridges, residences, farming, grazing, timber harvesting, hunting and fishing, and various commercial activities—may be allowed. Even the most restrictive management category—that of "wild" river—limits development activities less than is done in areas under the Wilderness Act.

The Wild and Scenic River Act does not interfere substantially with the mining and mineral leasing laws, except under the "wild" river category where mineral development may be limited within a quarter mile from the bank of the river. The Act provides that claims

perfected and leases let in a river corridor after its inclusion in the system may be operated subject to regulations designed to protect the natural values of the river. Prior claims and leases are not subject to such regulation.

The designation of any river segment is not a reservation of its waters for purposes other than to preserve the river in a free-flowing state. The State's jurisdiction over waters of any river is not affected, and the Act in no way changes established principles of existing water law. The waters above or below a wild and scenic river are not affected as long as water projects do not invade or significantly detract from the scenic status of the designated river segment.

The Act's only prohibition concerns water resource projects within the wild and scenic river segment. The segment of the river must continue in its "free-flowing" state to be a part of the system though some minor impoundments may be allowed. But the decision to include the river segment in the wild and scenic rivers system will be made only after it has been decided that the segment is more important for its value as a free-flowing river than the value for a proposed alternative use of its water.

Generally, the Federal lands within wild and scenic river corridors under the jurisdiction of the Agriculture Department are managed according to the principles of the Multiple Use-Sustained Yield Act which are applied to the National Forests. The Federal lands within rivers under the jurisdiction of the Department of the Interior are managed in conformance with the laws relating to that Department's lands.

3. *Effect on Landowners.* The Federal government's authority to acquire land—particularly by condemnation—along wild and scenic rivers is greatly restricted.

First, the boundaries of a designated wild and scenic river are limited to an average of not more than 320 acres per mile on both sides of the river. However, Federal acquisition of lands *by any means* cannot occur everywhere within this corridor. The Act prohibits the Federal government from acquiring land beyond an even narrower corridor of 100 acres per mile on both sides of the river. Beyond that point, the Federal government's acquisition authority would be limited to scenic easements only.

Of course, most landowners are concerned about only one means of land acquisition—condemnation. The Wild and Scenic Rivers Act prohibits Federal condemnation of private property within the 100 acres per mile corridor if 50 percent or more of the corridor's land is in public ownership. Even on rivers where less than 50 percent of the land is publicly owned, condemnation cannot occur freely. First, the Federal government is stopped from further exercising the eminent domain authority as soon as the 50 percent mark is reached. And, second, even if less than 50 percent of the land is publicly owned, private land cannot be condemned if it is within a city or town which has a valid zoning ordinance which conforms to the purposes of the Wild and Scenic Rivers Act. The only exception to these limitations is that condemnation of easements in land (but not fee title) may be employed for the purpose of obtaining access to the river without regard to the percentage of land in Federal ownership.

IV. COST

S. 3022, as amended, does not authorize the appropriation of any funds to conduct the 23 river studies. Experience suggests that the total cost of the studies will be approximately \$3,450,000 or an average of \$690,000 per year. (The river studies are averaging \$150,000 apiece.) These sums will be divided between, and included, as required, in the annual budget submissions of, the Forest Service and the Bureau of Outdoor Recreation.

Whereas the practice has been not to specifically authorize appropriation of funds to conduct river studies in the legislation mandating those studies, authorizations have been included in all legislation designating wild and scenic rivers. These authorizations are for the purpose of land acquisitions in the river corridors. Subsection (c) of S. 2033 amends the Lower St. Croix River Act of 1972 (86 Stat. 1174) by increasing the \$7,275,000 authorization in subsection 6(a) of that Act to \$19,000,000. The result is that S. 3022, as amended, provides for an \$11,725,000 increase in obligational authority.

V. LEGISLATIVE HISTORY

The twenty-three rivers of which segments are designated for study in subsection (a) of S. 3022, as amended, were originally proposed for study in the following bills:

S. 30, Colorado River in Utah, introduced by Senator Moss, January 4, 1973;

S. 449, Colorado River in Colorado, introduced by Senator Dominick, January 18, 1973;

S. 1101, Au Sable and Manistee Rivers in Michigan, introduced by Senators Hart and Griffin, March 6, 1973;

S. 1391, Wisconsin River in Wisconsin, introduced by Senator Nelson, March 27, 1973;

S. 2151, Cahaba River in Alabama, introduced by Senators Allen and Sparkman, July 12, 1973;

S. 2216, West Fork of the Sipsey Fork in Alabama, introduced by Senators Allen and Sparkman, July 20, 1973;

S. 2319, Gunnison, Los Pinos, Big Thompson, Green, Canejos, Elk, Cache La Poudre, Piedra, Encampment, Yampa, and Dolores (also North Platte, Laramie, and Michigan, deleted from S. 3022, as amended) in Colorado, introduced by Senator Dominick, August 1, 1973;

S. 2386, American River in California, introduced by Senators Cranston and Tunney, September 6, 1973;

S. 2443, Upper Mississippi River in Minnesota, introduced by Senator Mondale, September 19, 1973;

S. 2691, Kettle River in Minnesota, introduced by Senators Mondale, Humphrey, Nelson, and Proxmire, November 13, 1973;

S. 3130, Shepaug River in Connecticut, introduced by Senator Ribicoff, March 7, 1974;

S. 3186, Tuolumne River in California, introduced by Senators Cranston and Tunney, March 19, 1974;

S. 3628, Illinois River in Oklahoma, introduced by Senators Bellmon and Bartlett, June 12, 1974; and

S. 3708, Au Sable and Manistee Rivers in Michigan, Green River in Utah and Colorado, Illinois River in Arkansas and Oklahoma, American River in California, and Colorado (including the Dolores) River in Colorado and Utah (and 26 other rivers), introduced by Senators Jackson and Fannin (by request), June 27, 1974.

The following Subcommittee on Public Lands hearings were held on legislation related to wild and scenic rivers:

1. July 16, 1973, Washington, D.C., on S. 1101 and S. 1391.
2. October 10, 1973, Washington, D.C., on a bill to designate the Chattooga River a component of the national wild and scenic rivers system (Act of May 10, 1974, 88 Stat. 122).
3. May 11, 1974, Durango, Colorado, on S. 30, S. 449 and S. 2319.
4. June 20, 1974, Washington, D.C., on S. 30, S. 449, S. 2319, S. 2151, S. 2216, S. 2386, S. 2443, S. 2691, S. 3130, S. 3186, and S. 3628.
5. August 15, 1974, Washington, D.C., on S. 3835 (Hatfield, introduced July 30, 1974) and S. 3708.

S. 1101 and S. 1391 were ordered reported to the Committee by the Subcommittee on Public Lands on July 30, 1973. They were ordered reported to the Senate by the full Committee on September 14, 1973, and were passed by the Senate on September 21, 1973.

S. 1101, S. 1391, and the other measures listed above were ordered reported in a single legislative package to the full Committee by the Subcommittee on July 29, 1974. The Committee ordered reported the package, bearing the number S. 3022, as amended, on September 10, 1974.

S. 3022 was introduced by Senators Nelson, Humphrey and Mondale, on February 19, 1974. It was ordered reported by the Subcommittee as subsection (c) of the legislative package on July 29, 1974. The full Committee ordered the entire package reported with S. 3022's bill number. (For a more comprehensive legislative history of S. 3022 and the Lower Saint Croix River Act of 1972, see Section I of this report.)

All votes taken by the Subcommittee and the full Committee were unanimous, by voice vote, in open mark-up sessions.

The principal changes in the river segments as proposed in the original bills are as set forth below. All changes except the first one were requested by the Senators who sponsored those bills:

1. Colorado River in Utah and Kettle River in Minnesota: S. 30 and S. 2691 would have immediately designated the rivers as components of the national wild and scenic rivers system. The Subcommittee and full Committee followed the policy that all rivers should first proceed through the study procedures established by the Wild and Scenic Rivers Act to determine their potential as wild and scenic rivers before they are so designated.

2. American River in California: The lower 7.5 miles of the North Fork and the upstream portion of the North Fork were added to the segment proposed in S. 2386 for the reasons discussed in section II of this report.

3. Illinois River in Oklahoma and Arkansas: S. 3628 did not contain the Arkansas segment, whereas S. 3708 did. The Arkansas segment was included in S. 3022, as amended, for the reasons discussed in section II of this report.

4. Conejos River in Colorado: The three forks were added, and the Platoro Reservoir excluded, from the segment proposed in S. 2319.

5. Los Pinos and Piedra Rivers in Colorado: The headwaters and tributaries were added to the segments proposed in S. 2319 because they are on national forest land and largely within defacto wilderness.

6. Yampa River in Colorado: The portion of the segment proposed in S. 2319 upstream from Dinosaur National Monument was excluded for the reasons stated in section II of this report.

7. Dolores River in Colorado: The numerous changes from the segments proposed in S. 2319 and S. 3708 are discussed in the description of the Dolores River in section II, and the summary of subsection (c) in section I, of this report.

VI. COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, in open mark-up session on September 10, 1974, by voice vote, unanimously recommended that S. 3022, as amended, be enacted.

VII. TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to subsection (b) of section 133 of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes of the Committee on Interior and Insular Affairs during consideration of S. 3022:

During the Committee's consideration of S. 3022, several unanimous voice votes were taken in favor of amendments. S. 3022, as amended, was ordered reported favorably to the Senate on a unanimous voice vote. The votes were cast in open mark-up session and, because the votes were previously announced by the Committee in accord with the provisions of section 133 (b), they need not be tabulated in this report.

VIII. EXECUTIVE COMMUNICATIONS

The reports of Federal agencies concerning the various bills encompassed by S. 3022, as amended, are set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 11, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

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.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 19, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 3022, a bill "To amend the Lower Saint Croix River Act of 1972."

We recommend against enactment of this bill.

S. 3022 would substitute the figure of \$19,000,000 for \$7,275,000 in the Lower Saint Croix Act of 1972 (86 Stat. 1174). This Act amended the Wild and Scenic Rivers Act to designate a 52-mile segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the National Wild and Scenic Rivers System. The legislation provided that the upper 27 miles will be administered by the Secretary of the Interior and the lower 25 miles by the States of Minnesota and Wisconsin. The Act authorized the appropriation of not to exceed \$7.275 million for the acquisition and development of lands within the 27-mile federally administered section.

Section 3 of the Act directed the preparation of a joint plan by the Secretary of the Interior and the appropriate agencies of the affected

States. The plan must include a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States. The Act prohibited the Secretary from expending more than \$2,550,000 of the funds in the first fiscal year following completion of the plan, and the balance could only be expended by the Secretary when he found that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of that plan.

S. 3022 would amend subsection 6(a) of the 1972 Act to increase the amount authorized for acquisition and development within the 27-mile Federal segment from \$7.275 million to \$19 million, an increase of \$11,725,000.

We are unable to support such an increase until it has been demonstrated that funds now authorized for acquisition are inadequate. The joint plan upon which release of the first portion of the funds depends (the \$2,550,000 mentioned above) has not yet been completed: preparation of an environmental impact statement, one of the final stages in development of the plan, is now underway. Thus, the first dollar of the \$7,275 million authorization has not yet been spent. We believe it would be premature to increase the authorization in advance of actual experience in acquiring lands and easements in the area. It may ultimately be that because of inflation the original authorization was insufficient to provide a meaningful Federal commitment to the joint project. However, there is no indication that the new figure constitutes anything other than a guess at what the appropriate commitment should be. We believe that the logical course is to predicate any revision of the authorization on actual experience in implementing the Federal commitment to the Lower Saint Croix River. Accordingly, we recommend against enactment of S. 3022.

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,

JOHN C. WHITAKER,
Acting Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 19, 1974.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on several bills dealing with additions to the study list of possible wild and scenic rivers, as well as certain bills designating rivers as components of the Wild and Scenic Rivers System, and supersedes certain earlier reports. We recommend against enactment of the following bills: S. 30 (Colorado River in Utah); S. 449 (Colorado River in Colorado); S. 2151 (Cahaga, Alabama); S. 2216 (Sipsey Fork, Alabama); S. 2319 (several rivers in Colorado); S. 2386 (American, California); S. 2443 (Upper Mississippi, Minne-

sota); S. 2691 (Kettle, Minnesota); S. 3130 (Shepaug, Connecticut); S. 3186 (Tuolumne, California); S. 3628 (Illinois River in Oklahoma). We recommend the enactment of the attached substitute bill in their stead.

The substitute bill constitutes the results of an analysis conducted by an interagency committee, consisting of members of this Department and the Department of Agriculture, for the purpose of setting priorities among rivers which have been suggested as additions to the wild and scenic rivers study list. Such a list of priority rivers as that embodied in the substitute bill has become necessary, we believe, because the studies are costly and complicated and because the manpower needed to conduct them is limited. Moreover, the time permitted for such studies has, in effect, recently been constricted by an amendment to the Wild and Scenic Rivers Act from 5 years to 3 complete fiscal years. (P.L. 93-279). In addition, there is already an obligation on the part of this Department and others to complete by 1978 study of several of the 27 rivers originally earmarked for study in the Act. To place rivers, in addition to those selected by the interagency group, on the list of rivers to be studied would compromise the ability of this Department and others to complete existing and projected studies and to devote proper care and attention to them. The failure of a river to appear on the list contained in our substitute bill does not necessarily mean that it should not be studied. Rather, it is the judgment of the interagency committee and of the Administration that rivers on the list should be studied first. Accordingly, we recommend enactment of the comprehensive substitute bill, in lieu of the individual bills before the Committee.

As required by section 5(c) of the Act, we shall study first those rivers most likely to be developed, particularly for energy purposes. This statutory requirement is reinforced by the Administration's goal of achieving energy self-sufficiency under Project Independence. Thus far, we have identified four rivers where energy-related development is likely: the Sweetwater, Wyoming; the Little Missouri, North Dakota; the White, Colorado and Utah; and the Yellowstone, Wyoming and Montana. We will carry out studies of these rivers within 1 year of the date of enactment of our proposed substitute bill. Other rivers are likely to be added to this high-priority group as a result of studies now being done in preparing the blueprint for Project Independence.

We would also point out that there is an additional reason why S. 30 and S. 2691 should not be enacted: both bills would designate components of the Wild and Scenic Rivers System, without the benefit of study as to its suitability for such designation. We believe that it is inconsistent with the purpose of the Wild and Scenic Rivers Act to add new components directly to section 3 of the Act, creating "instant rivers." The Act states explicitly, in section 1(c), that one of its purposes is to prescribe the methods by which additional components may be added to the system from time to time. It then provides such procedures in sections 4 and 5. As the Senate Report, No. 491, 90th Congress, 1st session, on S. 119 stated:

"[T]he committee is cognizant that there are many other rivers throughout the United States which may qualify for the system. The bill establishes procedures by which these may be added." At page 6.

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

Sincerely yours,

JOHN C. WHITAKER,
Acting Secretary of the Interior.

Enclosure.

A BILL To amend the Wild and Scenic Rivers Act by designating certain rivers for study as potential additions to the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Wild and Scenic Rivers Act (82 Stat. 910; 16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(28) AuSable, Michigan: the entire river from its source to Loud Reservoir, including its principal tributaries but excluding Mio and Bamfield Reservoirs, and the main stem from Foote Dam to Oscoda.

"(29) Gila, New Mexico: the segment upstream from the Arizona-New Mexico boundary line to the river's source including its principal tributaries but exclusive of the authorized Hooker Reservoir site.

"(30) Green, Utah and Colorado: the entire river below Flaming Gorge Reservoir, except for the reach from the town of Jensen, Utah, to the boundary of the Dinosaur National Monument.

"(31) Illinois, Arkansas and Oklahoma: the entire river from its source to Tenkiller Ferry Reservoir but excluding Lake Frances.

"(32) Kern (North Fork), California: the main stem from its source to Isabella Reservoir.

"(33) Manistee, Michigan: the entire river from its source to Manistee Lake including its principal tributaries but excluding Tippy and Hodenpyl Reservoirs.

"(34) Mullica, New Jersey: the entire river including its tributaries, Wading and Bass Rivers.

"(35) New, North Carolina, Virginia and West Virginia: the entire river but excluding reservoirs and the potential Blue Ridge Project if licensed by the Federal Power Commission.

"(36) American, California: The North Fork from Mountain Meadow Lake to the Auburn Reservoir and the lower 7.5 miles of the North Fork of the North Fork.

"(37) Shenandoah, Virginia and West Virginia: the main stem, the North Fork from Front Royal to Brocks Gap, and the South Fork from Front Royal to Waynesboro.

"(38) Sweetwater, Wyoming: the main stem from its source to the confluence with Chimney Creek.

"(39) Cacapon, West Virginia: the entire river.

"(40) Columbia, Washington: the main stem from Priest Rapids Dam to McNary Reservoir.

"(41) Guadalupe, Texas: the entire river from its source to New Braunfels but excluding Canyon Reservoir.

"(42) John Day, Oregon: the main stem downstream from North Fork and the North Fork downstream from Baldy Creek and Granite Creek downstream from Clear Creek.

"(43) Little Missouri, North Dakota: the main stem from Marmarth to Garrison Reservoir (Lake Sakakawea).

"(44) Loxahatchee, Florida: the entire river including its tributary, North Fork.

"(45) Niobrara, Nebraska: the main stem from Antelope Creek to Sparks Gauging Station.

"(46) Tangipahoa, Louisiana and Mississippi: the entire river.

"(47) White, Colorado and Utah: the entire river.

"(48) Wisconsin, Wisconsin: the main stem from Prairie du Sac to the mouth.

"(49) Yellowstone, Wyoming and Montana: the main stem from Yellowstone Lake to Pompey's Pillar and its tributary, Clark's Fork.

"(50) Blackfoot, Montana: the main stem from Landers Fork to Milltown Dam.

"(51) Colorado, Colorado and Utah: the main stem from the confluence of the Gunnison River to the confluence of the Dolores River including the Dolores River below the proposed McPhee Dam but excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River.

"(52) Delta, Alaska: the main stem from its source to Black Rapids.

"(53) Gulkana, Alaska: the entire river including its tributaries, West and Middle Forks.

"(54) Madison, Montana: the main stem from Earthquake Lake to Ennis Lake.

"(55) Ogeechee, Georgia: the entire river.

"(56) Owyhee, Oregon: the main stem from the Idaho State line downstream to the Owyhee Reservoir. *Provided however*, That the authority of the Chief of Engineers to undertake emergency flood control work along the Owyhee River under the authority of section 5 of the Flood Control Act of 1941 (55 Stat. 650), as amended (33 U.S.C. 701n), shall not be affected by study of this river.

"(57) Salt, Arizona: the main stem from its source to Stewart Mountain Dam.

"(58) Snake, Wyoming: the main stem from its source to Palisades Reservoir, excluding Jackson Lake. *Provided however*, That study of this river shall not affect the authority of the Chief of Engineers to undertake maintenance work for the flood protection project along the Snake River authorized by the Flood Control Act of 1950 (64 Stat. 180), nor shall it affect the authority of the Chief of Engineers to undertake emergency flood control work along the Snake River under the authority of section 5 of the Flood Control Act of 1941 (55 Stat. 650), as amended (33 U.S.C. 701n).

"(59) Wenatchee, Washington: entire river, including Lake Wenatchee, and its tributaries, the Chiwawa and White Rivers."

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET.

Washington, D.C., June 21, 1974.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of May 20, 1974, for the views of the Office of Management and Budget on S. 3022, a bill "To amend the Lower Saint Croix River Act of 1972."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 3022, and accordingly we recommend against enactment of this legislation.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 12, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

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 Bamfield 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,

JOHN KYL,

Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 17, 1973.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
Washington, D.C.*

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.

IX. CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, the Committee notes that the following changes in existing law are made by the bill, S. 3022 (existing law proposed to be omitted is enclosed in black brackets, new matters is printed in italic, existing law in which no change is proposed is shown in roman) :

WILD AND SCENIC RIVERS ACT

Act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271-1287)

* * * * *

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 and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a) (1) through (27) of this Act no later than October 2, [1978;] 1978; *with respect to all rivers named in subparagraphs 5(a) (28) through (49) of this Act no later than October 2, 1979; and with respect to the river named in subparagraph 5(a) (50) of this Act no later than October 2, 1975.*

In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) 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.] *system, and (ii) which possess the greatest proportion of private lands within their areas.* 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.).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonable foreseeable potential uses of the land and water which would be

enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

* * * * *

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of Easy Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

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

(5) Clarion, Pennsylvania: The segment between Ridgeway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

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

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negley and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyle, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obéd, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

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

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

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

(19) Priest, Idaho: The entire main stem.

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river. *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

(21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.

(22) Saint Joe, Idaho: The entire main stem.

(23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.

(24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River and its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.

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

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

(27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.

(28) *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.*

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

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

(31) *West Fork of the Sipsey 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.*

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

(34) *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.*

(35) *American, California: The North Fork from Mountain Meadow Lake to the Auburn Reservoir and the lower 7.5 miles of the North Fork of the North Fork.*

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

(37) *Illinois, Arkansas and Oklahoma: The entire river from Tenkiller Ferry Reservoir upstream to its source, including the Flint and Barren Fork Creeks and excluding Lake Frances.*

(38) *Shepaug, Connecticut: The entire river.*

(39) *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.*

(40) *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.*

(41) *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.*

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

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

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

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

(46) *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.*

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

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

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

(50) *Dolores, Colorado: 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; the segment of the main stem from Rico upstream to its source, including its headwaters; and the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem. . . .*

LOWER SAINT CROIX RIVER ACT OF 1972

Act of October 25, 1972, 86 Stat. 1174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lower Saint Croix River Act of 1972".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided*, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

SEC. 6 (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed ~~[\$7,275,000]~~ \$19,000,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than \$2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

