

WILD AND SCENIC RIVERS ACT AMENDMENTS

Part I

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
NATIONAL PARKS AND RECREATION
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES
NINETY-THIRD CONGRESS
FIRST SESSION
ON
H.R. 4864 and Related Measures
TO AMEND THE WILD AND SCENIC RIVERS ACT

HEARINGS HELD IN WASHINGTON, D.C.
JUNE 11 AND 12, 1978

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AMEND THE WILD AND SCENIC RIVERS ACT OF 1968

MONDAY, JUNE 11, 1973

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 1824, Longworth House Office Building, Hon. Roy A. Taylor (chairman of the subcommittee) presiding.

Mr. TAYLOR. The Subcommittee on National Parks and Recreation will come to order. We meet today to consider various proposals dealing with the National Wild and Scenic Rivers program. We have several different proposals before us, so it will be necessary for us to limit our opening remarks in order to allow the witnesses as much time as possible.

One of the bills before us, H.R. 4864, was introduced as a result of the administration recommendation. It provides for the extension of the moratorium provision as it relates to the study rivers. It also provides for an increased authorization ceiling for the so-called instant rivers, that were added to this system in 1968. The increase was \$17 million to \$87,600,000. This is a lump-sum authorization increase covering the eight rivers which have already been included in the system.

All of the other bills authorize specific additions to the study section of the act. These bills would permit several rivers, or segments of rivers, to be studied for possible inclusion in the Scenic Rivers System by some future Congress.

Now, in the interest of time, I would like to include in the record those bills which are listed on the sheet before each member. In addition, unless there is an objection, the departmental reports for each of these proposals, as well as the executive communication, dated February 15, 1978, will be placed in the record at the appropriate places.

[The bills, H.R. 184, H.R. 1679, H.R. 1401, H.R. 2307, H.R. 2848, H.R. 4326, H.R. 4469, H.R. 5419, H.R. 5444, H.R. 5678, and H.R. 4864, and the information referred to follows:]

[H.R. 184, 93d Cong., 1st sess.]

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.

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

"(28) Au Sable, Michigan: the segment 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.

"(29) Manistee, Michigan: the segment upstream from Manistee Lake to the river's source and including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs."

[H.R. 1679, 98d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential addition 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 subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"(28) Au Sable, Michigan: the segment 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.

"(20) Manistee, Michigan: the segment upstream from Manistee Lake to the river's source and including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs."

[H.R. 1401, 98d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 906) by designating a portion of the Shavers Fork of the Cheat River, West Virginia, for study as a potential addition 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 (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(28) Shavers Fork of Cheat River, West Virginia: The segment from the headwaters above Spruce, West Virginia, to its confluence with the Black Fork River at the town of Parsons, West Virginia."

Sec. 2. The study authorized by this Act shall be conducted in accordance with the provisions of the Wild and Scenic Rivers Act: *Provided*, That such study shall be completed and submitted to the President and the Congress no later than two years from the date of enactment of this Act.

[H.R. 2807, 98d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act by designating a certain river in the State of Alabama for potential addition 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 subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"(28) Cahaba, Alabama: the segment downstream from United States Highway 31 south of Birmingham in Jefferson County and upstream from United States Highway 80 west of Selma in Dallas County."

[H.R. 2848, 98d Cong., 1st sess.]

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

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

"(28) Colorado River, Colorado: The segment from the Colorado-Utah boundary line to a point 12.5 miles upstream near the town of Loma, Colorado."

Sec. 2. The study authorized by this Act shall be conducted in accordance with the provisions of the Wild and Scenic Rivers Act: *Provided*, That such study shall be completed and submitted to the President and the Congress no later than one year from the date of enactment of this Act.

[H.R. 4826, 98d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the American River, California, for potential addition 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 subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

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

Sec. 2. The study authorized by this Act shall be conducted by the Secretary of the Interior in accordance with the provisions of the Wild and Scenic Rivers Act: *Provided*, That such study shall be completed and submitted to the President and the Congress no later than two years from the date of enactment of this Act.

[H.R. 4469, 93d Cong., 1st sess.]

A BILL To provide for study of a certain segment of the Oklawaha River for potential addition 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 Act of October 2, 1908 (82 Stat. 910) is amended by adding the following new subsection:

"(28) Oklawaha, Florida: The segment between the Dead River Swamp downstream to its confluence with the Saint Johns River."

[H.R. 5444, 93d Cong., 1st sess.]

A BILL To provide for study of a certain segment of the Oklawaha River for potential addition 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 Act of October 2, 1908 (82 Stat. 910) is amended by adding the following new subsection:

"(28) Oklawaha, Florida: The segment between the Dead River Swamp downstream to its confluence with the Saint Johns River."

[H.R. 5419, 93d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act to designate the lower Wisconsin River for potential addition 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 (16 U.S.C. 1276(a)) is amended by inserting immediately after paragraph (26) the following new paragraph:

"(27) Wisconsin River, Wisconsin: The main stem from the dam at Prairie du Sac, Wisconsin, to its confluence with the Mississippi River at Prairie du Chien, Wisconsin," and by renumbering the succeeding paragraph (28).

[H.R. 5678, 93d Cong., 1st sess.]

A BILL To provide for study of a certain segment of the Oklawaha River for potential addition 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 Act of October 2, 1908 (82 Stat. 910), is amended by adding the following new subsection:

"(28) Oklawaha, Florida: That segment between Howard's Landing downstream to Sunday Bluff, together with riverwide lands not extending beyond three hundred and fifty feet of the thread of the river, and that segment from Riverside Landing downstream to its confluence with the Saint Johns River,"

[H.R. 4864, 93d Cong., 1st sess.]

A BILL To amend the Wild and Scenic Rivers Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 908) is amended as follows:

- (a) In section 7(b) (1) delete "five-year" and substitute "ten-year".
- (b) In section 16 delete "\$17,000,000" and substitute "\$37,000,000".

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.O., June 8, 1973.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 184 and H.R. 1679, identical bills, and on H.R. 1401, H.R. 2807, H.R. 2848, H.R. 4826, H.R. 5419, and H.R. 5678, 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 H.R. 2307 (Cahaba River); or of H.R. 184 or H.R. 1679, identical bills (Au Sable and Manistee Rivers). We have no objection to enactment of the following, if amended as suggested in this report: H.R. 5419 (Wisconsin River); H.R. 1401 (Cheat River); H.R. 2848 (Colorado River in Colorado); or H.R. 4826 (American River). We recommend, in lieu of H.R. 5678, enactment of H.R. 4469 or H.R. 5444, bills identical to the bill proposed to the Congress by the Department of Agriculture, by letter dated January 29, 1978.

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. Unless the bills specify otherwise, 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.

Several of the study bills, including H.R. 1401 (Cheat River), H.R. 2848 (Colorado River, Colorado), and H.R. 4826 (American River), contain specific time limits during which the study of these rivers must be completed. We would be unable to comply with such time requirements without rescheduling all pending wild and scenic river studies. We are aware of no justification for giving such priority to the Cheat, Colorado, and American Rivers, and we therefore oppose giving any such preference to these rivers.

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, H.R. 4864, would extend the construction moratorium on "study" rivers provided for in 16 U.S.C. § 1278(b). Provided that H.R. 4864 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. H.R. 184 and H.R. 1679 would add to section 5(a): (a) The segment of the Au Sable, Michigan, downstream from Fort 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 these bills. 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. H.R. 1401 would add to section 5(a) the segment of the Cheat River, West Virginia, from the headwaters above Spruce, West Virginia, to its confluence with the Black Fork River at the Town of Parsons, West Virginia. We would have no objection to enactment of H.R. 1401 if it is amended to delete section 2, which requires the study to be completed and submitted to the President and the Congress no later than 2 years from the date of enactment of H.R. 1401.

Under the agreement concerning study rivers, the Department of Agriculture would probably have responsibility for leadership of this study.

3. H.R. 2307 would amend section 5(a) to add the segment of the Cahaba, Alabama, downstream from U.S. 81 south of Birmingham in Jefferson County and upstream from U.S. 80 west of Selma in Dallas County. We have no objection to enactment of this bill.

4. H.R. 2848 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 interests the Colorado River." We would have no objection to enactment of H.R. 2848, if it were amended to clarify this geographic description and if section 2, requiring the study to be completed in 1 year, were deleted.

5. H.R. 4826 would add to section 5(a) the North Fork of the American River, California, from the Cedars to Auburn Reservoir. The study must be completed

and submitted within 2 years from the date of enactment. Under the terms of the bill the study would be conducted by the Secretary of the Interior. We would have no objection to enactment of H.R. 4326, if the following amendments are made: (a) the 2-year study period is deleted, (b) if any reference is made to the agency which is to carry out the study, the Secretary of Agriculture should be referenced, since forest service lands are involved.

6. H.R. 5419 adds to section 5(a), the main stem of the Wisconsin River, Wisconsin, from the dam at Prairie du Sac, Wisconsin, to its confluence with the Mississippi River at Prairie du Chien, Wisconsin. We see no reason for the approach taken by H.R. 5419 of displacing the existing 27th river, and moving it to the 28th place. Priorities for studies under the terms of the Act are not necessarily determined by numerical order on the study list. If the bill is amended to delete this feature, we would have no objection to enactment of H.R. 5419.

7. H.R. 5678, adds to section 5(a) that segment of the Oklawaha, Florida, between Howard's Landing downstream to Sunday Bluff, together with river-side lands not extending beyond three hundred and fifty feet of the thread of the river, and that segment from Riverside Landing downstream to its confluence with the Saint Johns River. This proposal is approximately half the length of the segment described in H.R. 4469 and H.R. 5444, the Department of Agriculture's study proposal for the Oklawaha. We favor studying the longer river segment, and therefore recommend enactment of H.R. 4469 or H.R. 5444, in lieu of H.R. 5678. As a general matter, we would oppose a limitation on areas to be studied on either side of the river, such as the 350-foot limitation contained in H.R. 5678, on the ground that this unreasonably restricts the study effort, and on the ground that the Act itself restricts the acreage that can be acquired for a component of the Wild and Scenic Rivers System.

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.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.O., February 15, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.O.

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

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

The draft bill amends sections 7(b) and 16 of the Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 900, 914 and 918; 16 U.S.C. 1278(b) and 1287).

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

The enclosed draft bill also amends section 16 of the Wild and Scenic Rivers Act. Section 16 authorizes the appropriation of not more than \$17,000,000 for the acquisition of the initial components of the National Wild and Scenic Rivers System, of which some \$16.0 million have been appropriated. The draft bill would raise the appropriation authorization to \$37,600,000, the amount we estimate will be needed to complete acquisitions at the river areas.

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

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

Sincerely yours,

ROGERS C. B. MORTON,
Secretary of the Interior.

Enclosure.

A BILL To amend the Wild and Scenic Rivers Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906) is amended as follows:

- (a) In section 7(b)(1) delete "five-year" and substitute "ten-year".
 (b) In section 16 delete "\$17,000,000" and substitute "\$37,600,000."

DEPARTMENT OF AGRICULTURE,
 OFFICE OF THE SECRETARY,
 Washington, D.O., January 29, 1973.

HON. CARL ALBERT,
 Speaker of the House of Representatives.

DEAR MR. SPEAKER: Transmitted herewith for the consideration of the Congress is a draft bill "To provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System."

The Department of Agriculture recommends that the draft bill be enacted.

The draft bill would provide for study of the Oklawaha River in accord with the provisions of the Wild and Scenic Rivers Act.

On January 19, 1971, the President ordered the halt to further construction of the Cross Florida Barge Canal to prevent potentially serious environmental damages. In his statement the President described the Oklawaha River as "A natural treasure . . . a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States . . ." The President also asked the Secretary of the Army to work with the Council on Environmental Quality in developing recommendations for the future management of the area. On May 12, 1972, the Council on Environmental Quality and the Department of Army presented joint recommendations for the Cross Florida Barge Canal area. Following in depth environmental studies, public hearings and reviews, it was recommended that the section of the Oklawaha River between St. Johns River and Dead River Swamp be designated as a study river for potential inclusion in the National Wild and Scenic Rivers System. The enclosed draft bill is intended to implement this recommendation.

In connection with the recommendations of the Council on Environmental Quality and the Department of Army, the Forest Service of this Department prepared and published a draft environmental statement relating to management alternatives for the Oklawaha River area. The Forest Service has reviewed and evaluated comments on the draft statement and has prepared a final environmental statement. The final environmental statement evaluates the environmental impacts of a proposed action which includes both administrative and legislative action. This final environmental statement was transmitted to the Council on Environmental Quality on January 16, 1973.

The estimated cost for the proposed study of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System is \$175,000.

A similar letter is being sent to the President of the Senate.

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

Sincerely,

J. PHIL CAMPBELL,
 Acting Secretary.

Enclosure.

A BILL To provide for study of a certain segment of the Oklawaha River for potential addition 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 Act of October 2, 1968 (82 Stat. 910) is amended by adding the following new subsection:

"(28) Oklawaha, Florida: The segment between the Dead River Swamp downstream to its confluence with the St. Johns River."

DEPARTMENT OF AGRICULTURE,
 OFFICE OF THE SECRETARY,
 Washington, D.O., June 11, 1973.

HON. JAMES A. HALEY,
 Chairman, Committee on Interior and Insular Affairs,
 U.S. House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 4826, a bill "To amend the Wild and Scenic Rivers Act of 1968 by designating a portion

of the American River, California, for potential addition to the national wild and scenic rivers system."

This Department recommends that H.R. 4326 be enacted with the amendments suggested herein.

Section 1 of H.R. 4326 would amend section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to add the North Fork of the American River from the Ceders to Auburn Reservoir as a study river for potential addition to the National Wild and Scenic Rivers System. Section 2 of the bill would authorize the Secretary of the Interior to conduct the study and would direct that the study be completed within two years.

Section 5(d) of the Wild and Scenic Rivers Act directs that the Secretary of the Interior and the Secretary of Agriculture identify rivers having potential for addition to the National Wild and Scenic Rivers System. A list of such rivers was published in the Federal Register on October 28, 1970 (35 F.R. 16098). The American River was not identified at that time as a river having potential for addition to the National Wild and Scenic River System.

Through subsequent field examination and our analysis of public comment, we now believe that certain segments of the American River have potential for addition to the National System and that the river should be studied. The State of California in 1972 designated the North Fork of the American River as a component of the California Wild and Scenic River System. Representatives of the State are expected to be active participants in any study of the River.

The river segment described in H.R. 4326 contains approximately 46 miles of free flowing stream. It has both wild and scenic characteristics. The river flows through an area that provides a wide variety of spectacular scenery from a broad flowing river hemmed in by steep canyon walls covered with brush, oaks, and conifers, to areas of white water flowing over rapids, cascading around huge boulders and over falls with numerous areas of rock cliffs. The river is an excellent trout fishery.

Based on our field examination, we believe 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 American River should also be studied. These additional segments are free flowing and contain spectacular scenery. They should logically be studied along with the main river segment identified in H.R. 4326. We therefore recommend that lines 6 and 7 on page 1 of H.R. 4326 be amended to read:

"(28) American River, California: The North Fork from Mountain Meadow Lake to Auburn Reservoir and the lower 7½ miles of the North Fork of the North Fork."

We recommend deletion of section 2 of H.R. 4326. Section 5(b) of the Wild and Scenic Rivers Act directs the responsible Department to proceed as expeditiously as possible with the study of each of the study rivers. This provides appropriate direction for the conduct of the study. Since major portions of the proposed study river involve national forest lands, the Secretary of Agriculture would lead the study under concepts of the original Act. The study would be conducted in cooperation with the Department of the Interior and the State of California as it affects their responsibilities in the area.

We also suggest that no specific deadline be placed on the authorized study. A two year deadline would in effect pre-empt ongoing studies of those rivers originally listed by the Act. We would prefer to study the American River on an orderly schedule, in conjunction with other river studies. We believe the study of the American River can be completed within the time requirements of the original Act.

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

An environmental statement will be 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 study is \$100,000.

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,

CARROLL G. BRUNTHAYER, *Acting Secretary.*

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

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 1401, a bill "To amend the Wild and Scenic Rivers Act of 1968 (82 Stat. 806) by designating a portion of the Shavers Fork of the Cheat River, West Virginia, for study as a potential addition to the national wild and scenic rivers system." This Department has no objection to the enactment of this bill if amended as suggested herein.

H.R. 1401 would amend section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276) to add the Shavers Fork of the Cheat River in West Virginia as a study river for potential addition to the National Wild and Scenic Rivers System. The bill would also direct that the study be completed within two years.

The Shavers Fork of the Cheat River is largely within the boundary of the Monongahela National Forest. It is a free flowing stream and the area is highly scenic. While having certain attributes which would support designation of the Shavers Fork as a study river, the river has other characteristics which make it questionable for study designation. The river is paralleled for much of its length by roads and a railroad; consequently, likely classification of the river following study would probably be restricted to a recreation river. Natural and man-caused influences have acted to lower the river's water quality for recreation use and fish habitat purposes. The river's fishery is presently maintained through a stocking program.

The 188,700 acre Shavers Fork watershed is currently being studied as part of the Forest Service's land use planning process. This process includes an inventory of the area's resources, the seeking of public participation in the planning and analysis of opportunities and alternatives for management of the area. The unit plan for the Shavers Fork watershed is expected to be completed by November 1974. A special mineral examination study is also being conducted. Many of the objectives of study river designation and potential addition to the Wild and Scenic Rivers System can be accomplished under authority now available to the Secretary of Agriculture.

Section 5(d) of the Wild and Scenic Rivers Act directs that the Secretary of the Interior and the Secretary of Agriculture identify rivers having potential for addition to the National Wild and Scenic Rivers System. A list of such rivers was published in the Federal Register on October 28, 1970 (35 F.R. 16693). The Shavers Fork of the Cheat River was not identified at that time as a river having potential for addition to the National Wild and Scenic Rivers System.

If H.R. 1401 is enacted, we recommend that the description of the river contained on lines 6, 7, 8, and 9 on page 1 of H.R. 1401 be amended to read:

"(28) Shavers Fork of Cheat River, West Virginia: The segment from the headwaters above Spruce, West Virginia, to the southern corporate limit of the town of Parsons, West Virginia."

This amended description would remove from the study the river segment within the town of Parsons and a portion of the anticipated Rowlesburg Lake impoundment.

We also recommend that the provision which would require the study to be completed within two years be deleted. A two year study deadline would in effect pre-empt ongoing studies of those rivers originally listed in the Wild and Scenic Rivers Act. If we are directed to study the Shavers Fork of the Cheat River, we would expect to complete the study within the time requirements of the original Act.

The estimated cost of the proposed study is \$100,000.

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,

CARROLL G. BRUNTHAVER, *Acting Secretary.*

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 11, 1978.

Hon. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs,
U.S. House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 184 and H.R. 1679, identical bills "To amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions of the national wild and scenic rivers system."

This Department recommends that these bills be enacted.

H.R. 184 and H.R. 1679 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—Vol. 85, No. 210, on October 23, 1970. The segments of both rivers proposed for 5(d) status are encompassed in H.R. 184 and H.R. 1679.

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, is 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 (88 Stat. 858), 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,

CARROLL G. BRUNTHAYER, *Acting Secretary.*

Mr. TAYLOR. After the hearings are completed, when we have an opportunity to mark up this legislation, it might be possible for the staff to redraft it as one legislative measure so that we can present our recommendations in one package rather than moving eight or nine separate bills through the legislative process.

The first witness on our list, the author of one of the bills, is our able colleague from California, the Honorable Harold Johnson. I would be glad to yield to him.

Mr. JOHNSON. Thank you, Mr. Chairman.

**STATEMENT OF HON. HAROLD T. JOHNSON, A REPRESENTATIVE IN
CONGRESS FROM THE SECOND CONGRESSIONAL DISTRICT OF THE
STATE OF CALIFORNIA**

Mr. JOHNSON. I would like to say that the Wild Rivers Act was passed a few years back, and is working very well. I am sure that we will participate in some of the additional funding to be asked for in the bill as you mentioned at the outset.

We are in the process now of effecting the boundaries of the section of the Feather River designated as a wild river, and acquiring some of the properties needed for the wild river. At the present time,

pending before this committee, we have another request for a study on this, the American River in California. H.R. 4326 calls for a study and hopefully for its inclusion in the scenic rivers system. The North Fork of the American River is a tributary to the main American River running through some very fine terrain and would qualify as wild and scenic.

I am not going to take the committee's time, but I would ask you now to consent to file my statement at this time in support of H.R. 4326, the North Fork of the American River as being a prospect for inclusion in the Wild and Scenic Rivers Act.

Mr. TAYLOR. Without objection, a copy of the statement will be placed in the record at this point.

[The prepared statement of Mr. Johnson follows:]

STATEMENT OF HON. HAROLD T. (BIZZ) JOHNSON, A REPRESENTATIVE IN CONGRESS,
FROM THE STATE OF CALIFORNIA

Mr. Chairman, it is a pleasure to testify before you and my colleagues this morning in behalf of my bill H.R. 4326, which would call on the Secretary of the Interior to conduct a feasibility study on the possible inclusion of the North Fork of the American River under the protection of the Wild and Scenic Rivers Act of 1968. This is a river in my Congressional District in California, which I feel deserves consideration as a possible wild and scenic river.

The legislation, I have introduced, would request a study of that portion of the North Fork of the American River, which lies between the "Cedars", a privately owned retreat near Soda Springs, California, and the Auburn Dam Reservoir, to be constructed near the City of Auburn. The bill requires that the study be undertaken and completed within two years of the date of enactment of the measure.

The North Fork rises in the Sierra Nevada Mountain Range at about 7,000 feet elevation and terminates in Folsom Lake at less than 500 feet elevation. It runs in steep-walled, narrow and deep canyons on twisted courses, through mountainous terrain to high, hilly countryside. Vegetation in the area is primarily firs, other pines and oaks.

The upstream half of the river is protected within the Tahoe National Forest while several small public domain parcels lie near the North Fork's middle portion. Demonstrating its support for the area, the California legislature passed legislation in 1972 which protected the area under State wild and scenic rivers legislation. Since much of the land bordering and surrounding the North Fork is Federal land, legislation at the national level is required to insure preservation of the river in its primitive state.

The historic value of the area is of national significance because it relates to the days of the California gold rush. The North Fork supports good anadromous and native trout fisheries. Small, large and upland game species abound all along the northern portion of the river.

The river has poor accessibility, limited primarily to foot paths and logging trails. Less than five percent of the North Fork lands adjacent to U.S. 40 and Interstate 80 are developed commercially. Not too long ago, very few persons were aware that the North Fork even existed, let alone needed protection.

The North Fork originates in Placer County's western region near Lake Tahoe, and joins the Middle Fork at Auburn to form the American River. The stretch of river included in my bill encompasses a scenic canyon, accessible only by foot trails. That canyon houses the crystal clear North Fork, one of the last undisturbed rivers in the Northern Sierra Nevada region of California. The river and its canyon offer something for all; the fisherman, hunter, hiker, photographer—everyone.

Most people relate to the region by geographical description, perhaps supplemented with photographs; but only by visiting the area can one capture its full magnitude.

The North Fork canyon offers countless magnificent vistas, like those from Big Valley Bluff and Lover's Leap. Lover's Leap, some 2000 feet above the river, cuts through the untouched area of Green Valley, affording a view of Giant Gap and Giant Gap Gorge.

This area is truly one of our remaining wild areas, worthy of protection for future generations. It is much easier to preserve that which you have than to re-

habilitate and recreate that which you once had but lost. Therefore, I am urging that the first step be taken to include this river under the protection of the Wild and Scenic Rivers Act. I am asking only that this area be given a fair, efficient, serious and prompt study. Once the results of such a study are available, a proper course of action for the future can be determined.

The American River can contribute much to the preservation of America's natural beauty and greatness. The first step must be taken now, before further ruin occurs.

Mr. TAYLOR. Does that finish the gentleman's statement?

Mr. JOHNSON. Yes.

Mr. TAYLOR. The gentleman from California will be here when we mark up the bill, so we can discuss it further with him at that time.

I would like to ask, at this point, if there is any controversy concerning the river that you would place under the study section of the act?

Mr. JOHNSON. There are some boundary problems in the upper reaches of the river that starts at an elevation of the watershed that is off the High Sierra. In the extreme upper regions there, there is an area that has been developed by summer homeowners that have now been given the road improvements. They have small rambling roads that they use year round. We would ask that naturally in studies, that they be looked at very carefully. I think the extreme upper reaches probably should be left out of the wild and scenic river portion of the North Fork of the American if approved.

Other than that, very few objections. There was a dam site down in the canyon, but that has been foregone now. I think we are clear to have a very fine and adequate study made. I am hopeful that this bill will be approved calling for a study.

Mr. TAYLOR. I thank the gentleman.

The next witness, who is also an author of one of the bills before us, is the Honorable Robert W. Kastenmeier.

STATEMENT OF HON. ROBERT W. KASTENMEIER, A REPRESENTATIVE IN CONGRESS FROM THE SECOND CONGRESSIONAL DISTRICT OF THE STATE OF WISCONSIN

Mr. KASTENMEIER. Thank you, Mr. Chairman.

I appreciate this opportunity to testify on behalf of my bill, H.R. 5419, to include the lower Wisconsin River among those rivers designated by the Wild and Scenic Rivers Act to be studied for potential addition to our Nation's Wild and Scenic Rivers system.

The study of the lower Wisconsin River would be from Prairie du Sac to Prairie du Chien on the Mississippi River, and would cover approximately 74 miles in southwestern Wisconsin. The lower Wisconsin, which is free of any impoundments, has unique historic aspects, relatively undeveloped shoreline, wide floodplain, scenic qualities, and recreational potential.

The lower Wisconsin River has played an important role in the development of Wisconsin and of the Nation. It carried the canoes of early Indians who used the river as a transportation pathway and located their villages along its banks. In 1673, the French commissioned Father Jacques Marquette and Louis Jolliet to explore the vast reaches of the Midwest and, in doing so, they discovered the lower Wisconsin River. Their journey on this river led them into the Mississippi and down that great waterway as far as the mouth of the Arkan-

sas River, thus opening an important water route from Canada to the Gulf of Mexico.

The lower Wisconsin became a gateway to the Mississippi for future explorers. It eventually was the main thoroughfare for fur traders who traveled by canoe from Canada to the Mississippi, and for the transportation of miners who arrived from Europe to mine the lead of southwestern Wisconsin.

Three hundred years ago, Father Marquette, in his journal, described the lower Wisconsin in the following manner:

The river upon which we embarked is called Mesconsin; the river is very wide, but the sand bars make it very difficult to navigate, which is increased by numerous islands covered with vines. The country through which it flows is beautiful; the groves are so dispersed in the prairies that it makes a noble prospect; and the fruit of the trees shows a fertile soil. These groves are full of walnut, oak and other trees unknown to us in Europe.

Actually, Mr. Chairman, it is not only important in terms of the historic, scenic value but the potential recreation value as well. Let me conclude by saying that this year, and that this week, as a matter of fact, are coincidentally very significant because in Wisconsin there is being commemorated a reenactment of the tricentennial voyage of Jolliet and Marquette. Modern day voyagers in replica canoes started their journey on May 17 in Michigan, and this very week they are on the Wisconsin River and on June 7, on Thursday, they will be in Portage in my district.

I would only further ask, Mr. Chairman, that my statement in its entirety, be placed in the record.

Mr. TAYLOR. Without objection, a copy of the gentleman's statement will be made part of the record at this point.

[The prepared statement of Mr. Kastenmeier follows:]

STATEMENT OF HON. ROBERT W. KASTENMEIER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF WISCONSIN

Mr. Chairman, I appreciate this opportunity to testify on behalf of my bill, H.R. 5419, to include the lower Wisconsin River among those rivers designated by the Wild and Scenic Rivers Act to be studied for potential addition to our nation's wild and scenic rivers system.

The study of the lower Wisconsin River, from Prairie du Sac to Prairie du Chien on the Mississippi River, would cover approximately 74 miles in southwestern Wisconsin. The lower Wisconsin which is free of any impoundments, has unique historic aspects, relatively undeveloped shoreline, wide floodplain, scenic qualities and recreational potential.

The lower Wisconsin River has played an important role in the development of Wisconsin and of the nation. It carried the canoes of early Indians who used the river as a transportation pathway and located their villages along its banks. In 1673, the French commissioned Father Jacques Marquette and Louis Jolliet to explore the vast reaches of the Midwest and, in doing so, they discovered the lower Wisconsin River. Their journey on this river led them into the Mississippi and down that great waterway as far as the mouth of the Arkansas River, thus opening an important water route from Canada to the Gulf of Mexico.

The lower Wisconsin became a gateway to the Mississippi for future explorers. It eventually was the main thoroughfare for fur traders who traveled by canoe from Canada to the Mississippi, and for the transportation of miners who arrived from Europe to mine the lead of southwestern Wisconsin.

Three hundred years ago, Father Marquette, in his journal, described the lower Wisconsin in the following manner: "The river upon which we embarked is called Mesconsin; the river is very wide, but the sand bars make it very difficult to navigate, which is increased by numerous islands covered with vines. The country through which it flows is beautiful; the groves are so dispersed in the prairies that it makes a noble prospect; and the fruit of the trees shows a fertile soil. These groves are full of walnut, oak and other trees unknown to us in Europe."

The lower Wisconsin River, flowing through some of Wisconsin's most scenic and valuable farmland, has changed so little since the epic exploration by Marquette and Jolliet that canoeists, today, can imagine they were the original explorers. The shoreline basically has remained the same, the only differences in appearance due to the scattering of summer cottages. The river flows through a valley which is three to five miles broad, flanked on either side by an undulating range of imposing bluffs, from a hundred and fifty to three hundred and fifty feet in height. These bluffs are heavily wooded, as a rule, although there is now, as there was three hundred years ago, much variety, pleasant slopes and sheltered fields, water-washed escarpments rising sheer above the river, terraced hills, with eroded faces, steep uplands, whose forest growths have been shattered by three hundred years, and romantic ravines, worn deep by spring torrents impatient to reach the river level.

Between these ranges stretches a wide expanse of bottoms, either bog or sandplain through which the swift current twists and bounds, continually cutting out new channels and filling old ones with the debris. As the river sweeps along, it forms innumerable islands which greatly add to the picturesqueness of the view. These islands are often mere sand bars, sometimes as barren as the Sahara, sometimes thick-grown with willows and seedling aspens. For the most part, however, they are heavily wooded, their banks covered with a variety of the season's flowers, while luxuriant vines droop gracefully from overhanging trees.

The visitor to the lower Wisconsin River in 1978 can enjoy a respite from his daily routine while being given a chance to relive some of the experiences of the early French explorers. In addition, he can learn of the early history of Wisconsin, its geography, inhabitants, their culture, and the flora and fauna of the region. Among the wildlife, he can observe a substantial eagle population which uses the lower Wisconsin River valley as a migratory resting spot.

The potential for a wide variety of recreational activities along the river is very great. The water, topography, vegetation, fish and wildlife, and other values attract many people throughout the year. Activities need not be limited to the usual summer season and can be enjoyed year-round with latitudinal variety. Current demand for outdoor recreation is considerable and will continue to increase. Existing recreation and conservation areas within the proposed study area include over 16,000 acres owned by the State of Wisconsin and county governments.

As we know, timing may be the difference between whether an idea is accepted or rejected, and I believe this year is particularly appropriate to act on the lower Wisconsin River proposal since we are commemorating the tercentenary of the voyage of Father Marquette and Louis Jolliet. In fact, the reenactment of the Marquette-Jolliet voyage is now underway. Seven modern-day voyagers are paddling replica canoes along the original 3,000-mile route. This journey started on May 17 at St. Ignace, Michigan, and will end with the return to Green Bay, Wisconsin, on September 19.

The lower Wisconsin River has been looked upon with affection by those who live within its influence. For many, it has provided a friendly, surrounding and good living. Today, it remains relatively unspoiled by pollution or commercial development. I am confident, however, that this pristine state will be diminished with the passage of time.

Mr. Chairman, the lower Wisconsin River possesses those values—scenic, recreational, geologic, fish and wildlife, historic and cultural—to be considered eligible for potential inclusion in our nation's wild and scenic rivers system. It can play an important role in satisfying the burgeoning outdoor needs of Americans. It is the time to begin the initial process of preserving the lower Wisconsin River in the public interest while the opportunity still is available.

Mr. TAYLOR. Are there any dams or structures on the section of the lower Wisconsin that would be in conflict with the provisions of the Wild and Scenic Rivers Act?

Mr. KASTENMEIER. No, Mr. Chairman, as I recall, there are nine bridges. However, they are consistent with the waterway. There are no impoundments as such. As a matter of fact, the State of Wisconsin, its department of natural resources, has a study of the 118-mile stretch, including a stretch some 44 miles upriver from this that does include impoundments, but my bill and my suggestion for the study does not include that portion of the river that has any impoundment or is

threatened immediately by any sort of development that would curtail its fertility and might disqualify it as a river system.

Mr. TAYLOR. Is all of this segment of the river in the congressional district that you represent?

Mr. KASTENMEIER. No, Mr. Chairman, it is in two congressional districts, that of mine and Mr. Thomson of Wisconsin, who cosponsors the bill that I introduced, and I am sure that I speak for him, that it has his wholehearted support.

Mr. TAYLOR. Is there any dispute as to the length of the section included, or should I say, as to the boundaries of the section to be included?

Mr. KASTENMEIER. No, Mr. Chairman, it is entirely within the State of Wisconsin. It goes from a point, as I said, from Prairie du Sac, which as I said, is a logical point for it to commence, and goes to the Mississippi, all in the State of Wisconsin in these two congressional districts. There are no other problems in terms of boundaries that I am aware of.

Mr. TAYLOR. Are there any other questions?

Mr. SAYLOR. Mr. Chairman?

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. I would like to take this opportunity to congratulate Mr. Kastenmeier and Mr. Thomson for having introduced this legislation. I am familiar with the area covered in this bill, and I think it will make a tremendous addition to the wild and scenic rivers. I think this is a fine example of bipartisan cooperation for the benefit of the State and the people, by Mr. Kastenmeier and Mr. Thomson introducing this piece of legislation.

I would like to take this opportunity to thank both of them.

Mr. TAYLOR. It is good that we start our hearings with such harmony.

I have one additional question for the gentleman from California, Mr. Johnson.

Is all of the section of the river that you proposed for study in your congressional district?

Mr. JOHNSON. Yes, it is, Mr. Chairman.

Mr. TAYLOR. Our next witness is Hon. Walter Flowers. He is not here this morning. His statement will be placed in the record at this point, or he will be permitted to testify later if he desires.

[The statement of Mr. Flowers will be found beginning on p. 99.]

Mr. TAYLOR. The next witness is Hon. Ken Hechler.

We are happy to have you before this committee. We know of your interest in the wild and scenic rivers system.

STATEMENT OF HON. KEN HECHLER, A REPRESENTATIVE IN CONGRESS FROM THE FOURTH CONGRESSIONAL DISTRICT OF THE STATE OF WEST VIRGINIA

Mr. HECHLER. I appreciate the opportunity to come up to bat as the fourth witness this morning, since the fourth slot in the baseball line-up is usually reserved for heavy hitters. Shavers Fork, the subject of H.R. 1401, is located within the boundaries of the Monongahela National Forest east of Elkins, W. Va., and serves as the major tributary of the mighty Cheat River. From a lofty elevation of more than 4,000 feet in the Allegheny Highlands, this free-flowing stream begins its more than 50-mile course through some of the most remote and beautiful scenery found anywhere in the eastern mountains. The

Shavers Fork provides a fine natural setting for the enjoyment of trout fishing, whitewater canoeing, and other water-related recreational activities.

Shavers Fork is a fisherman's dream, a canoeist's challenge, and a backpackers' delight which can be enjoyed by all who are inspired by God's majestic handiwork.

As a trout stream, the Shavers Fork is truly unique. Tom Cofield, outdoor editor of the Baltimore News American, has termed it "the best trout fishing in the eastern United States, second to none." Anglers from all parts of West Virginia and many other States are attracted to the top quality sport found amid the deep pools and rushing rapids. The Forest Service has established a unique "fish for fun" area where prize trout can be caught. Though these trout must be thrown back, this 10-mile stretch is very popular. In addition, the waters of the Shavers Fork serve as the source of life for thousands of trout spawned each year at the Bowden National Fish Hatchery on Route 88.

Whitewater canoeists share the anglers' enthusiasm for this great river. It offers a wide variety of canoeing opportunity ranging from the roaring experts only middle section marked by steep ledges, falls, and heavy waves to the fast moving though less dangerous upper and lower segments.

Backpackers and campers also enjoy the solitude of the Shavers Fork region, finding the river's occasional still pools offer wonderful opportunities for a refreshing dip during a long summer day of hiking.

Accessibility is generally limited as befits a potential scenic river. However, since West Virginia's steep rugged topography offered few wide valleys for early transportation routes the Shavers Fork like most other rivers was used as a line to follow in the construction of early roads and railroads. Some little-used Forest Service dirt roads parallel the river in its final 20 miles, but these are well screened and virtually unnoticeable. A measure of the true remoteness of this river lies in the fact that the black bear choose the surrounding lands as a breeding habitat, one of only four in the State.

The waters of this magnificent stream are swift-flowing, clear, and somewhat acidic. Lacking any natural buffering capacity, the stream is defenseless against any onslaught of acid drainage which would result from mining or logging operations in the watershed. A major battle has raged in recent years over whether mining should be permitted, given the delicate nature of the water quality. Erosion of the naturally acidic soils of the area combined with the effects of previous mining and logging have lowered the pH of the water to the point that any substantial new acid drainage could mean death for aquatic life in the stream. I should emphasize that present water quality is more than adequately high enough to qualify under scenic river standards and could be improved through stricter surveillance of operations on tributaries of the Shavers Fork.

Seven major Federal and State agencies including the Environmental Protection Agency and the Appalachian Regional Commission have publicly opposed mining along the Shavers Fork. The Forest Service recently declared a moratorium on mining on Monongahela National Forest lands in the watershed, but the threat from mining on private lands continues. Scenic river designation would insure

preservation of water quality and hence preservation of the aquatic life both in the stream and at the Bowden Hatchery. This river is truly unique—it must be protected for future generations to enjoy.

Support for H.R. 1401 has come from many quarters, from individual citizens and groups throughout West Virginia, and neighboring States as well. Numerous citizens and conservation groups in West Virginia, including the West Virginia Highlands Conservancy, Trout Unlimited, and the West Virginia Wildwater Association, have passed resolutions endorsing scenic river protection for Shavers Fork.

Dr. Robert Burrell, past president of West Virginia Highlands Conservancy and author of the book "Wild Water, West Virginia," will offer expert testimony tomorrow before this subcommittee on Shavers Fork.

In addition, an overwhelming number of the national environmental groups have indicated support for H.R. 1401. Support has also come from the West Virginia Department of Natural Resources, the West Virginia Attorney General and Monongahela National Forest supervisor, Alfred Troutt. A full list of organizations favoring the bill is appended to my testimony.

In summary, concern for the protection of Shavers Fork is truly widespread. Action to save this river, Mr. Chairman, must come quickly because owners of mineral rights have already indicated a desire to extend coal mining into the area surrounding Shavers Fork, which would mean the certain destruction of this priceless stream by acid drainage.

Passage of H.R. 1401 will provide the West Virginia Department of Natural Resources with the necessary tools to protect this wild and wonderful river and its tributaries. Because of the urgency of the situation on Shavers Fork, I have included a provision in H.R. 1401 calling for completion of the study within 2 years of enactment.

ORGANIZATIONS SUPPORTING H.R. 1401

West Virginia Highlands Conservancy.
 West Virginia Wildwater Association.
 West Virginia Isaak Walton League.
 Greenbrier Chapter IWLA.
 Mountaineer Chapter IWLA (Randolph County).
 Kanawha Valley Chapter Trout Unlimited.
 Mountaineer Chapter Trout Unlimited.
 West Virginia Citizens to Save the State Animal.
 Mountaineer Chapter Audubon Society.
 Concerned Citizens of West Virginia University.
 West Virginia Wildlife Federation.
 Green Bank (WV) Rifle and Pistol Association.
 Benson Park Garden Club.
 Pa. Chapter Sierra Club.
 Defenders of Wildlife.
 Trout Unlimited.
 Wilderness Society.
 Isaak Walton League.
 Friends of the Earth.
 Sierra Club.
 American Rivers Conservation.
 Environmental Policy Center.
 West Virginia Department of Natural Resources.
 West Virginia Attorney General.
 Monongahela National Forest Supervisor.

Mr. Chairman, every year I run a program called the week in Washington program and I have seven of the young ladies of the first group who will be here for a week in the audience of the hearing today. They are: Dreama Lou Lane of Sharples; Bonnie Jean Porter of Dunlow; Deborah Lynn Raisovich of Jenkinjones; Peggy Faye Simmons of Daniels; Teresa Jo Spencer of Hemphill; Deborah Iowa Williamson of Sophia; and Susan Kay White of Princeton, all of West Virginia.

Thank you, Mr. Chairman.

Mr. TAYLOR. We would be very glad to have them stand up, so that we can welcome them before our subcommittee.

Mr. HECHLER. Thank you very much.

Mr. TAYLOR. I have two or three questions.

Is most of the section of the Shavers Fork that you desire to include in this system located on national parklands?

Mr. HECHLER. Yes, that is correct, Monongahela National Forest.

Mr. TAYLOR. Is there much privately owned land involved?

Mr. HECHLER. Yes, there is a considerable amount of privately owned land in the area, on which there is danger of logging and mining in the area of the watershed.

Mr. TAYLOR. Of course, you and the other witnesses understand that placing this river in the study section protects it from Federal activity, from Federal assistance or Federal license activity, but not from private development. It protects it during the study stage, but this is a two-step process. First we authorize the study, and then after the study is completed, Congress would have an opportunity to consider any proposal to add the river to the wild and scenic rivers system.

Are there any dams on the section of the river that you propose to place in the system?

Mr. HECHLER. There are no dams whatsoever, Mr. Chairman.

Mr. JOHNSON. Is there much dispute as to the location of the boundary line as it relates to this river? Is there any controversy about what should be included?

Mr. HECHLER. There is no dispute about the boundary.

Mr. TAYLOR. Is it located entirely in the congressional district that you represent?

Mr. HECHLER. No; but there are thousands of people from my congressional district that use Shavers Fork as well as thousands from the Washington and Baltimore area. It is located in the congressional district of our distinguished colleague, Congressman Harley Staggers.

Mr. TAYLOR. Do you know what his position is to the legislation?

Mr. HECHLER. I would not want before this hearing to try to represent a position of one of my distinguished colleagues.

Mr. TAYLOR. Are there any other questions of this witness?

The gentleman from Pennsylvania?

Mr. SAYLOR. Mr. Hechler, I appreciate the fact that you mentioned Tom Cofield. You know that many of us have fished for trout in this stream, and while it is a great stream, there are some of us that believe that some of the limestone streams in other sections are its equal.

So, when Tom begins to use his descriptive adjectives, tell him to be a little more careful. When he wants to specify it as the best, I think he had better be a little careful.

Mr. HECHLER. I appreciate that, Mr. Saylor, because this is why I quoted him rather than saying it myself.

Mr. TAYLOR. Are there any other questions?

Mr. MEEDS. Mr. Chairman?

Mr. TAYLOR. The gentleman from Washington.

Mr. MEEDS. You note that there are coal interests that may be starting to develop in the area.

Are there some inholdings in the national forest by coal companies?

Mr. HECHLER. Yes; there are.

Mr. MEEDS. Do you know how much they constitute?

Mr. HECHLER. The Forest Service is currently conducting a study of the coal holdings within the national forest. Its report will be available in September, at which time they will have a specific figure in terms of the amount, and I would hesitate to jump the gun on the completion of that study by trying to pick a figure out of the air, and an important point that I would like to make is that there is some coal there, and that the natural acidity of the soil strata has already put some acid into the stream, that it is very important that some action be taken in order to prevent further acid getting into the stream.

Mr. MEEDS. Are there private lands held within the national forest?

Mr. HECHLER. Yes, there are.

Mr. MEEDS. Do you know what percent of the total area with which we might be concerned?

Mr. HECHLER. I would just guess that would be between 30 and 40 percent.

Mr. MEEDS. How about these private owners.

Are they desirous of having this made a wild and scenic river?

Mr. HECHLER. I would not say that they are rushing forward to advocate it immediately, I would advise my colleague, because naturally there are mineral resources there that would bring a pretty good profit.

There is a question involved about the quality of the coal, however. The coal may not be economically recoverable because of faults in the coal seams, and most of the activity that we have observed appears to be directed toward establishing the fact that there is coal in case the Government should later come along and decide to purchase the mineral rights, or an outside organization attempt to purchase them.

There is a natural tendency to try to say that this is a little more valuable than it actually is.

Mr. MEEDS. Thank you.

Mr. SAYLOR. Will the gentleman yield?

Mr. MEEDS. Yes.

Mr. SAYLOR. I am very glad that the gentleman from Washington raised this question. The Forest Service Reservation Commission that was responsible for acquiring all of the natural forests east of the Mississippi River has been concerned for some period of time about the mineral in-holdings in these national forests; that is particularly true in Tennessee, West Virginia, and Kentucky.

The survey Mr. Hechler referred to was ordered in a meeting about a year ago to determine the number of in-holdings, what the potential is, and what are the rules and regulations that the Secretary of Agriculture should have in regard to any mining, if any mining takes place.

Mr. MEEDS. Thank you.

Mr. TAYLOR. Does anybody else have any questions of our colleague?

We want to thank you for being here and giving us the benefit of your testimony.

The young ladies that you introduced from West Virginia, I suppose are in support of your project?

Mr. HECHLER. Wholeheartedly and unanimously in support.

Thank you, Mr. Chairman.

Mr. TAYLOR. The next witness will be the Honorable Herbert Burke. I understand that he will be here tomorrow.

The Honorable L. A. Bafalis, and I understand he will be here tomorrow.

I now have statements from several Members of Congress. Without objection they will be placed in the record at this point.

[The statements of Representatives James G. O'Hara, E. A. Cederberg, and Philip E. Ruppe, John Blatnik, James P. Johnson, Vernon W. Thomson, John Buchanan, and Jerome Waldie follow:]

STATEMENT OF HON. JAMES G. O'HARA, A REPRESENTATIVE IN CONGRESS FROM
—THE STATE OF MICHIGAN

Mr. Chairman, I appreciate this opportunity to present my views to the Subcommittee in support of several identical bills, including one which I have sponsored, to place two Michigan Rivers—the AuSable and Manistee—in the "active study category" under Subsection (b) of Section 5 of the Wild and Scenic Rivers Act.

Originating at nearly the same point in the center of Michigan's lower peninsula, the AuSable flows east into Lake Huron, while the Manistee meanders west and south to Lake Michigan.

To date, these two rivers have been saved from private development by a fortunate set of circumstances. Much of the banks of both rivers are held by Consumer Power Company, which originally acquired them as flowage lands for hydro-electric projects.

Recently, pressures have developed for private development of the property along the rivers, and for a time the power company leased property along the banks. Public concern over the leasing persuaded the power company to discontinue this program.

As a result of this action by the power company, development of the banks of the Manistee and the AuSable has been restrained—temporarily, at least.

Both of the rivers presently are used for recreation. Canoeists can spend a few relaxing hours of days on either of these rivers. But while the rivers have won a reprieve from development, the threat remains. And as time passes, the pressure grows.

The Secretaries of Agriculture and the Interior have both recognized the fact that the Manistee and AuSable Rivers deserve study as potential scenic and wild rivers. Under their authority granted by Section 5(d) of the Act, these two Cabinet members have included portions of the AuSable and Manistee in a list of potential study rivers issued in August 1970.

This granted a small measure of protection to these selected portions of the AuSable and Manistee. However, further protection of the entire lengths of the two rivers, by promoting them to the active study category, is both desirable and appropriate. This view has been supported by both of the Secretaries.

The State of Michigan and its Department of Natural Resources endorse this action, and have pledged to cooperate in the study of the two rivers for inclusion in the Wild and Scenic Rivers System. Likewise, this legislation has the support of conservation organizations in the State.

I am pleased that the Subcommittee is holding these hearings on these bills, and it is my hope that there will be early and affirmative action on the pending legislation so that we can move forward in a responsible manner to preserve these rivers from the threat of development, and keep them in service to all of the people.

STATEMENT OF HON. PHILIP E. RUPPE AND HON. E. A. CEDERBERG, REPRESENTATIVES
IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman and Members of this Committee, we are grateful for this opportunity to present our testimony on H.R. 184 and H.R. 1679, legislation designating Michigan's Au Sable and Manistee Rivers for potential additions to the National Wild and Scenic Rivers System. At the outset, we want to state our conviction that all of us share a common interest in legislation of this type; namely to preserve the few remaining natural and unpolluted areas of our country for the

enjoyment of future generations. With this assumption in mind we first want to commend the Chairman and all Members of this subcommittee for their cognizance of the dangers which threaten these rivers if protective action is not taken, and then to proceed with our personal views as to why these Michigan Rivers should be included in this system.

Mr. Chairman, it is our understanding that a river must possess certain characteristics which determine its eligibility for inclusion in this national rivers system. We are completely convinced that the two rivers we have proposed for inclusion meet these necessary qualifications.

Both the Au Sable and Manistee Rivers are free flowing streams. Their shorelines are essentially primitive and undeveloped thereby freeing these rivers from impoundments, so recognizable in over-used river areas. The fish and wildlife inhabitants of the rivers and surrounding woods are still privileged to clean and unpolluted waters. All in all, Mr. Chairman, the natural beauty and aesthetic characteristics of these two rivers are maintained. It is because we have personally spent many years in these northern Michigan areas that we feel qualified to testify to the physical qualities of these rivers and urge their inclusion on the basis of any of the characteristics specified; scenic, recreational, geologic, fish and wildlife, historic and cultural. These factors are of obvious importance; however, Mr. Chairman, it is because these rivers also meet one other overriding priority for inclusion, that we are compelled to present testimony to this Committee. That overriding priority is the present threat to the streams' scenic and resource value.

This threat is better described by those individuals who have surveyed and studied this area and we would like to include their descriptions:

"The Au Sable River in northern Lower Michigan enjoys a nationwide reputation for quality trout fishing, offers the allure of wilderness, and provides an ideal occasion for canoeists, particularly novices. Easily accessible to a mobile, relatively affluent populace, the river has for years been attracting increasing numbers of fishermen, campers, canoeists, tourists, and residents. Overuse of a portion of the Au Sable area now threatens the ecology of the river and, for many users, lessens the quality of the experience sought."

"User Study: Characteristics and Attitudes, Michigan's Au Sable River." John R. Bassett, Beverly L. Driver, Richard M. Schreyer. School of Natural Resources, The University of Michigan, May, 1972.

"With the rapidly expanding population and the improvement of Michigan's freeway system the demand for recreational uses of the Au Sable River began increasing. A serious conflict of interest which has been developing for several years finally reached a dramatic climax in August of 1970 when the Au Sable River Property Owners Association demanded more restrictive control over the use of the water resource. The problem appears as follows: too many people are trying to use the same stretch of river for several different types of recreation all at the same time. From April until September the cottage owner, canoeist, and fisherman are in direct daily confrontation. In the latter part of June campers and swimmers arrive, compounded recently by a lawless element that provides a serious threat to the ecology of the river system.

"If proper management techniques are not initiated soon, fishing in this historic river will be reduced to mediocrity. Canoeists, campers, and riparian owners will seek waters not defiled by domestic waste and litter, and declining economic benefits from recreation will cause hardship for local residents.

"It's a paradox; since each trying selfishly to protect and preserve their own interest can only succeed in destruction of the whole."

"The Au Sable River Watershed Project." Northeast Michigan Regional Planning and Development Commission, April, 1971.

Mr. Chairman, if some protective action is not forthcoming these descriptions provide a dismal picture for the future of not only the Au Sable but the Manistee as well.

It would be a disaster to see these streams destroyed because of our inaction. The forested lands along these rivers will be cleared and in their place will appear concrete structures. Leases would be let and large parcels of land sold off for private development. As commercialization proceeds, other needs of development will have to be met: hydroelectric power plants along with water storage and flood control mechanisms will be constructed, dramatically changing the character of these streams. As these new impoundments go in, wild, free-flowing streams are reduced. If these actions are allowed, we will lose all of the natural attractiveness and scenic beauty possessed by the Au Sable and Manistee Rivers.

We all have a stake in the preservation of these areas, so to prevent further destruction we must have a coordinated effort between federal, state, regional, and local resource agencies. It is apparent, however, that any long term policy concerning the Au Sable and Manistee Rivers, and what benefit they may provide for future generations, is dependent on a comprehensive study of the entire watershed with consideration given to all users and to all river qualities. We must control and guide the development so as to preserve and utilize the natural resource values.

The urgency of the situation warrants early action to protect these rivers. The State of Michigan has seized its responsibility and passed the Natural Rivers Act which provides for "protection of wild, scenic and recreational rivers in the State". The State Act envisions that this land will be managed in harmony with stream values and such uses as recreation and fishing. This is a real start, but is not enough unless we have federal designation of these Michigan Rivers under the National Wild and Scenic Rivers System.

In conclusion, we want to impress on the Committee the importance of timely action to preserve the Au Sable and Manistee Rivers by their designation for inclusion in the Wild and Scenic Rivers System. Like every fisherman, canoeist, and camper we personally are aware of the magnificent natural beauty of the area of the Au Sable and Manistee Rivers but we also know how very close we are to losing it. We hope this Committee will not let that happen.

Thank you.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 20, 1973.

HON. ROY A. TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I would be most grateful if you would include the attached brief statement in the public hearing record on bills to amend the Wild and Scenic Rivers Act.

Specifically, this statement is offered in behalf of H.R. 8549, a bill I introduced on June 8, 1973 to designate the 53-mile-long Kettle River in the State of Minnesota as a component of the national wild and scenic rivers system.

Any favorable consideration you may give to this measure, if at all possible, would be deeply appreciated.

With warm personal regards.

Sincerely,

JOHN A. BLATNIK, M.C.

Enclosure.

STATEMENT OF HON. JOHN A. BLATNIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Chairman I would like to submit for consideration by the Subcommittee on National Parks and Recreation H.R. 8549, a bill to designate the 53-mile-long Kettle River in the State of Minnesota as a component of the national wild and scenic rivers system. This bill is identical to measures I introduced in the 91st and 92nd Congresses with enthusiastic and broad-based support from canoeists, fishermen and outdoorsmen who are deeply concerned with preserving this picturesque, unspoiled river.

Kettle River flows into the upper St. Croix River, already designated as a wild river and would complement the St. Croix. In recognition of the Kettle's fascinating diversity and recreational value, with moderate to very swift rapids interspersed with river pools, the Minnesota Department of Conservation has authorized the waterway as a canoe route. The river has added significance in its proximity to St. Croix State Park.

This primitive and uniquely beautiful river approximately meets the criteria for the wild rivers classification. Kettle River is accessible to more than half of the population of Minnesota within an hour's drive.

Mr. Chairman, I respectfully request the Subcommittee's favorable deliberation of H.R. 8549, to include the Kettle River in the wild and scenic rivers system, hereby protecting its natural beauty from despoliation by industry over-development, unsightly commercial buildings and the careless tourist.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.O., June 5, 1973.

Hon. ROY A. TAYLOR,
*Chairman, Subcommittee on National Parks and Recreation, House Committee
on Interior and Insular Affairs, Washington D.C.*

DEAR MR. CHAIRMAN: I wish to submit the following statement for the record in the consideration by your Subcommittee of H.R. 2848.

The bill I have introduced H.R. 2848 would amend the Wild and Scenic Rivers Act by designating 20-22 miles of the Colorado River in the State of Colorado for study as a potential addition to the National Wild and Scenic Rivers System. The bill further provides that a report be made to the President and the Congress within one year with its recommendations regarding the suitability of such protective classification for this section of the Colorado River.

It is my opinion Mr. Chairman that this particular section of the Colorado River has already proven to be of special recreational value to the people of the Grand Valley and what is known as Colorado West. The river flows through a remote area of Western Colorado and the section involved stretches from a point near Loma, Colorado to the Colorado-Utah border through scenic Ruby Canyon. There are several interesting and scenic side canyons. One of these "Horse-thief Canyon" a favorite hideout for cattle rustlers is of interesting local historical significance. Another "Rattlesnake Canyon" contains several large natural arch formations. The area is also rich in wildlife.

While there is a railroad through part of the canyon and one unimproved access road most of the canyon is accessible only by footpath.

About eighty percent of the land along the river is administered by the Bureau of Land Management. The rights of the private landowners along the river would be recognized, as I understand it, under the provisions of the Wild and Scenic Rivers Act.

Mr. Chairman, it appears that such designation would meet with general approval in the area, but, if there are any interests that might be adversely affected by such designation—interests that have not been brought to my attention up to this time—then the study which would be authorized by this bill could develop that information prior to any final action being taken.

I urge the Committee to give favorable consideration to this bill, H.R. 2848.

Sincerely yours,

JAMES P. JOHNSON,
Member of Congress.

STATEMENT OF HON. VERNON W. THOMSON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF WISCONSIN

Mr. Chairman and Members of the Committee, let me first express my gratitude to this Committee for its approval last year of the bill adding the lower St. Croix River to the National Wild and Scenic Rivers Systems, a bill for which I was the principal House sponsor. Passage of that legislation will preserve a beautiful recreational resource within the path of urban growth.

Today I am appearing on behalf of H.R. 5419, which would authorize a study to be made of the lower 74 miles of the Wisconsin River as the first step towards including that river in the Wild and Scenic Rivers system. The bill is being co-sponsored by Rep. Kastemeler and myself because the entire 74 miles of the river flow through our Districts. Like the lower St. Croix, the lower Wisconsin is relatively unspoiled and undeveloped and also faces mounting recreational pressures by the rapidly-growing Madison metropolitan area.

For visitors, it is very easy to see the potential of the lower Wisconsin. Its banks appear as they must have to the early settlers. In fact, this waterway served as the route for the French explorers Marquette and Jolliet when they discovered the upper Mississippi River in 1673, the tercentennial of which is being celebrated this weekend at Prairie du Chien, Wisconsin.

Unfortunately, there is no systematic study of the land use of the area prepared to provide the data necessary for this Committee to assess the river for inclusion in the Wild Rivers system. The Wisconsin Department of Natural Resources has completed an 18-month study of the river below Portage, Wisconsin, but the data now available from that study does not provide discrete data for the stretch below Prairie du Sac. Perhaps this study would serve as a good "jumping off" spot for the federal study.

While no documentary evidence has been compiled to persuade this Committee to approve the river for inclusion in the Wild and Scenic River system, I would

remind you that this bill calls only for a study of the river at this time. The obvious scenic character of the river, I believe, fully warrants further study of the lower Wisconsin for possible inclusion in the National Wild and Scenic River system.

STATEMENT OF HON. JOHN BUCHANAN, JR., A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ALABAMA

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify here today. I would like to add my voice to those asking that a study be implemented investigating the possibility of including Alabama's last free flowing stream, the Cahaba River, in the National Wildlife and Scenic Rivers System, as provided by H.R. 2307.

The Cahaba, which runs a distance of 152 miles, flows through five of Alabama's counties, placing some 60% of Alabama's 3.4 million citizens within a 100-mile radius of some segment of the river.

This study would enable many citizens of Alabama to voice their opinions on the inclusion of the Cahaba into this system, thus rendering invaluable assistance to us should any legislation on this subject come before the Congress in the future.

The River, in addition to many tributaries which flow a total of 290 miles, has a capability to sustain low flows through good ground water contributions. The Alabama Water Improvement Commission has recommended five segments of the river for water classification purposes. These vary from public water supply to fish and wildlife. Since the classifications suggested by the AWIC are based largely on historical uses, fish and wildlife waters may be of better quality than some of the higher classes. These classifications may even be upgraded by the AWIC after a public hearing providing that water quality meets the standards.

The Cahaba contains much varied vegetation. Of Alabama's 148 species of fish in her waterways, only 25 are not found in the Cahaba. Several species are unique to the Cahaba, others are rare elsewhere.

The Cahaba boasts considerable wildlife both in large and small game. All known species thrive abundantly.

The Cahaba has long history of being of tremendous importance to both the Indians and the later settlers in Alabama. Its shores were selected for one of Alabama's first capitals.

This river system with its tremendous importance to all of Alabama's citizens, both as a source of income and recreation, certainly deserves the attention that this study would focus on it.

In addition to my statements today, I am attaching a statement by Mary I. Burks, Executive Secretary of the Alabama Conservancy, which supports this legislation and which I commend to the Subcommittee's attention. I would appreciate the Subcommittee's sympathetic consideration of H.R. 2307.

(The attachment will be found at p. 145.)

STATEMENT OF HON. JEROME R. WALDIE, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Mr. Chairman, Members of the Subcommittee, I thank you for the opportunity to speak on behalf of the bill I will be introducing today. In each of the past two Congresses I have introduced legislation providing for the inclusion of several river systems in California into the National Wild and Scenic River System.

Again today I am introducing a Wild and Scenic Rivers bill which will provide for several additions to this system, and I ask this Subcommittee to weigh their merit and seriously consider their inclusion.

As in the past, I have included the Eel, Klamath and Trinity Rivers of Northern California. I have also included the entire Smith River system which runs into extreme Northwestern California from Oregon and also the North Fork and Middle Fork of the San Joaquin River in Central California.

Each of these rivers is worthy of inclusion in our Wild Rivers system, either in their wild, scenic or recreational status, a status to be determined by careful study.

I submit as evidence of the need to preserve the Eel, Klamath and Trinity Rivers the fact that the California Legislature has passed legislation which was signed by Governor Reagan to provide for a moratorium on the construction of high dams on these rivers.

While my bill goes farther in that it places these rivers under indefinite-protected status, I view the California Legislature's action as a key indicator of public support for long-term preservation of the last free-flowing river systems in the State.

The Smith River is an integral part of the North Coastal river system in California. It is presently undeveloped and unthreatened. Inclusion into the Wild Rivers System would ensure its pristine nature.

The San Joaquin River is overused and is polluted along much of its course. However, its headwaters are untouched and run through some of the most spectacular parts of the High Sierra. Therefore, Mr. Chairman, in this redrawn wild rivers bill, I am including the Middle Fork of the San Joaquin and the North Fork from their origins to Mammoth Pool.

This wilderness land can be further protected by yet another bill which I have introduced in the 93rd Congress and is before this Subcommittee. This bill provides for the creation of the San Joaquin Wilderness and would be the last link in a chain of wilderness areas from Yosemite National Park to Sequoia National Park and would provide the ultimate protection to the John Muir Trail across the Sierra Crest.

Two other major California Rivers which deserve consideration for inclusion into the wild river system are the American River and the Kings River. I hesitated to include the American River in this package because of pending litigation on flow requirements. Inclusion of the American could well jeopardize the fate of the other rivers which deserve immediate attention. With regard to the Kings River, it is the contention of many local conservationists and public officials that the river should be included in the National Wild and Scenic Rivers System. I feel that the matter of its inclusion should be given further study.

Mr. Chairman, over the years these rivers have been established as needing the protection of the wild rivers system. I hope the Subcommittee will act favorably upon this legislation to include the Eel, Klamath, Trinity, Smith and sections of the San Joaquin in this system.

Mr. TAYLOR. Mr. James G. Watt, Bureau of Outdoor Recreation, U.S. Department of the Interior.

We are glad to welcome you again.

STATEMENT OF JAMES G. WATT, DIRECTOR, BUREAU OF OUTDOOR RECREATION, U.S. DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ROBERT EASTMAN, BUREAU OF OUTDOOR RECREATION, U.S. DEPARTMENT OF THE INTERIOR

Mr. WATT. It is good to be with you.

I have with me an associate, Mr. Bob Eastman, whom I would have join me at the table.

We have a prepared statement, Mr. Chairman, that I think the members of the committee have. It is a short one. With your permission I would like to read it.

Mr. TAYLOR. Go right ahead.

Mr. WATT. Mr. Chairman and members of the subcommittee, it is a privilege to appear before this subcommittee today to testify on H.R. 4864, which embodies the administration's proposed amendment of the Wild and Scenic Rivers Act, and some 10 other bills which would also amend this act.

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

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

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

Section 7(b) contains two other provisions designed to afford protection to rivers under study by the two Departments for the same period of time as the prohibition on FPC licensing authority. One prohibits Federal agencies from assisting in the construction of any water resource project that would have a direct and adverse effect on a river's wild or scenic values. The other prevents Federal agencies from recommending authorizations or appropriations for construction of water resource projects without reporting potential conflicts with the purposes of the Wild and Scenic Rivers Act to the two Departments and the Congress.

We estimate that reports on 6 of the 27 "study rivers" named in the act will have been transmitted to the President and the Congress by October 2, 1973. Several of these six reports probably will recommend State administration. After October 2, 1973, the remaining 21 study rivers will be subject to FPC licensing and Federally assisted water resource project development which could seriously impair, if not destroy, their wild and scenic river values. Accordingly, we are requesting a 5-year extension of the moratorium as provided in H.R. 4864.

H.R. 4864 also amends section 16 of the Wild and Scenic Rivers Act by increasing the existing \$17 million appropriation authorization for property acquisition along the eight rivers designated in the 1968 act as the initial components or "instant rivers" of the national system. All of the existing \$17 million authorization has already been appropriated.

H.R. 4864 would provide an additional \$20,600,000 to complete acquisitions at these river areas. Our present estimate of the costs to complete acquisition for each of the river areas is as follows: Clearwater, Middle Fork, Idaho, \$2,160,000; Eleven Point, Mo., \$2,900,000; Feather, Middle Fork, Calif., \$3,850,000; Rio Grande, N. Mex., \$100,000; Rogue, Oreg., \$9,404,000; St. Croix, Minn. and Wis., \$1,450,000; Salmon, Middle Fork, Idaho, \$1,100,000; for a total of \$20,600,000.

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

The remaining bills, which are the subject of this hearing, would add segments of the following seven rivers to the list of study rivers in section 5(a) of the Wild and Scenic Rivers Act: H.R. 134, 1679, identical bills concerning the Au Sable and Manistee, Mich.; H.R. 1401, Shavers Fork of the Cheat River in West Virginia; H.R. 2307, Cahaba, Ala.; H.R. 2848, Colorado River, Colo.; H.R. 4326, American River, Calif.; H.R. 4469, and 5444, identical bills, and H.R. 5678, a similar bill, concerning the Oklawaha, Fla.; and H.R. 5419, Wisconsin River, Wis.

As indicated in the Department's report on these bills, except for H.R. 5678, we would have no objection to their enactment if certain provisions in H.R. 1401, H.R. 2848, H.R. 4326, and H.R. 5419 are deleted.

The study bills concerning the Cheat, Colorado, and American Rivers contain specific time limits for completing the studies. We would be unable to comply with these time requirements without rescheduling all pending wild and scenic river studies. We are aware of no justification for giving priority to these three river studies, and therefore oppose such provisions.

In lieu of H.R. 5678, which is concerned with the study of a segment of the Oklawaha River in Florida, we recommend the enactment of either of the other identical Oklawaha River bills, H.R. 4469 or H.R. 5444. The latter bills would permit a much more comprehensive study of the wild and scenic river potential of this river.

Secretary Nat Reed is preparing an additional statement on behalf of the Department that he would like to submit for the record in the next few days with regard to the Oklawaha River because of the interest that we have for the river as a national wild and scenic river and the conflicts that might result because of the Cross Florida Barge Canal.

With your permission, we will have that statement up here in a few days.

This concludes my formal statement, Mr. Chairman. We would be glad to respond to any questions that you and members of the committee may have.

Mr. TAYLOR. Thank you, Mr. Watt.

You covered a great deal of territory in a short statement.

On page 4 you say, except for H.R. 5678, we would have no objection to the enactment of certain other bills.

What is the basis for your objection to 5678? Congressman Chappell introduced that. He is not here today but I think he will be here tomorrow.

Mr. WATT. That particular bill limits the study to a short segment of the Oklawaha River. We feel the study should be made of the river, but over a longer section of the river, and are recommending, therefore, these other two bills which do allow a study to be carried out over a longer section.

Mr. TAYLOR. There is an existing dam and lake now covering a section of that river. Is that not correct?

Mr. WATT. On the Oklawaha?

Mr. TAYLOR. Yes.

Mr. WATT. Yes, there is.

Mr. TAYLOR. You do not recommend a study of that section, do you? How would you handle that?

Mr. WATT. We feel that the total complex should be the subject of a study. You will recall that the act provides that for a wild river there be no impoundments. For a recreational or scenic river an impoundment might be appropriate and could be considered in a study, and we would like to proceed on that basis.

Mr. TAYLOR. I think that we will learn, when Congressman Chappell testifies, that there is a proposed canal that might utilize a portion of this river and might run parallel to part of it for quite a distance. I understand this is quite controversial.

What is your feeling with regard to that canal?

Mr. WATT. Yes, Mr. Chairman. I am really not prepared to discuss that. It needs to be the subject of a study, looking at the total environmental situation as it exists in those segments of the river.

Mr. TAYLOR. Well, Congressman Burke has one position and Congressman Chappell has another, and we will get both of those tomorrow. Maybe they will provide us with some information.

Now, the ceiling increases that you propose deal only with the instant rivers. We have already placed a section of St. Croix in the scenic rivers system.

Didn't that legislation provide an authorization limit of its own?

Mr. WATT. Yes, it did, Mr. Chairman.

Mr. TAYLOR. Do you propose that we provide spending authorizations for each river as we go along?

Mr. WATT. That is correct.

Mr. TAYLOR. In your bill, though, you give a lump sum authorization for the eight rivers.

Why not break that down, so much per river?

Mr. WATT. We feel that it would be better if we had the flexibility to shift the funds from one river to another as the situation dictates. We have had some interesting experiences and some difficult experiences in negotiating on these eight rivers to date, and would expect that those difficulties probably would continue. While we have some confidence that the \$20.6 million is adequate, we are not as confident that we can pinpoint the exact dollar amounts for each specific river.

Mr. TAYLOR. Will you supply for the record a table showing the amount that has been spent for acquisition so far on each of the eight rivers? In addition, please indicate what the estimated additional needs for each river are.

[The information referred to follows:]

NATIONAL WILD AND SCENIC RIVERS FUNDING STATUS—LISTED IN SEC. 3(A) OF PUBLIC LAW 90-542

River	Administering agency	Allocated ceiling	Appropriation	Estimated additional ceiling needs
Eleven Point.....	FS	\$2,008,500	\$2,008,500	\$2,900,000
Middle Fork Clearwater.....	FS	748,800	748,800	2,180,000
Middle Fork Feather.....	FS	88,700	88,700	3,950,000
Middle Fork Salmon.....	FS	137,100	137,100	1,100,000
Rio Grande.....	BLM	153,000	153,000	1,100,000
Rogue.....	BLM/FS (BLM)	3,407,100 (1,586,350)	3,407,200 (1,586,350)	9,040,000 (7,458,000)
St. Croix.....	(FS)	(1,810,850)	(1,810,850)	(1,440,000)
Wolf.....	NPS	10,318,558	10,318,558	1,450,000
	NPS	142,144	142,144	(?)
Grand total.....		17,000,000	17,000,000	29,600,000

* This additional ceiling is needed if identified lands for acquisition cannot be acquired by exchange.

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

Mr. WATT. I might comment, Mr. Chairman, that Congress has appropriated the full \$17 million. We have obligated most of that. We still have unobligated \$6.7 million that will be available for use this coming fiscal year.

Mr. TAYLOR. I have one more question at this time.

What makes you think that if we authorize this additional acquisition money that the administration will budget the funds and will permit them to be spent?

Mr. WATT. It is an administration proposal, we think there is a need, and we propose that the appropriations will be sought as needed once we have the authorization. We have not asked for additional

funds from Congress for this coming 1974 fiscal year because of the carryover of the \$6.7 million that has already been appropriated.

Mr. TAYLOR. The administration has been a lot more liberal with authorizations than they have with either appropriations or the spending of the money once it is appropriated.

I now recognize the gentleman from Florida.

Mr. HALEY. No questions.

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. I just want to say to my colleague from North Carolina, this administration is like all other administrations in that respect. I think your great Andrew Jackson was the one who started all the business of freezing the funds that Congress has appropriated, and it is a pattern that every President has followed from that time until now.

Mr. TAYLOR. If the gentleman would yield, I will state that some Presidents follow that pattern to a greater extent than other Presidents have.

Mr. SAYLOR. That is because the budget has increased. The same principle is true. It is like being pregnant. You are just as pregnant the first month as you are in the ninth month except it shows a little more.

Mr. Watt, the recommendations that you have made are for study in each one of these cases. As the study progresses on the 27 rivers that were authorized, you will be in a position to recommend to the President for submission to the Congress as additions to the National Wild and Scenic Rivers System, as a recreational, scenic, or as a wild river.

Is this correct?

Mr. WATT. Yes.

Mr. SAYLOR. You want the same flexibility given to your Department as you study the rivers that are included in these bills that you recommended?

Mr. WATT. I am not sure that I follow you.

Mr. SAYLOR. The flexibility so that you can determine and report to the President that they should be a wild river, they should be a scenic river, they should be a recreational river.

Mr. WATT. Yes; we do desire the flexibility.

Mr. SAYLOR. One of the rivers that has come to my attention and which the Forest Service is acquiring a bit of land is the St. Johns River in Florida.

Has there ever been by either the Forest Service or your department in the Interior, a recommendation that a study be made on that river?

Mr. WATT. The Forest Service will be testifying later, Mr. Saylor, but I am advised that there has not been a recommendation on the St. Johns River.

Mr. SAYLOR. You say the rivers in Florida that are being considered, Assistant Secretary Reed will have a statement, because it might have some connection with the controversial Cross Florida Barge Canal?

Mr. WATT. The Department felt that there was a need for further amplification than the statement that we had prepared.

Mr. SAYLOR. In view of all the problems that have been created for the Interior Department and the Everglades National Park by the Corps of Engineers and its series of canals and ditches that have been

built throughout that area, I would sincerely hope that the Interior Department will take a very careful look at any recommendations and to try to see to it that the various agencies of the Federal Government cooperate in trying to develop or channel development in Florida. I think our chairman of the full committee might agree with that statement because the attitude of certain of the agencies going their own independent ways have done nothing but cause the State of Florida and the rest of the United States a great deal of heartache and controversy. We are faced with a situation wherein the entire Florida delegation has come now and recommended preservation of the Everglades, and if necessary the Big Cypress Swamp.

Thank you.

Mr. TAYLOR. The gentleman from California?

Mr. JOHNSON. Thank you Mr. Chairman.

There are one or two questions that I would like to ask here about what you refer to in your statement, Mr. Watt. As I understand it, in the Middle Fork in the Feather River in California, you are just starting some of your property acquisition.

Among the eight rivers, you say there is a need for \$3,850,000.

Mr. WATT. Yes.

Mr. JOHNSON. That \$3,850,000 would round out and require what lands you figure should be acquired?

Mr. WATT. That is correct, Mr. Johnson.

Mr. JOHNSON. That is not in a list here. You ask for a lump sum and you state your reason for it, that you want flexibility.

Now, this River Act by now has had very careful study by the Forest Service and your own group to know about what you want to acquire.

Is that true?

Mr. WATT. Yes; it is.

Mr. JOHNSON. With the values going up all the time, the prices that we are having to pay is well above estimated appraisals, I hope that if these increased funds are allowed by the Congress, we move in and acquire the rest of that property on the Middle Fork of the Feather.

Would that be your intention?

Mr. WATT. That is our intention.

Our studies have indicated—that is the studies carried out by the Forest Service—that of the total acreage of 25,226 acres that is needed for the management of the river, 13,000 plus acres are presently within public ownership. We need to acquire, according to our studies, 5,450 acres in fee, plus another 5,787 acres of scenic easement.

We feel that the moneys in the neighborhood of \$3.8 million will be sufficient to acquire those interests, but we would prefer to have the flexibility so we do not have to reprogram it through the committee.

Mr. JOHNSON. Fine.

I want to commend your people for moving on that particular river. I think it is a very fine river to be placed in the system, and I think with the progress that has been made, no one should complain. There has been a very thorough study made, and you need to finalize your decisions as to what is needed to protect the values there.

Another question on the studies. I see you object to time limits.

As I understood it, each one of these studies would be given a certain sum of money. If we were to add a given river for a study, we would also have to accept the responsibility of putting in a sum of money to make the study.

Is that your thought?

Mr. WATT. We have to seek money and manpower ceilings to do the job. We are planning to rescope some of these studies so they can move along at a more rapid pace. It takes approximately \$75,000 to carry out a study of one of these rivers by the Bureau of Outdoor Recreation. That is probably 18 months if we can accelerate them in the way that we are now doing.

Mr. JOHNSON. Of course, the one that I am primarily interested in here is the North Fork of the American River. There has been a lot of consideration given to that by the Forest Service. They own a good deal of the land along with the Bureau of Land Management. There is some private land. It is not too big a project, and it is accessible during a good portion of the year.

Say that we give the authorization for a study, you say \$75,000 is sufficient to make that study?

Mr. WATT. That is the cost by the Bureau of Outdoor Recreation.

Mr. JOHNSON. What would be the total cost that you estimate?

Mr. WATT. The total costs of these studies, of course, vary with the agencies and the length of the river. A ballpark figure would be about \$150,000 per study. The Forest Service might want to comment on that later. They have lead in this particular river.

Mr. JOHNSON. I would ask that same question of the Forest Service because of the simple reason that if we authorize these studies, I think we should put in these studies in the authorization a suggested amount, to put an actual figure on it. Then if Congress does authorize, and the President does sign the authorization, then we will have to go and fight for the appropriations to carry this out.

I would like to know if you would rather have it in a lump sum?

We would rather see it to a specific project. Then we can fight our battles around it. If we go for a lump sum to protect all the studies that would be authorized here again, you have flexibility, but we do not know where we stand, either.

Mr. WATT. The lump sum that we have been referring to has been for acquisition of the lands on the eight rivers included as initial component of the national system.

Mr. JOHNSON. I hope it is only for acquisition.

Mr. WATT. We receive our study money from other authorizations.

Mr. JOHNSON. It will be a specific amount for a specific project that is authorized.

Mr. WATT. For study purposes.

Mr. TAYLOR. Would the gentleman yield?

Mr. JOHNSON. Yes.

Mr. TAYLOR. Are you saying now that if—and we probably will—we add certain rivers to the study section, we should place certain language in the bill authorizing a certain sum of money for the study?

Mr. EASTMAN. That was Mr. Johnson's proposal.

Mr. TAYLOR. What is your idea?

Mr. EASTMAN. Normally we come before the Appropriations Committee with a request for study funds, and we identify the rivers which we propose to study during that year. We are asking for example, for \$175,000 to study three rivers this particular year.

Mr. TAYLOR. You are saying that you have general authorization authority for those studies and you do not need specific authority in this bill?

Mr. WATT. Yes.

Mr. TAYLOR. The gentleman from California.

Mr. JOHNSON. I would like to follow that up a little bit.

I know that our studies on the rivers, which are in for studies and have been held up, and you have asked for another 5-year moratorium on the Federal Power Commission activity.

That would lead me to believe that the studies are not moving the way that we thought they would.

Has it been because of a lack of funds?

Mr. WATT. We are accelerating the studies and changing some approaches on them. In the early years of the program, the Federal agency formed a task force and went out to do the study, to develop a plan for making that river a federally managed river in the National Wild and Scenic Rivers System. We have changed some approaches on that to make conceptual studies of the river to see what qualities it has, to see whether it qualifies and what values should be protected.

We also determine what agency and what level of government could most profitably and most efficiently manage that river. We have had to redo some of our studies because of this change in approach. Now having this approach the studies will proceed much faster than in past years. I mentioned in my statement that we have six studies that will be presented to the Congress later this year. Several of them will be recommending that they do qualify, but that they should be administered by State agencies rather than the Federal Government.

I think in making that approach we can move much more aggressively and develop this system in a more harmonious manner.

Mr. JOHNSON. Let me follow that up just a moment.

If these lands are mostly federally owned lands now, I assume that it would remain as a Federal operation.

Mr. WATT. It most likely would. In a possible situation, we will have a case where a State may be desiring to make a section of the river a State river, but it would be adjoined by Federal lands. There could be a joint management arrangement by the State and Federal interests, a joint venture for the wild and scenic river purposes.

Mr. JOHNSON. We fully realize that we have 8 or 10 rivers here to be studied, that will relate to quite a bit of money.

Now, it has been the policy of this committee to always put in a sum of money on any authorization that we put through. I do not think that the authorizations we authorized for study in the original Wild Rivers Act is enough. We have to add to it.

Mr. WATT. You make a valid point. We would not object if the committee did make a special authorization for the study. I am not sure that it is absolutely essential, but we would not be opposed to that.

The bill, as passed in 1968, established a 5-year moratorium on FPC licensing activities, but allowed 10 years for the study of the 27 rivers. We feel that we will be successful in finishing those studies of the 27 rivers within the 10-year time frame.

Mr. JOHNSON. Thank you very much.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SEUBITZ. No questions.

Mr. TAYLOR. The gentleman from Wisconsin?

Mr. KASTENMEIER. Thank you, Mr. Chairman.

Mr. Watt, I note that you say that we would have no objection to the enactment of the several bills, including H.R. 5419, if certain provisions are deleted.

I do not have before me your report, but I assume that in the case of H.R. 5419, that is merely a technical deletion.

Is that correct, a technical deletion in the language?

Mr. WATT. Yes.

Mr. EASTMAN. The way we read the act, you are renumbering the rivers to make the last river which is now on the bill the 28th, and placing your study river in this number 27. We see no reason to establish them in orders of priority.

Mr. WATT. It is a technical situation.

Mr. KASTENMEIER. As I recall, it was so done merely in alphabetical order but not in order of priority, but your point is well taken.

Do I understand that the administration's objective, as I would interpret it, is somewhat different from the original intention of the legislation, mainly, to convert what we consider the National Wild and Scenic River System into a loosely assembled system of State scenic views, because you emphasized that many of these can be locally administered or locally handled.

These, in that sense, are no longer a national system, I would assume, but with revenue sharing, would this be a return to local government type of operation?

Mr. WATT. No. The original act did provide for the establishment of rivers in the national system that would be managed by the Federal agencies. It also provided that the national system could include rivers administered by State government when the Governor of that State or States, the Governors of several States petitioned the Secretary of Interior asking that those State-managed rivers be named and made a part of the National system, and we have had several States showing interest in carrying through in that provision of the law.

I think that makes a healthy relationship. I think Congress exercised good wisdom in allowing that approach to making a national Wild and Scenic Rivers system.

Mr. KASTENMEIER. In that connection, these several rivers would have to qualify precisely under the language of the original act.

Mr. WATT. Approved by the Secretary, that is correct.

Mr. KASTENMEIER. I would like to take this opportunity to inquire about the Wolf River in Wisconsin which of course is not noted here, in terms of among those rivers that money will be sought in acquisition.

Of course, as I recall, there is difficulty because the Wolf River lies principally in Menominee County.

What difficulty are you having in that connection?

Mr. EASTMAN. The Indian tribal groups have shown no interest in participating in the program and adding the river to the national system. We have not been able to acquire any lands in the area.

As you know, 95 percent of the lands are Indian lands. There are some scattered tracts of other lands which we probably could purchase, but there is no use purchasing these until the Indian tribal groups indicate an interest with going forward with the program. At the present time there is no activity other than periodically checking with the tribe to see if they have changed their mind.

Mr. KASTENMEIER. I appreciate that answer. That is what I had surmised. In any event, at this point it seems to lie beyond our capacity.

Mr. WATT. You will recall that we have no powers to condemn those lands, nor are we asking for any. We do not think that would be appropriate.

Mr. KASTENMEIER. I appreciate that.

One other question.

You asked for an extension of the prohibition from section 7(b) and other provisions, two other provisions, including Federal agencies in assisting in construction and from recommending authorization for appropriations for construction.

What has been your experience in the last 4 years or so in that connection?

Have you had difficulty in terms of other agencies abiding with this provision? Conflicts with other agencies?

Mr. WATT. We have found a good spirit of cooperation and a well established understanding from the other agencies. We have had no problems at all.

Mr. KASTENMEIER. I am very glad to learn that.

Thank you very much.

Mr. TAYLOR. The gentleman from Texas?

Mr. STEELMAN. No questions.

Mr. TAYLOR. The gentleman from Washington?

Mr. MEEDS. Thank you, Mr. Chairman.

As I understand, there were 27 rivers included in the initial legislation.

Is that correct?

Mr. WATT. That is correct.

Mr. MEEDS. How many of the studies have been completed and recommendations made?

Mr. WATT. We will have completed and sent to the Congress six of those studies by the fifth year—the anniversary, which is October of this year.

Mr. MEEDS. You say that they are running about \$70,000 to \$75,000 per study.

Mr. WATT. I hope I am not misleading the committee. That is the Bureau of Outdoor Recreation cost for each river. The studies are conducted by a task force, so there are several agencies contributing to that study, even though the Bureau of Outdoor Recreation has the lead responsibility on 18 of the 27 and the Forest Service on the remaining 9.

Mr. MEEDS. Where do these matters appear in the budget?

Mr. WATT. We have in our appropriation request salaries and expense account. In that account we ask specifically for funds to carry out the wild and scenic river studies.

Mr. MEEDS. How much are you asking for in fiscal 1974?

Mr. WATT. We are asking Congress to appropriate for fiscal 1974, \$170,000

Mr. MEEDS. \$170,000?

Mr. WATT. Yes.

Mr. MEEDS. How much did you ask for in fiscal 1973?

Mr. EASTMAN. It was about the same I believe, sir.

Mr. MEEDS. Do you know—

Mr. WATT. We can supply that for the record. We do not have a figure right at our fingertips.

Mr. MEEDS. Is this about an average that you have been asking for the past 5 years?

Mr. WATT. We have obtained from Congress \$890,000 over the past several years to study these rivers, and are asking \$170,000 this year, so the average for that, the \$175,000 would be the amount of money that we have been asking Congress for each year.

Mr. MEEDS. Mr. Chairman, I would ask that they may be allowed to respond and give us in writing what they have requested each year and what they received each year.

Mr. TAYLOR. Without objection, that will be placed in the record when received.

[The information referred to follows:]

JUNE 19, 1973.

Total estimated expenditures by the Bureau of Outdoor Recreation, Wild and Scenic River Planning Studies

Fiscal year:	Amount
1969 -----	\$100,000
1970 -----	250,000
1971 -----	280,000
1972 -----	160,000
1973 -----	150,000

Total ----- 890,000

Mr. MEEDS. If you have completed 6 out of 27 by that 5-year anniversary, that is less than one-quarter of the total rivers, and a total of one-half of the time.

Are you quite well advanced on a number of others that you can bring in quickly so you can meet all these deadlines?

Mr. WATT. Yes, we are. We have been making good progress on all of the rivers. Studies are currently in progress on all but 4 of the 27 rivers. Studies of these 4 rivers will be initiated in fiscal year 1974. The ones that we are starting this year will involve the citizens in the area. Several public information meetings will be held at various sites to include the local planners and the local property owners so that they can become involved. These meetings are to give us information on the values to be preserved, how they should be preserved, and if they should be preserved.

Another important consideration is, how can the river best be managed if it is determined that it should be in the system. We look at the several governmental arrangements that might preserve the river.

Mr. EASTMAN. May I add something?

Mr. MEEDS. Yes.

Mr. EASTMAN. The studies are an ongoing process. Six more are scheduled for completion in fiscal 1974.

Mr. WATT. We will have six completed by October of this year. We will have another six completed by July 1, 1974.

Mr. EASTMAN. The last four river studies will be initiated in fiscal 1974.

Mr. MEEDS. Can you tell me specifically about the status of the Skagit River in Washington State?

Mr. WATT. That is a study being led by the Forest Service. They may want to discuss this with you in more detail. They are presently preparing to hold public information meetings on the first draft of their report. The environmental impact statement will be prepared and ready for formal review by the Governor, and heads of the Federal agencies in June of 1974.

Mr. MEEDS. We cannot expect to see any proposal on the Skagit for the next 2 years.

Mr. WATT. For another year. The environmental impact statement will go out a year from now. Then shortly thereafter they will be prepared to make their recommendations to Congress.

Mr. MEEDS. Are you aware of the rapid escalation of land costs in that area?

Mr. WATT. We are experiencing those throughout the country. That is a problem.

Mr. MEEDS. Mr. Chairman, I would be very chagrined to find that the budget would be cut back on these studies at a time when land costs are escalating very rapidly and when these studies should be completed, and instead of the back end for 10 years, it should be the front end of 10 years because of the rapid escalation of costs and the development that continues as it does on the Skagit, making it that much less likely that we are going to have truly an uninhibited and good scenic river.

I certainly hope that these studies can be speeded up.

Mr. WATT. Your concern is well justified, and we are doing as well as we can on that. You may want to pursue the particular questions you have on that river with the Forest Service witness.

Mr. STEELMAN. Mr. Chairman?

Mr. TAYLOR. The gentleman from Texas?

Mr. STEELMAN. What does the average study cost?

Mr. WATT. With all the variables you need to consider, we are suggesting a total ballpark figure of \$150,000.

Mr. STEELMAN. Do you hire outside consultants to do the study or do you have in-house capabilities?

Mr. WATT. We have been using task force groups comprised of Federal agency people, and State and local people have been involved in it. We have not hired consultants.

Mr. STEELMAN. I understand that there are three categories of rivers under the act, the wild river, the scenic river, and the recreational river.

Is that correct?

Mr. WATT. Yes.

Mr. STEELMAN. Can you tell how many there are in each of these three categories?

Mr. EASTMAN. There may be segments of wild, scenic, or recreational in each river. We do have a list that indicates our preliminary findings on several of the rivers in the group of 27 as to the segments which will be wild, scenic, and recreational.

Mr. STEELMAN. Will you provide that for the record?

[The information follows:]

TABLE 1.—RIVER MILEAGE CLASSIFICATIONS FOR COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

River: Present units in the national system and administering agency	Miles by classification			Total miles
	Wild	Scenic	Recreational	
1. Middle Fork Clearwater, Idaho: USFS	54		131	185
2. Eleven Point, Mo.: USFS		44.4		44.4
3. Feather, Calif.: USFS	32.9	9.7	65.4	108
4. Rio Grande, N. Mex. (Rio Grande mgt. by agency):				
BLM/USFS	51.75		1	52.75
(BLM)	(43.90)		(.25)	(44.15)
(USFS)	(7.85)		(.75)	(8.60)
5. Rogue, Oreg. (Rogue mgt. by agency):				
BLM/USFS	33	7.5	44	84.5
(BLM)	(20)		(27)	(47)
(USFS)	(13)	(7.5)	(17)	(37.5)
6. St. Croix, Minn. and Wis.: NPS		181	19	200
7. Middle Fork Salmon, Idaho: USFS	103		1	104
8. Wolf, Wis.: NPS		25		25
9. Allagash Wilderness Waterway, Maine: State of Maine	95			95
10. Lower St. Croix, Minn. and Wis.: NPS		12	15	27
Total	369.65	279.60	276.40	925.65
Summary:				
BLM	63.90		27.25	91.15
USFS	210.75	61.60	215.15	487.50
NPS		218.0	34.0	252.0
State	95.0			95.0
Total	369.65	279.60	276.40	925.65

TABLE 2.—RIVER MILEAGE CLASSIFICATIONS KNOWN TO DATE FOR THE 27 POTENTIAL ADDITIONS TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

	Study lead responsibility	Proposed administering agency	Proposed classification by miles			Total miles
			Wild	Scenic	Recreational	
1. Allegheny, Pa.	BOR					70.0
2. Bruneau, Idaho	BOR					124.0
3. Buffalo, Tenn.	BOR					120.0
4. Chattooga, N.C., S.C., and Ga.	USFS	USFS	41.3	6.5	10.1	57.9
5. Clarion, Pa.	BOR					90.0
6. Delaware, N.Y., and Pa.	BOR			47.6	25.1	72.7
7. Flathead, Mont.	USFS	USFS	97.9	40.7	80.4	219.0
8. Gasconade, Mo.	BOR					400.0
9. Illinois, Oreg.	USFS					71.0
10. Little Beaver, Ohio	BOR					45.0
11. Little Miami, Ohio	BOR	State of Ohio		18.0	48.0	66.0
12. Maumee, Ohio and Ind.	BOR					300.0
13. Missouri, Mont.	BOR		72.0	39.0	59.0	170.0
14. Moyie, Idaho	USFS					35.0
15. Obed, Tenn.	BOR					98.0
16. Penobscot, Maine	BOR					175.0
17. Pere Marquette, Mich.	USPS					68.4
18. Pine Creek, Pa.	BOR					45.0
19. Priest, Idaho	USFS					62.0
20. Rio Grande, Tex. and Mexico	BOR					
21. St. Croix, Minn. and Wis.	BOR	States of Minnesota and Wisconsin			25.0	25.0
22. St. Joe, Idaho	USFS					132.0
23. Salmon, Idaho	USFS					237.0
24. Skagit, Wash.	USFS					157.5
25. Suwannee, Ga. and Fla.	BOR					289.4
26. Upper Iowa, Iowa	BOR	State of Iowa		51.0	29.0	80.0
27. Troughgheny, Md. and Pa.	BOR					49.0
Total						3,136.9

¹ 27 miles included in national system by Public Law 92-560, Oct. 25, 1972. See table 1 for classification information on NPS segment.

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Mr. STEELMAN. I notice that you are asking for the prohibition of Federal Power Commission licenses for development on these rivers.

Does that include the Corps of Engineers?

Mr. WATT. Yes.

Mr. STEELMAN. Any water resource development that would detract from the wild or scenic nature of the river would be prohibited by this licensing?

Mr. WATT. That is correct.

As it relates to the water development, there are three provisions. The FPC may not license, the Federal agencies may not provide financial assistance for the construction, nor can they seek authorization to build on those rivers.

Another feature of the prohibition that we did not highlight in the statement but which is also inherent in the act and which would continue even with these amendments would be a prohibition against mineral development in the rivers, which I think is necessary to protect the values as well.

Mr. STEELMAN. Water supply, flood control, and navigation?

Mr. WATT. Anything that would alter the river.

Mr. TAYLOR. Now, does it have any effect on the use or development on privately held lands?

Mr. WATT. Generally, no, however, when private landowners need a federally issued permit, the provisions of 7(b) of the act would apply. A diversion dam could not be built, for example, to alter the flow of the river for private land development.

Mr. TAYLOR. They cannot place a dam on the river or change the flow of the river for private land development, but on the land next to the river they can put in such development as they see fit, even though it is incompatible with the scenic river idea.

Of course, as a matter of law, a person has a constitutional right to use his own property and develop it legally until such time as the Government sees fit to acquire it.

Mr. WATT. The act refers—I am being referred to the act—which would limit the private development that could take place along those stretches of the river that are so identified.

Mr. TAYLOR. How long does it limit this private development?

Mr. WATT. The act provides here—and I am reading from section 6(g) (8)—the term improved property as used in this act means that the attached one family dwelling, the construction of which was begun before January 1, 1967, gathers so much of the land on which the dwelling is situated, said land being in the same ownership of the dwelling.

Mr. TAYLOR. I believe the language you are reading deals with the “instant rivers”——

Mr. WATT. Excuse me, you are correct.

Mr. TAYLOR. You are reading from language that deals with the so-called instant rivers, that is, one that deals with a river included in the system by the act not with a study river.

Mr. WATT. There is no prohibition against development on privately owned land. Thank you for correcting the record on that.

Mr. TAYLOR. I am not sure that we could constitutionally pass legislation stating that a man could not develop his own property during the study period.

Mr. WATT. You are quite correct.

Mr. TAYLOR. There is no development authorization in the original bill and you are not requesting any in this legislation?

Is there a need for development authority for these rivers that are in the instant stage?

Mr. WATT. The Federal agencies managing those rivers within the system would seek appropriations as needed for developing access or for other features that might be needed to make the rivers available to the public.

To answer your question directly, we do not feel there is authority needed for the development of those rivers under this act.

Mr. TAYLOR. Are you stating that no development is needed or are you stating that you have development authority?

Mr. WATT. With the legislation creating wild rivers, the authority would be requested as needed in those bills. With regard to the instant rivers, we do have authority that is needed.

Mr. TAYLOR. I am not sure. Section 18 of the parent act authorizes such appropriations as should be necessary, but not more than \$17 million for the the acquisition of lands or the development of such lands. It does not authorize any development money specifically.

Of course, your development plans are very minimal in most cases where wild rivers are established, but greater developments costs would be involved with recreational rivers or segments of rivers.

Mr. WATT. That is correct, that is one of the concerns we have had, and as I say, sometimes the studies come in asking too much development. The purpose of the act is, as I know you gentlemen intended, to preserve the river, not to make it a highly developed river.

Mr. TAYLOR. Give me a status report on the Chattooga River.

Mr. WATT. The Chattooga River is again a Forest Service river. They are leading the studies on it, and the Secretary's report is being prepared for submission to the President. The environmental impact statement will be filed at the time that the legislation is submitted on that, and it is one of the six that we will have or are planning to have, to Congress by October of this year.

Mr. TAYLOR. Are you hoping to have action on the environmental impact statement completed by that time?

Mr. WATT. Yes; the environmental impact statement would be prepared and the final would be filed at the time the legislation is submitted to Congress.

Mr. TAYLOR. We have no witnesses from either the Corps of Engineers or the Federal Power Commission.

Are we to assume that these agencies have no objection to this extension?

Mr. WATT. That is correct, the statement that we have presented to the committee is the administration's position on these several bills. It presents the view of all the agencies of the Federal Government.

Mr. TAYLOR. Without objection, I will direct a letter to each of these agencies and get an answer for our record. I appreciate the statement that you make.

Do you anticipate that any of the reports after the study is completed will be negative?

Mr. WATT. Yes, we do, Mr. Chairman. Several of them, no doubt, will be, and probably a couple of the six that we will be reporting on this year will set forth that the environmental conditions of the river are impaired to such a degree that they do not qualify for inclusion in the national system. In those instances, however, we will be recommending that the State and local authorities take whatever action might be desirable to make that river a more attractive recreational area, but it would not qualify for the system.

Mr. TAYLOR. To what extent do you bring the States into the study work?

Mr. WATT. They are invited to serve on the task force in every instance, and help play a major role in the studies that we have led.

Mr. TAYLOR. Just one more question.

Are you aware of any plans or potential plans or activities by any Federal agency that would be affected or curtailed if any of these potential additions to the study section of the Scenic River Act are approved?

Mr. WATT. We are not aware of any such plan.

Mr. TAYLOR. Do you know what effect it would have on this planned barge canal in Florida, if it is built there? Do you support or approve it?

Mr. WATT. The administration, as you are well aware, has stopped the construction activities on that canal, and it is tied up in court now. The administration position would be that that canal not continue under construction, so we would see no conflict in calling for a study of the Oklawaha in that connection.

Mr. TAYLOR. I am not particularly anxious that this bill be a vehicle to approve or disapprove the building of that canal because we would be involved in a controversy unnecessarily. My point is that the scenic rivers program is not a vehicle to stop progress on other projects. It is a program to save those river areas which are worthy of national recognitions on their own merits.

Mr. WATT. Your position is understood.

Mr. TAYLOR. Please supply a copy of the guidelines for evaluating wild and scenic rivers for the record.

[The material requested follows:]

GUIDELINES FOR EVALUATING WILD, SCENIC, AND RECREATIONAL RIVER AREAS PROPOSED FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM UNDER SECTION 2, PUBLIC LAW 90-542

PURPOSE

The following criteria supplement those listed in Section 2 of the Wild and Scenic Rivers Act, which states that rivers included in the National Wild and Scenic Rivers System shall be free-flowing streams which possess outstanding remarkable scenic, recreational, geological, fish and wildlife, historic, cultural and other similar values.

These guidelines are intended to define minimum criteria for the classification and management of free-flowing river areas proposed for inclusion in the national system by the Secretary of the Interior or the Secretary of Agriculture, and for State rivers included in the system by the Secretary of the Interior.

In reading these guidelines and in applying them to real situations of land and water it is important to bear one important qualification in mind. There is no way for these statements of criteria to be written so as to mechanically or automatically indicate which rivers are eligible and what class they must be. It is important to understand each criterion; but it is perhaps even more important to understand their collective intent. The investigator has to exercise his judg-

ment, not only on the specific criteria as they apply to a particular river, but on the river as a whole, and on their relative weights. For this reason, these guidelines are not absolutes. There may be extenuating circumstances which would lead the appropriate Secretary to recommend, or approve pursuant to Section 2(a) (ii), a river area for inclusion in the system because it is exceptional in character and outstandingly remarkable even though it does not meet each of the criteria set forth in these guidelines. However, exceptions to these criteria should be recognized only in rare instances and for compelling reasons.

The three classes of river areas described in Section 2(b) of the Wild and Scenic Rivers Act are as follows:

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

"(2) *Scenic river areas*.—Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

"(3) *Recreational river areas*.—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

GENERAL CHARACTERISTICS

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

In order to qualify for inclusion in the national system, a State free-flowing river area must be designated as a wild, scenic, or recreational river by act of the State legislature, with land areas wholly and permanently administered in a manner consistent with the designation by any agency or political subdivision of the State at no cost to the Federal Government, and be approved by the Secretary of the Interior as meeting the criteria established by the Wild and Scenic Rivers Act and the guidelines contained herein. A river or related lands owned by an Indian tribe cannot be added to the national system without the consent of the appropriate governing body.

In evaluating a river for possible inclusion in the system or for determining its classification, the river and its immediate land area should be considered as a unit, with primary emphasis upon the quality of the experience and *overall* impressions of the recreationist using the river or the adjacent riverbank. Although a free-flowing river or river unit frequently will have more than one classified area, each wild, scenic, or recreational area must be long enough to provide a meaningful experience. The number of different classified areas within a unit should be kept to a minimum.

Any activity, use, or development which is acceptable for a wild river is also acceptable for scenic and recreational river areas, and that which is acceptable for a scenic river is acceptable for a recreation river area. Activity and development limitations discussed below should not necessarily be interpreted as the desired level to which development or management activity should be planned. Hunting and fishing will be permitted, subject to appropriate State and Federal laws.

The Wild and Scenic Rivers Act provides that rivers must be in a free-flowing natural condition, i.e., a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes which are without impoundment, diversion, straightening, rip-rapping or other modification of the waterway. However, low dams, diversion works, and other minor structures will not automatically preclude the river unit from being included in the National Wild and Scenic Rivers System, providing such structures do not unreasonably diminish the free-flowing nature of the stream and the scenic, scientific, geological, historical, cultural, recreational, and fish and wildlife values present in the area.

The river or river unit must be long enough to provide a meaningful experience. Generally, any unit included in the system should be at least 25 miles long. However, a shorter river or segment that possesses outstanding qualifications may be included in the system.

There should be sufficient volume of water during normal years to permit, during the recreation season, full enjoyment of water-related outdoor recreation activities generally associated with comparable rivers. In the event the existing supply of water is inadequate, it would be necessary to show that additional water can be provided reasonably and economically without unreasonably diminishing the scenic, recreational, and fish and wildlife values of the area.

The river and its environment should be outstandingly remarkable and, although they may reflect substantial evidence of man's activity, should be generally pleasing to the eye.

The river should be of high quality water or susceptible of restoration to that condition. A concept of nondegradation whereby existing high water quality will be maintained to the maximum extent feasible will be followed in all river areas included in the national system.

All rivers included in the national system should meet the "Aesthetics—General Criteria" as defined by the National Technical Advisory Committee on Water Quality in the Federal Water Pollution Control Administration's *Water Quality Criteria*, April 1, 1968. Water quality should meet the criteria for fish, other aquatic life, and wildlife, as defined in that document, so as to support the propagation of those forms of life which normally would be adapted to the habitat of the stream. Where no standards exist or where existing standards will not meet the objectives of these criteria, standards should be developed or raised to achieve those objectives. Wild river areas can be included in the national system only if they also meet the minimum criteria for primary contact recreation, except as these criteria might be exceeded by natural background conditions. Scenic or recreation river areas which qualify for inclusion in the system in all respects except for water quality may be added to the system provided adequate and reasonable assurance is given by the appropriate Federal or State authority that the water quality can and will be upgraded to the prescribed level for the desired types of recreation, and support aquatic life which normally would be adapted to the habitat of the stream at the prescribed level of water quality. At such time as water quality fully meets the criteria, it may be desirable to change the classification of a river.

New public utility transmission lines, gas lines, water lines, etc., in river areas being considered for inclusion in the national system are discouraged. However, where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the scenic, recreational, and fish and wildlife values must be evaluated in the selection of the site in accordance with the general guidelines described in the Report of the Working Committee on Utilities prepared for the President's Council on Recreation and Natural Beauty, December 1968.

Mineral activity subject to regulations under the Act must be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment. Specific controls will be developed as a part of each management plan.

CRITERIA FOR RIVER DESIGNATION

The following criteria for classification, designation, and administration of river areas are prescribed by the Act. These criteria are not absolutes, nor can they readily be defined quantitatively. In a given river, a departure from these standards might be more than compensated by other qualities. However, if several "exceptions" are necessary in order for a river to be classified as wild, it probably should be classified as scenic. If several "exceptions" are necessary in order for a river to be classified as scenic, it probably should be classified as recreational.

Wild River Areas

The Wild and Scenic Rivers Act states that "these represent vestiges of primitive America," and they possess these attributes:

1. "Free of impoundments"
2. "Generally inaccessible except by trail"
3. "Watersheds or shorelines essentially primitive"
4. "Waters unpolluted"

Classification criteria.

Despite some obvious similarities, the "wilderness" associated with a wild river area is not synonymous with the "wildness" involved in wilderness classification under the Wilderness Act of 1964. One major distinction, in contrast to wilderness, is that a wild river area also may contain recreation facilities for the convenience of the user in keeping with the primitive setting.

1. An "impoundment" is a slack water pool formed by any man-made structure. Except in rare instances in which esthetic and recreational characteristics are of such outstanding quality as to counterbalance the disruptive nature of an impoundment, such features will not be allowed on wild river areas. Future construction of such structures that would have a direct and adverse effect on the values for which that river area was included in the national system, as determined by the Secretary charged with the administration of the area, would not be permitted. In the case of rivers added to the national system pursuant to Sec. 2(a) (1), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

2. "Generally inaccessible" means there are no roads or other provisions for overland motorized travel within a narrow, incised river valley, or if the river valley is broad, within $\frac{1}{4}$ mile of the riverbank. The presence, however, of one or two inconspicuous roads leading to the river area will not necessarily bar wild river classification.

3. "Essentially primitive" means the shorelines are free of habitation and other substantial evidence of man's intrusion. This would include such things as diversions, straightening, rip-rapping, and other modifications of the waterway. These would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area. In the case of rivers added to the national system pursuant to Section 2(a) (1), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system. With respect to watersheds, "essentially primitive" means that the portion of the watershed within the boundaries has a natural-like appearance. As with shorelines, developments within the boundaries should emphasize a natural-like appearance so that the entire river area remains a vestige of primitive America. For the purposes of this Act, a limited amount of domestic livestock grazing and pasture land and cropland devoted to the production of hay may be considered "essentially primitive." One or two inconspicuous dwellings need not necessarily bar wild river classification.

4. "Unpolluted" means the water quality of the river at least meets the minimum criteria for primary contact recreation, except where exceeded by natural background conditions, and esthetics as interpreted in the Federal Water Pollution Control Administration's *Water Quality Criteria* April 1, 1968. In addition the water presently must be capable of supporting the propagation of aquatic life, including fish, which normally would be adapted to the habitat of the stream. Where no standards exist or where existing standards will not meet the objectives of these criteria, standards should be developed or raised to achieve those objectives.

Management objectives.

The administration of a wild river area shall give primary emphasis to protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a primitive setting.

To achieve these objectives in wild river areas, it will be necessary to:

1. Restrict or prohibit motorized land travel, except where such uses are not in conflict with the purposes of the Act.

2. Acquire and remove detracting habitations and other non-harmonious improvements.

3. Locate major public-use areas, such as large campgrounds, interpretive centers or administrative headquarters, outside the wild river area. Simple comfort and convenience facilities, such as fireplaces, shelters, and toilets, may be provided for recreation users as necessary to provide an enjoyable experience, protect popular sites, and meet the management objectives. Such facilities will be of a design and location which harmonize with the surroundings.

4. Prohibit improvements or new structures unless they are clearly in keeping with the overall objectives of the wild river area classification and management. The design for any permitted construction must be in conformance with the approved management plan for that area. Additional habitations or substantial additions to existing habitations will not be permitted.

5. Implement management practices which might include construction of minor structures for such purposes as improvement of fish and game habitat; grazing; protection from fire, insects, or disease; rehabilitation or stabilization of damaged resources, provided the area will remain natural appearing and the practices or structures will harmonize with the environment. Such things as trail bridges, an occasional fence, natural-appearing water diversions, ditches, flow measurement or other water management devices, and similar facilities may be permitted if they are unobtrusive and do not have a significant direct and adverse effect on the nature character of the area.

Scenic River Areas

The Wild and Scenic Rivers Act states that scenic rivers:

1. Are "free of impoundments"
2. Are "accessible in places by road"
3. Have "shorelines or watersheds still largely primitive and shorelines largely undeveloped"

Classification criteria.

1. An "impoundment" is a slack water pool formed by any man-made structure. Except in rare instances in which esthetic and recreational characteristics are of such outstanding quality as to counterbalance the disruptive nature of an impoundment, such features will not be allowed on scenic river areas. Future construction of such structures that would have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area, would not be permitted. In the case of rivers added to the national system pursuant to Section 2(a)(1), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

2. "Accessible in places by road" means that roads may occasionally bridge the river area. Scenic river areas will not include long stretches of conspicuous and well-traveled roads closely paralleling the riverbank. The presence, however, of short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or screened railroads will not necessarily preclude scenic river designation. In addition to the physical and scenic relationship of the free-flowing river area to roads, consideration should be given to the type of use for which such roads were constructed and the type of use which would occur within the proposed scenic river area.

3. "Largely primitive" means that the shorelines and the immediate river environment still present an overall natural character, but that in places, land may be developed for agricultural purposes. A modest amount of diversion, straightening, rip-rapping, and other modification of the waterway would not preclude a river from being considered for classification would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area.

In the case of rivers added to the national system pursuant to Section 2(a)(1), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system. "Largely primitive" with respect to watersheds means that the portion of the watershed within the boundaries of the scenic river area should be scenic, with a minimum of easily discernible development. Row crops would be considered as meeting the test of "largely primitive," as would timber harvest and other resource use, providing such activity is accomplished without a substantially adverse effect on the natural-like appearance of the river or its immediate environment.

4. "Largely undeveloped" means that small communities or any concentration of habitations must be limited to relatively short reaches of the total area under consideration for designation as a scenic river area.

Management objectives.

A scenic river area should be managed so as to maintain and provide outdoor recreation opportunities in a near natural setting. The basic distinctions between a "wild" and a "scenic" river area are degree of development, type of land use, and road accessibility. In general, a wide range of agricultural, water management, silvicultural and other practices could be compatible with the primary objectives of a scenic river area, providing such practices are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment.

The same considerations enumerated for wild river areas should be considered, except that motorized vehicle use may in some cases be appropriate and that de-

velopment of larger scale public-use facilities within the river area, such as moderate size campgrounds, public information centers, and administrative headquarters, would be compatible if such structures were screened from the river.

Modest facilities, such as unobtrusive marinas, also would be possible if such structures were consistent with the management plans for that area.

Recreational River Areas

The Wild and Scenic Rivers Act states that recreational rivers:

1. Are "readily accessible by road or railroad"
2. "May have some development along their shoreline"
3. May have "undergone some impoundment or diversion in the past"

Classification criteria.

1. "Readily accessible" means the likelihood of paralleling roads or railroads on one or both banks of the river, with the possibility of several bridge crossings and numerous river access points.

2. "Some development along their shorelines" means that lands may be developed for the full range of agricultural uses and could include small communities as well as dispersed or cluster residential developments.

3. "Undergone some impoundment or diversion in the past" means that there may be water resources developments and diversions having an environmental impact greater than that described for wild and scenic river areas. However, the degree of such development should not be to the extent that the water has the characteristics of an impoundment for any significant distance.

Future construction of impoundments, diversions, straightening, rip-rapping, and other modification of the waterway or adjacent lands would not be permitted except in instances where such developments would not have a direct and adverse effect on the values for which that river area was included in the national system as determined by the Secretary charged with the administration of the area. In the case of rivers added to the national system pursuant to Section 2(a)(1), such construction could result in a determination by the Secretary of the Interior to reclassify or withdraw the affected river area from the system.

Management objectives.

Management of recreational river areas should be designed to protect and enhance existing recreational values. The primary objectives will be to provide opportunities for engaging in recreation activities dependent on or enhanced by the largely free-flowing nature of the river.

Campgrounds and picnic areas may be established in close proximity to the river, although recreational river classification does not require extensive recreational developments. Recreational facilities may still be kept to a minimum, with visitor services provided outside the river area.

Adopted:

HARRISON LOESCH,

Department of the Interior, February 2, 1970.

EDWARD P. CLIFF,

Department of Agriculture, February 3, 1970.

SUMMARY—ATTRIBUTES AND MANAGEMENT OBJECTIVES OF THE 3 RIVER CLASSIFICATIONS FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVER SYSTEM

ATTRIBUTES

Wild	Scenic	Recreation
<p>1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration as wild. Future construction restricted.</p> <p>2. Generally inaccessible by road. 1 or 2 inconspicuous roads to the area may be permissible.</p> <p>3. Shorelines essentially primitive. 1 or 2 inconspicuous dwellings and land devoted to production of hay may be permitted. Watershed natural-like in appearance.</p>	<p>1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration. Future construction restricted.</p> <p>2. Accessible by roads which may occasionally bridge the river area. Short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or railroads paralleling river area may be permitted.</p> <p>3. Shoreline largely primitive. Small communities limited to short reaches of total area. Agricultural practices which do not adversely affect river area may be permitted.</p>	<p>1. May have undergone some impoundment or diversion in the past. Water should not have characteristics of an impoundment for any significant distance. Future construction restricted.</p> <p>2. Readily accessible, with likelihood of paralleling roads or railroads along river banks and bridge crossings.</p> <p>3. Shoreline may be extensively developed.</p>

1 To be used only in conjunction with the text.

Wild	Scenic	Recreation
4. Water quality meets minimum criteria for primary contact recreation except where such criteria would be exceeded by natural background conditions and esthetics ² and capable of supporting propagation of aquatic life normally adapted to habitat of the stream.	4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics ² and capable of supporting propagation of aquatic life normally adapted to habitat of the stream, or is capable of and is being restored to that quality.	4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics ² and capable of supporting propagation of aquatic life normally adapted to habitat of the stream or is capable of and is being restored to that quality.

MANAGEMENT OBJECTIVES

1. Limited motorized land travel in area.	1. Motorized vehicles allowed on land area.	1. Optimum accessibility by motorized vehicles.
2. No unharmonious or new habitations or improvements permitted.	2. No unharmonious improvements and few habitations permitted.	2. May be densely settled in places.
3. Only primitive-type public use provided.	3. Limited modern screened public use facilities permitted, i.e., campgrounds, visitor centers, etc.	3. Public use areas may be in close proximity to river.
4. New structures and improvement of old ones prohibited if not in keeping with overall objectives	4. Some new facilities allowed, such as unobtrusive marinas.	4. New structures allowed for both habitation and for intensive recreation use.
5. Unobtrusive fences, gauging stations and other management facilities may be permitted if no significant adverse effect on natural character of area.	5. Unobtrusive fences, gauging stations and other management facilities may be permitted if no significant adverse effect on natural character of area.	5. Management practice facilities permitted.
6. Limited range of agriculture and other resource uses permitted.	6. Wide range of agriculture and other resource uses may be permitted.	6. Full range of agriculture and other resource uses may be permitted.

² Federal Water Pollution Control Administration's water quality criteria, Apr. 1, 1968.

Mr. TAYLOR. The gentleman from California?

Mr. JOHNSON. After these studies are made, say we authorize a group of studies on various rivers to have studies from the standpoint of a wild, scenic or recreation river, or combination of all three, when the study in made, do you know exactly what properties you should acquire?

Mr. WATT. We do a conceptual study outlining the parameters of what could be made available, and it does not come down to the precise acreage. It gives a description of how that management unit could be put together. Then the administering agency, be it Federal or State, would work out the precise boundary lines that would accommodate the purposes and objectives of the act and the system, as well as taking into regard the property owners' interests.

Mr. JOHNSON. I ask that question for two reasons. It has been my observation and it has only been used in very few instances, but if you know exactly what properties you want to take, that is the cheapest way out. Say, you study a river and you bring in a map, detailing boundaries of the scenic river properties, the private lands to be taken. I think to save money and time and effort, legislative taking is a very fast way of doing it.

Mr. WATT. It sure gains control of the land. We are, as you know, experiencing difficulty in settling with the owners of the lands in the Redwoods National Park, whose lands were legislatively taken.

Mr. JOHNSON. Because the values have gone up. If it had not been for legislative taking, the values would have been much higher.

Mr. WATT. We are still in the court process. I hope success was achieved this last month. The committee will be interested in learn-

ing that the examiner finished up his hearings on one of the cases. Hopefully progress will be made this calendar year to resolve the other cases.

Mr. JOHNSON. See whether the Court of Claims is the proper place to be.

Mr. WATT. There are some tough issues there.

Mr. JOHNSON. On national recreational park areas, you also mandated local government to do a certain amount of zoning, if they zone the private properties properly, then it would save you a lot of money in acquiring those properties providing they do this.

I imagine along these rivers, especially the scenic and recreational areas, that you are going to run into that more than you would in a wild river. A wild river category, you are pretty much setting that aside, and it remains a wild river. When you get into the scenic and into the recreation areas along the rivers or a river that would be entitled to scenic or recreation, the zoning would be very helpful, I would say.

I watched this in the Shasta—Whiskeytown National Recreational Area where they are zoned properly they do not have to acquire the lands.

Mr. WATT. You are making an excellent point. We feel much greater emphasis needs to be given to just the alternatives that you have outlined. In fact, in some of our studies we will be suggesting that State and local governments can achieve the objectives of preserving the quality of the river and making it available if they will exercise their authority to do some land use zoning and planning.

Mr. JOHNSON. You said that State and local governments are involved in the task forces.

Mr. WATT. Yes.

Mr. JOHNSON. This is a rather difficult subject matter to get in. A lot of people do not like zoning requirements to come from the Federal Government down to the local government or to the State government, but I think that it can be worked out for it saves money in the taking of land with proper zoning. If the board of supervisors in the area that I am speaking of complied with zoning, and we would have no problem.

That is all.

Mr. TAYLOR. The gentleman from Kansas?

Mr. SKUBITZ. In response to a question that Mr. Taylor asked, did I understand that when your studies are concluded, it may be determined that certain rivers should not be included?

Mr. WATT. That is correct.

Mr. SKUBITZ. A 5-year prohibition is being written into this measure; an extension of 5 years against FPC licensing.

What will be the effect of that 5-year prohibition if you determine that these rivers should not be set aside as scenic rivers?

Mr. WATT. Once the report has gone to Congress, the prohibition is removed, although the law allows 3 years for Congress to act on the report. We make the report. Congress is allowed 3 years to act. Then the prohibition is removed from it.

Mr. SKUBITZ. Can you read that citation to me? Where is that found in the law?

Mr. WATT. Section 7 (b), Congressman :

The Federal Power Commission shall not license the construction of any dam, water conduit, so forth ; one, during the five year period following the enactment of this Act ; two, during such additional period thereafter as in the case if any river is recommended to the President and Congress for inclusion in the Wild system.

I am trying to skip. Then it goes on to say :

The Secretary's consideration in addition shall not exceed three years in the first case and one year in the second.

I have skipped so much language, I may have caused more confusion.

Mr. SKUBITZ. I do not understand what you have read. It seems to me there is a prohibition. That prohibition is for 5 years.

Mr. EASTMAN. Let me read a different section :

Section 7 (b) (1), the Federal Power Commission shall not license the construction of any dam, et cetera, during the five year period following enactment of this Act unless prior to the expiration of said period, the Secretary of the Interior, and where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national system and publishes notice to that effect in the Federal Register.

Mr. SKUBITZ. Must you prepare an environmental impact study or statement for each of the rivers ?

Mr. WATT. We must make an environmental assessment ; depending on that assessment, we may or may not have to make an environmental impact statement.

Mr. SKUBITZ. Do you have to file that statement with any other agency of government for approval, in short, does someone pass on your environmental study ?

Mr. WATT. The environmental assessment and the environmental impact statements are reviewed by the Federal agencies involved with the Council on the Environmental Quality.

Mr. SKUBITZ. That is another Government agency.

Mr. WATT. Yes.

Mr. SKUBITZ. What has been your experience in dealing with the agency ? When you prepare requests, how long does it take them to pass or disapprove the study ?

Mr. WATT. The process that is pursued with the environmental impact statement is that we file it with the Council of Environmental Quality. They do not approve or disapprove, but the statement is presented there for public information, so that Congress and other interested agencies may make their views known and pursue whatever course might be appropriate in light of that statement.

Mr. EASTMAN. Unless you ask for a waiver, you cannot initiate an administrative action for 30 days. CEQ does have the option of telling you no. You have to wait for 30 days following submission of an environmental impact statement before an administrative action can be taken.

Mr. SKUBITZ. Should any other changes be made in the 1968 act that would help you do a better job in protecting the scenic and recreational rivers ? Do you have any such recommendations ?

Mr. WATT. We felt that the 1968 act was a good body of law under which to work, and we have no further recommendations for amendment.

Mr. SKUBITZ. That is all, Mr. Chairman.

Mr. TAYLOR. The gentleman from Texas?

Mr. STEELMAN. Does the Federal Power Commission have to license any project that involves a dam or water impoundments or is it just those for the purposes of generating power?

Mr. WATT. Just those that generate power.

Mr. STEELMAN. If a dam is built primarily for flood control, is there normally also a power generating plant?

Mr. WATT. I think the Federal Power Commission licenses construction of any non-Federal dam for hydroelectric development.

Mr. STEELMAN. For whatever purpose?

Mr. WATT. No. Only power generation.

Mr. STEELMAN. How long does that process normally take?

Mr. WATT. I am not sure I can give you a meaningful answer because there are so many variables.

Mr. TAYLOR. Thank you, Director Watt and Mr. Eastman. I hope you will stand by in case we have other questions.

The next witness is the Honorable Robert Sikes. Mr. Sikes arrived a few minutes ago and we are glad to hear him at this time.

Without objection, Congressman Sikes' statement will be placed in the record at this point.

[The prepared statement of Mr. Sikes follows:]

STATEMENT OF HON. ROBERT L. F. SIKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, before you are two bills relating to the designation of the Oklawaha River as a study river for potential inclusion within the National Wild and Scenic Rivers System. I wish to record my support of H.R. 5678 which was introduced by Mr. Chappell, and a number of our colleagues of the Florida delegation including Mr. Bennett, Mr. Pepper, Mr. Fuqua, Mr. Gibbons, Mr. Gunter, and myself. I oppose H.R. 4469 on the subject introduced by Mr. Burke.

Over the years I have acquired a considerable personal knowledge of the Oklawaha River. Some of this acquaintance comes from the fact that the Oklawaha contributes part of its length to the Cross Florida Barge Canal project which I have consistently supported over the years. This major public works project was authorized by the Congress and has been continuously funded since 1968. It was well over one third complete when it fell out of favor with certain environmental and political interests who prevailed on the President to halt further construction until a complete assessment of its impact could be made.

The Cross Florida project thereupon became the subject of very involved litigation which is now in progress in the Federal Courts. The parties to these several suits include environmental organizations, the Canal Authority of the State of Florida, the Corps of Engineers, the Department of Agriculture-U.S. Forest Service, and individual property owners. A consolidated trial date of July 16 has been set.

Prominent among the issues presented in these law suits is the question of the right of the Administration to unilaterally and arbitrarily halt a Congressionally authorized project and impound its appropriations. For example, the sum of \$150,000, appropriated last year to conduct an environmental impact study of this waterway project, has been impounded. The litigation centers around the Oklawaha River area.

Without going into further detail it would seem inappropriate at this time to consider the Oklawaha River Basin in a national park context when it is deeply involved in a public works lawsuit.

However, this background has a very definite bearing on the bills before your committee in the light of subsequent events.

In seeking a way to extract itself from the dilemma posed by its error in initially halting the Canal project, some of its opponents in and out of the Administration seized upon the device of converting the Oklawaha to the status of a Wild and Scenic River and thereby close the door on further consideration for the canal.

The inference is inescapable that the authority of this committee is being used for an ulterior purpose. It belies coincidence that the sudden interest in the Oklawaha is generated by a genuine concern for the preservation of its natural beauty. The opportunity to seek such a designation as a study river has been available since 1968, and the river has not merited honorable mention in the official inclusions although 74 other rivers have, including the Suwannee and the Wicassia Rivers in Florida.

At the time our colleague Mr. Burke introduced his bill to designate the entire stretch of the Oklawaha River for study purposes, I was surprised to learn that he had introduced legislation affecting a major project in a fellow-member's district without ever advising him of his intentions.

I do not need to dwell on the reaction of any member of this committee were he to learn that another member from outside with no interest and without notice introduced legislation to kill a major project in his district.

Most of us subscribe to the belief that the duly elected member from the district knows best what is wanted and supported by his constituency. Our well understood but unwritten rules of comity were breached by the introduction here of the Burke bill.

Against this backdrop of circumstances the proponents of our bill, H.R. 5678, considered the Oklawaha as it is today.

The Wild and Scenic River's Act of 1968, in my understanding, attempts to preserve and save for future generations certain free-flowing streams of remarkable natural attraction. The preamble of the Act states 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 the free flowing condition * * *".

For better or for worse the fact is that certain portions of the Oklawaha as of today have already been altered by public works construction, dams, channelization, and the intrusions of civilization.

Two existing congressionally authorized, funded, and partially completed federal projects impose restraints on considering the Oklawaha as a component of the scenic and wild river system. The Administration Bill proposes to so designate the river despite these legal barriers. One of these is the Four River Basins Project, primarily a water management and flood control facility. The Administration Bill would designate the Oklawaha all the way from Dead River Swamp to its mouth; for study. Under the Four Rivers Basin Project the river already has been channelized, straightened, and widened from Moss Bluff, past the entrance of the Dead River Swamp and an additional 3½ miles on downstream to within a short distance of the confluence with Silver River. This channelized portion has all the normal characteristics of a slack-water impoundment due to the deep channel work which frequently functions as a back-water area from Silver River.

The Four River Basin Project is intended to relieve flood conditions from the headwaters of the river in Lake County and adjacent areas. Under the present conditions, the Four River Project can function only to release a deluge to pile up at Silver River and to potentially flood out the key attraction of Silver Springs.

From Silver River downstream, there at present is no way to accommodate the Four River Basin design flood flows. Additional flood carrying measures are imperative. These could be an extension downstream of the channelization, straightening, and widening; extensive clearing of the over-bank flood plain; an alternative flood channel alignment paralleling the river's course; or a combination of these.

From State Road 40, for an additional mile or so, to Howard's Landing, the east bank of the river has been subdivided, agriculturally and residentially developed, and in several instances contains lateral canals intended for waterside residences. This area certainly seems a far cry from the criteria enunciated for the scenic and wild river system.

A further restriction on the designation of the Oklawaha River in its entirety under the Burke bill is the existence of Lake Oklawaha which is a key component in the Cross Florida waterway project. This lake was created as a result of one of the impoundments in the waterway.

It is difficult to conceive how anyone could rationally suggest the inclusion of the present Lake Oklawaha portion of the river for study as a possible scenic and wild river. The realization of any such proposal mandates the destruction

of the 14th-largest lake in Florida—a proven recreation and fishing mecca which within the past few months saw the most successful fishing tournament in the entire 33 years' history of the famed BASS organization. (BASS Angulare Sportsman's Society).

It would entail the complete write-off of some 20 million dollars capital investment already expended to create this lake; and would invalidate some 10 million dollars spent on additional structures erected near the headwaters of the lake; government witnesses already have testified in the Federal Courts that it would require 70 or 100 years to restore this portion of the river to any primitive state.

As clearly revealed by the temporary draw-down of Lake Oklawaha last fall, there would be an extensive exposure of desolate sandbars and mudflats, without any appreciable numbers of living trees within a quarter mile of the river channel for some 15 miles in this Lake.

The bill which I support, H.R. 5678, takes into account the factors which prevent the Oklawaha from qualifying under the Wild and Scenic Act in its entirety. Our review indicates that there are two sections which meet the standards and criteria of the Act, because of the relatively untouched condition, and we support consideration of these segments for consideration and study. There is no valid reason, consistent with the language of the Wild and Scenic Rivers Act, which would justify inclusion of the entire river. On the other hand, our bill would preserve those sections of the Oklawaha which have outstanding natural characteristics and should be conserved, and at the same time the bill does not inhibit completion of the Cross Florida waterway in the event the project is eventually reactivated.

Therefore I urge your careful consideration and personal inspection of the river in question prior to making a decision, and solicit your approval of our bill, H.R. 5678.

Thank you Mr. Chairman for providing this time to receive our views.

STATEMENT OF HON. ROBERT L. F. SIKES, A REPRESENTATIVE IN CONGRESS FROM THE FIRST CONGRESSIONAL DISTRICT OF THE STATE OF FLORIDA

Mr. SIKES. Thank you, Mr. Chairman. You are very kind.

Before your committee are two bills related to the designation of the Oklawaha River as a study river for potential inclusion in the Wild and Scenic Rivers System, and I record my support for H.R. 5678 that was introduced by Mr. Chappell and a number of our colleagues from the Florida delegation, including Mr. Bennett, Mr. Pepper, Mr. Fuqua, Mr. Gibbons, Mr. Gunter, and myself. Mr. Chappell is the member whose district is primarily affected by this proposal.

I oppose H.R. 4469 on the subject, introduced by Mr. Burke. This is the so-called administration bill. The Cross Florida Barge Canal became the subject of involved litigation that is now in progress in the Federal Courts. The parties to these several suits are environmental organizations, the Canal Authority of the State of Florida, the Corps of Engineers, the Department of Agriculture-U.S. Forest Service, and individual property owners. A consolidated trial date of July 16 has been set.

Prominent among the issues presented in these law suits is the question of the right of the administration to unilaterally and arbitrarily halt a congressionally authorized project and impound its appropriations. For example, the sum of \$150,000 appropriated last year to conduct an environmental impact study of this waterway project has been impounded. The legislation now before the committee involves the Oklawaha River area.

Without going into further detail, it would seem inappropriate at this time to consider the Oklawaha River Basin in a national park context when it is deeply involved in a public works lawsuit. This

background has a very definite bearing on the bills before your committee.

In seeking a way to extract themselves from the dilemma posed by an error in initially halting the canal projects, some of the opponents of the project in and out of the administration have seized upon the device of converting the Oklawaha to the status of a wild and scenic river thereby closing the door on further consideration for the canal.

The inference is inescapable that the authority of this committee is being used for ulterior purpose. It belies coincidence that this sudden interest in the Oklawaha by the administration is generated by genuine concern for the preservation of its natural beauty. The opportunity to seek such a designation as a study river has been available since 1968; yet, the river has not merited as much as honorable mention in the official inclusions although 74 other rivers have been nominated including the Wacissa on the Suwannee River in Florida.

Against this backdrop of circumstances, the proponents of H.R. 5678 consider the Oklawaha River as it is today, and our bill simply provides for a study of a certain segment of the Oklawaha for the potential addition to the Wild and Scenic River System. This is the undeveloped portion of the river which is still in its natural state.

The Wild and Scenic Rivers Act of 1968 attempts to preserve and save for future generations certain rivers which are a remarkable and natural attraction. The preamble of the act states that the established national policy of "dams and other construction at appropriate sections of the rivers of the United States need to be complemented by a policy that would preserve other selected rivers or sections thereof in the free flowing condition."

For better or for worse, the fact is that certain sections of the Oklawaha as of today have already been altered by public work construction, dams, channelization, and the intrusions of civilization. The administration bill proposes to designate the river despite the legal barriers which the act sets forth. One is the Four River Basin project, primarily a water management, flood control facility; the other is the existence of Lake Oklawaha, a manmade lake, which is the key component in the Cross Florida Waterway project.

This lake was created as a result of a dam and impoundments in the waterway. It is difficult to understand how anyone could rationally suggest the inclusion of the present Lake Oklawaha of the river as a study for a possible scenic and wild river. Any such mandate would, if the law were followed, require the destruction of the 14th largest lake in Florida, a proven recreation and fishing mecca, which in the past few months saw the most successful fishing tournament in the entire 33-year history of the Bass Angler Sportsman Society. It would entail a write off of some \$20 million of capital investment already expended to dam and create this lake, and would devalue some \$10 million spent on additional structures erected near the headwaters of the lake.

The bill that I support, H.R. 5678, takes into account the factors that prevent the Oklawaha in its entirety from qualifying under the Wild and Scenic Rivers Act. However, the review by the proponents of H.R. 5678 indicates that there are two sections that meet the standards and criteria of the act, because of the relatively untouched condition of those sections.

We support consideration of these segments for consideration and study in the wild rivers program. There is no valid reason consistent with the language of the Wild and Scenic Rivers Act that would justify the inclusion of the entire river. Our bill would preserve those sections of the Oklawaha that have outstanding natural characteristics and could be preserved under the terms of the original act.

At the same time, the bill does not inhibit completion of the Cross Florida Waterway in the event the project is reactivated. The approval of the administration bill, the Burke bill, would inhibit completion of that waterway if it were activated.

Therefore, I urge your careful consideration and a personal inspection of the river in question prior to making a decision and I solicit your approval of the bill, H.R. 5678.

Now, Mr. Chairman, if at some future date, the canal should be invalidated in its entirety, there would be no problem about continuing this study at that time to include all of the river, although I question that it could be done under the law. In the meantime, this committee would not be used to pull somebody's chestnuts out of the fire. That's what I think the administration bill is all about.

Thank you very much.

Mr. TAYLOR. I thank the gentleman for his very forthright position. He has made his stand very clear.

What action has the administration taken to halt construction on this barge canal?

Mr. SIKES. By Executive order some 2 years ago, the administration unilaterally halted construction. It did so without consulting the Florida delegation. It has never given the Florida delegation a hearing despite repeated efforts to obtain such a hearing to discuss both sides of the question.

The ecologists that have opposed the canal were happy; the proponents of the canal, and they are numerous, have been very disappointed by this action.

Finally, last year, the proponents of the canal requested and received from the Public Works Subcommittee, the Appropriations Committee of the House an appropriation of \$150,000 for an environmental study. No such unbiased study ever was made. The canal was stopped without a survey to determine whether it was good or bad from an environmental standpoint.

We ask for an unbiased ecological study. Congress has appropriated the money, and it has been impounded. This has been a very one-sided action from the beginning.

Mr. TAYLOR. Is there legislation pending before the Public Works Committee that would affect this situation?

Mr. SIKES. There is action pending in the Federal courts in Florida.

Mr. JOHNSON. Would the gentleman yield?

Mr. TAYLOR. I'd be glad to yield to the gentleman from California.

Mr. JOHNSON. I don't know whether Congressman Sikes knows there is a move on to deauthorize the project.

Mr. SIKES. A bill has been introduced. It is before the House Public Works Committee. There have been no hearings on the bill.

Mr. JOHNSON. Before the Public Works Committee?

Mr. SIKES. Yes.

Mr. JOHNSON. Congressman Burke wrote this?

Mr. SIKES. Congressman Bafalis is the senior sponsor. No hearings have been scheduled.

Mr. TAYLOR. You say Congressman Burke's bill would result in the destruction of the 14th largest lake in Florida. Is this a man-made lake?

Mr. SIKES. Yes, it is part of the Cross Florida Barge Canal and was an impoundment canal to provide waters for the operation of the canal. The lake has been completed.

Now the lake has become a fishing mecca. Many fine catches are made in the lake. It is a recreation and tourist attraction even though it does not meet its intended function as part of the operation of that canal.

Mr. TAYLOR. How many miles of the river is inundated by this lake?

Mr. SIKES. I prefer, Mr. Chairman, that you address those detailed questions to Mr. Chappell or Mr. Bennett, whose districts are directly affected. Frankly, I do not know.

Mr. TAYLOR. H.R. 5678 would include the upper section?

Mr. SIKES. We would affect the parts of the river that have not been altered by the canal or by commercial development. These are the only parts, it appears to me, which would qualify for inclusion in the wild and scenic rivers.

The language of the Wild and Scenic Rivers Act, it would appear to me, would require the removal of the man-made structures such as a dam and man-made lake before under the terms of the Burke bill.

But the part of the lake that is covered by H.R. 5678 is the undeveloped, untouched part of the river, that could qualify for inclusion now in the wild and scenic rivers program. There is where we think a study would be appropriate.

Mr. Chairman, before the President took action to stop work on the canal I recommended that the Oklawaha be bypassed in order to preserve it. I never liked the idea of destroying any significant part of that beautiful river by including it in the canal.

And it could have been bypassed. The engineers testified for a modest, additional cost the Oklawaha could be bypassed. I was one of those who suggested such action before the President unilaterally stopped work on the project.

Mr. TAYLOR. Was there any intention to include the section of the river above the lake in the canal project?

Mr. SIKES. Only a limited part of it.

Mr. TAYLOR. Now, do the plans call for the canal to parallel the river, but not include any part of the river above the lake?

Doesn't Mr. Chappell's bill, H.R. 5678, also include a segment of the river below the dam that you are referring to including the lake?

Mr. SIKES. I believe you are right. The language of the bill says that segment between the land downstream to Southern Bluff, to those riverside lands not extended 350 feet of the thread of the river. This removes from consideration the commercially developed areas in that section of the river near its confluence with the St. Johns River.

Mr. TAYLOR. Mr. Chappell will be here tomorrow.

Mr. SIKES. He has full details.

Mr. TAYLOR. Mr. Burke will be here tomorrow. We'll be glad to listen to them.

Mr. SIKES. Surely.

Mr. TAYLOR. Any other questions?

Mr. JOHNSON. No questions.

Mr. TAYLOR. The gentleman from Ohio?

Mr. SEIBERLING. I am sorry I was not here when you started your testimony.

How large is the lake?

Mr. SIKES. The 14th largest.

It is 15 miles long and several miles wide in places.

Mr. SEIBERLING. It's obvious it's a very substantial lake.

Mr. SIKES. That is correct.

Mr. SEIBERLING. Thank you very much.

No further questions.

Mr. TAYLOR. You stated that this lake would have to be destroyed. I don't think that would be in the plan.

Mr. SIKES. I believe if the river in its entirety qualifies under the wild and scenic rivers program, it would be necessary to destroy the dam and restore it to its original condition as a wild river. As I understand the language of the Wild and Scenic Rivers Act, the language is intended to preserve streams in their original state, not in the developed state. The administration bill includes all the river. H.R. 5678 involves only the undeveloped parts and would qualify.

Mr. TAYLOR. Well, the act has several categories including "recreational" so that I don't believe it would be necessary to try to return the developed portion of the river to its "wild" or original state. Any other questions?

Mr. SKUBITZ. No.

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

Mr. SIKES. Thank you very much, Mr. Chairman.

Mr. TAYLOR. Your testimony is always helpful.

Mr. SIKES. You're very kind.

Mr. TAYLOR. I'd like to call Mr. Watt back to the stand for a minute.

STATEMENT OF JAMES G. WATT, ACCOMPANIED BY ROBERT EASTMAN—Resumed

Mr. TAYLOR. We are anxious to get as much information as we can about these particular bills, and particularly about the Oklawaha River. Most of these proposals are relatively noncontroversial, but I can see a very large controversy here. Frankly, I think that the decision concerning legislation affecting the barge canal should come out of the Public Works Committee, not this committee.

What is your response to the statements that Mr. Sikes has made?

Mr. WATT. The Congressman is a persuasive personality, and obviously presented one side of the controversy very well. The other Congressman will appear tomorrow and give you the other position.

We would like to submit the statement that I referred to earlier, and we would like to take the position that the study should cover the larger segment, including the lands that he wants included, and also the canal lands, so that we can get the proper perspective.

It could well be that once the interagency task force—working with State and local interests—conclude their studies, that they would recommend that certain parts did not qualify. But there is some unanimity of thought that portions of that river do qualify, either as a

wild, scenic, or recreation river. And a study team could make those evaluations on a totality of the river, and make the appropriate recommendations to the Congress to work its will at the appropriate time.

We would prefer to look at the river then make that recommendation.

Mr. TAYLOR. What affect would approving the Burke bill have on the lake that has already been constructed? It was strongly intimated that it would have to be destroyed.

Mr. WATT. We do not feel that that is the case, that the river could be managed in several ways. We could control the elevation of the water in that reservoir or we could just let it be a passthrough holding and controlling the normal flow of the river. Those are the various options that are available and provide various means of recreation opportunities to the people in that area.

Mr. TAYLOR. If the Burke bill is adopted, would that terminate the progress on the canal plans during the 5-year period?

Mr. WATT. Well, let me check.

Mr. TAYLOR. What effect would that have on the canal?

Mr. WATT. I am not sure I can give you a direct answer. There is the litigation that has been alluded to in the courts that must be protected. We do not want to pursue a course of action to violate that interest.

H.R. 5678 limits the study to 350 feet.

Mr. TAYLOR. You wanted an extension of the 5-year moratorium on federally assisted projects. Wouldn't that stop any spending of money on building of a canal that would be an inconsistent federally financed project?

Mr. WATT. I do think it would prohibit further development of that, as you refer to the legislation here, which prohibits the use of appropriated funds for that purpose. I would like to have an opportunity, Mr. Chairman, to see to it that the supplemental study that we want to present—

Mr. TAYLOR. Without objection, the supplemental statement explaining the interpretation of the legislation will be placed in the record at this point.

[The information referred to follows:]

STATEMENT BY ASSISTANT SECRETARY OF THE DEPARTMENT OF THE INTERIOR FOR FISH AND WILDLIFE AND PARKS, NATHANIEL P. REED

Mr. Chairman, we are pleased to provide this statement for the record in support of authorizing a study of the Oklawaha River for possible addition to the Wild and Scenic Rivers System.

H.R. 4469 and H.R. 5444 are identical to a proposal by the Department of Agriculture to authorize a study of the Oklawaha River from Dead River Swamp to its confluence with the St. Johns River for possible addition to the Wild and Scenic River System. The Department of the Interior strongly endorses the Department of Agriculture's proposal and urges enactment of either H.R. 4469, or H.R. 5444.

We believe the provisions of these two bills are superior to the provisions of H.R. 5678, which would limit the study to two separate segments of the Oklawaha river. One segment designated by H.R. 5678 extends from Howard's Landing downstream to Sunday Bluff, together with riverside lands not extending beyond 350 feet of the thread of the river. The other segment extends from Riverside Landing, including Rodman dam, downstream to the Oklawaha River's confluence with the St. Johns River.

These two segments comprise approximately 24 miles of the river. The area between Sunday Bluff and Riverside Landing, which is excluded by H.R. 5678, contains one of the few portions of the river which remains in a natural state.

On the other hand, H.R. 4460 and H.R. 5444 provide for a study of about 50 miles of the river from Dead River Swamp to the St. Johns River.

Based on our knowledge of the river and surrounding area, as well as significant evidence documented in an environmental impact statement on the proposed wild and scenic river study developed by the Department of Agriculture, we are opposed to limiting the study as proposed in H.R. 5678.

The Department believes that the entire river from Dead River Swamp to the St. Johns River should be studied because of this river's outstanding character. At the conclusion of the study, Congress can determine whether in fact all, or only a portion, of the river should be included in the wild and scenic rivers system. We do not believe that enough information is now available on the basis of which it can be decided that some segments of the river clearly cannot qualify and therefore should not be included in a study.

Some of the segments of the river probably will not be eligible for wild or scenic river status, but may qualify as recreational river segments. As you know, under the Wild and Scenic Rivers Act portions of a single river may be recreational segments and other sections wild or scenic segments. A river can have been impounded or diverted at some time in the past, or there may be some development along its shores, and it may still qualify for recreational or scenic river status.

Recent studies of Rodman Pool and the river by a Federal interagency task force, reported in the U.S. Forest Service's Environmental Impact Statement accompanying the Department of Agriculture's proposal, reveal that various portions of the river have received different degrees of use and management over the years, so the river is accordingly divided into the following segments:

a. Dead River Swamp to Delks Bluff (State Road 40). Most of this 5-mile segment has been channelized. Otherwise, the segment remains in a basically natural condition. Although some work has been done on this reach to improve navigation, extensive efforts have been made to preserve this stretch in its natural condition, such as placing dredge spoil several hundred yards away from the river behind a heavy screen of trees and other natural vegetation and not removing any trees from the river's edge except those leaning into the water. These limbs have been selectively cleared and snagged.

b. Delks Bluff to Eureka. This 17-mile sector is not channelized. Most of the merchantable trees have been harvested. Except for one or two places, however, harvested areas are not visible from the river and many unmerchantable trees and understory shrubs, as well as ground vegetation, remain. A few cottages and pastures can be seen from the river and add variety to this very scenic waterway. There are no known significant river pollution problems from these sparsely located cottages along this reach of the river. A mile or so north of State Road 40, the eastern shore of the river is bounded by a high bluff, and the limited clearing done in this segment is not obtrusive.

c. Eureka to Rodman Dam. Here, some 20 miles of the river and associated swamps are flooded by Lake Ocklawaha at the 18' mean sea level impoundment level. The August 1972 drawdown of the lake to the 13' mean sea level exposed 7.5 miles of the previously submerged river channel. If lowered water levels are maintained in the reservoir, the forest on the lands which were submerged should survive. This 20-mile section lies largely outside the cleared area and therefore retains its wild character and heavily forested streambanks.

Most of the trees within the remaining lower reservoir pool were cleared during initial construction of the dam. However, this section should also be studied for possible classification under the Wild and Scenic Rivers Act.

d. Rodman Dam to the St. Louis River. This 9-mile section of the River is largely undisturbed.

The Bureau of Outdoor Recreation found in an early study that the Oklawaha River qualified for potential preservation in the then contemplated Wild and Scenic Rivers System. Further consideration was suspended because of the then on-going construction of the Cross-Florida Barge Canal. Since that time construction of the canal has been halted. We do not believe that the man-made modifications to the river and surrounding area for canal purposes have jeopardized the river's potential for wild and scenic river consideration.

As stated above, we believe that the entire river from Dead River Swamp to the confluence with the St. Johns is of a caliber justifying study for addition to the Wild and Scenic River system. We believe the entire section should also be studied for an additional reason—that is, the fate of one section of the river may determine the fate of the others.

For example, residential or commercial development along any river segments which were excluded from the wild and scenic river because they were not covered by the study, could have an adverse impact on the segments proposed for inclusion in the system. Similarly, if Lake Oklawaha (Rodman Reservoir) is not studied for inclusion in the system, it is possible that the lake will not be managed properly, or not managed at all, with resultant water quality problems in the downstream segments of the river. Noxious weeds could also spread downstream from the lake. Valuable wildlife habitat would be lost and a potential recreation resource destroyed. Furthermore, if the lake is drained, the already cleared floodplain would, without public acquisition or legislative protection, rapidly be developed, thus placing additional stress on the downstream reach of the river. Unless it is also possible to make a recommendation on Lake Oklawaha, it is open to question whether any downstream reaches of the river could be recommended for inclusion in the wild and scenic river system.

The proposal in H.R. 5678 to include only 350 feet on either side of the main channel in that segment extending from Howard's Landing to Sunday Bluff will cause serious problems in surveying, plotting and acquisition should the area be designated for wild and scenic river status. Large floodplain areas of the river, which extend beyond the 350 foot limit and act as nutrient and sediment filters for the river floodwater, could be destroyed. Development beyond the 350-foot limit could easily destroy the flood plain. In addition such development could seriously degrade water quality in the river.

The 350-foot limitation contained in H.R. 5678, together with the omission of Lake Oklawaha and other segments of the Oklawaha River, would exclude from the study area the Eureka By-Pass alternative alignment of the Cross-Florida Barge Canal. The President ordered a halt to construction of the canal on January 19, 1971. The canal issue is currently before the courts for review. In view of the adverse impact that the completion of the canal would have on the Oklawaha River, we recommend including the proposed Eureka By-Pass alternative alignment in the study area, as H.R. 4469 and H.R. 5444 do. As you know, the Wild and Scenic Rivers Act prohibits Federal agencies from assisting in the construction of any water resources project or authorizing any such project which would adversely affect study rivers. This prohibition, if extended an additional 5 years as proposed in H.R. 4864, would preclude construction of the canal through the Oklawaha River Valley until the study period is over.

The Governor and the Cabinet of the State of Florida in August of 1972 recognized the adverse impact of the canal in previous support of completion of the Cross Florida Barge Canal through the Oklawaha River Valley, as enunciated in the Florida Board of Conservation resolution of March 1, 1966. Thus the official position of the State of Florida is in opposition to any future construction of the canal through any portions of the Oklawaha River Valley.

Specifically, construction of the canal along the By-Pass route would destroy over 7000 acres of irreplaceable fish and wildlife habitat through clearing and inundation necessary for construction. The swamp-forest environment of the Oklawaha provides valuable habitat for over 100 species of fish, 41 species of mammals and a great number of birds, insects, and other animals. The hydric hammock swamp forest area surrounding the river provides nesting and resting areas for Federally protected birds—the Southern Bald Eagle, Florida Sandhill Crane and Everglades Kite—all listed as endangered.

Further, construction of the canal would divert an important source of water—Silver Springs—from the Oklawaha River. The river rises out of a chain of lakes in central Florida and its major source of water is Silver Springs, one of the world's largest springs, noted for its large volume of crystal clear water and abundance of aquatic life. The Oklawaha's unique character depends, to a large extent on a continuous, stable flow of water from Silver Springs. If the canal is built, it will be necessary to divert a portion of the Silver Springs' waters from the natural river channel to the canal. The amount of water diverted will depend on canal use. There will be considerable day-to-day fluctuation in the mix of Silver Springs' water and upstream water. The results will be variable temperature, oxygen, nutrient and turbidity conditions in the Oklawaha River. This variable quality will drastically modify the river and surrounding area's ecosystem. A marked shift in the area's natural plant and animal community boundaries can be anticipated.

A further effect of the canal on the river will be the results of seepage through the canal berm of the Eureka By-Pass. Seepage will result in much of the floodplain between the canal and the river becoming seriously waterlogged. Such saturation will leach the soil of valuable life-supporting nitrates. Over an ex-

tended period of time this condition will cause the death of trees and other vegetation between the canal berm and the river:

Finally, should the canal be built, there is evidence that the proposed back-pumping facility designed to maintain natural flows in the river would not be adequate during drought conditions. The U.S. Forest Service, in their environmental impact statement on the river, analyzed the pump capacity as follows:

"In order to maintain natural flows in the Oklawaha River, the Eureka back-pumping facility must be in operation at least 30 percent of the time at canal use of 300 c.f.s. and up to 45 percent of the time at the 425 c.f.s. usage. This is without any seepage loss.

"The pump capacity of 900 c.f.s. designed by the Corps was based on $(300 \text{ c.f.s. need} + \text{seepage}) \times 2$ as adequate to replace canal water in a 12-hour period at average use. This would imply a maximum seepage of 150 c.f.s. This 900 c.f.s. pump capacity would not be adequate to allow use of the canal during drought conditions at this seepage rate and 425 c.f.s. usage and still maintain at least the minimum flow of record in the natural channel.

"The normal treatment of flood water with this alternative alignment will be to divert the waters down the canal from Silver Spring Run to Eureka Dam after the floodplain has been utilized for flood control." (page 147)

In summary we believe that a comprehensive study of the entire river should be undertaken. Even though some areas have been modified by man, this need not preclude such areas from consideration for designation as wild, and scenic or recreational rivers under the Wild and Scenic Rivers Act. H.R. 4400 or H.R. 5444 will provide the flexibility essential for a comprehensive complete study of the Oklawaha River. These two identical bills will allow consideration of all alternatives for future management and use of the river, as provided for in the Wild and Scenic Rivers Act. We, therefore, urge enactment of either H.R. 4400 or H.R. 5444.

Mr. TAYLOR. I just want to show what we are getting into.

Mr. WATT. That is a good question, but I suggest that—

Mr. TAYLOR. I think that we are getting into hot water.

Mr. WATT. Your question is a good question.

Mr. TAYLOR. We have had one war between the States.

Mr. WATT. We cannot afford another one.

Mr. TAYLOR. Are there any other questions?

Mr. SEIBERLING. Just one question, Mr. Chairman.

Even if it were determined that the Oklawaha would not conform to the criteria of the present statute, clearly if the study recommended that the whole system be included with the dam, then the Congress could include it by passing the legislation to that effect.

I would just like to inquire as to whether or not the dam might actually be quite compatible with having a wild or scenic river below the dam, because of the maintenance of the water flow during dry periods. Is that a problem for the dam?

Mr. WATT. It is a distinct possibility, that the value of the river could be enhanced for the reasons that you have outlined.

Mr. SEIBERLING. Thank you.

Mr. EASTMAN. There is precedent for dams on these rivers. The St. Croix, that was one of the instant rivers, has a power dam on the river.

Mr. TAYLOR. I'm not certain I got that. You say there is a power dam on the river above this lake?

Mr. EASTMAN. No; the St. Croix. There is precedent. The St. Croix River, that was an instant river, has a power dam on the river.

Mr. TAYLOR. It is in the section that we placed in the scenic rivers?

Mr. EASTMAN. It is a recreational section of the river.

Mr. TAYLOR. Is there a power dam on this river above the lake?

Mr. EASTMAN. In Florida?

Mr. TAYLOR. Yes.

Mr. EASTMAN. No, sir.

Mr. TAYLOR. I thought I understood Mr. Sikes to say that there was.

Mr. EASTMAN. Not to my knowledge.

Mr. WATT. I think he's referring to a dam, not a powerplant.

Mr. TAYLOR. Any other questions?

Thank you again.

Absent objection, additional questions may be asked of the Departmental witness in writing, and the questions and answers will be placed in the record after the witnesses' testimony.

With hearing no objection, it's so ordered.

Mr. JOHNSON. Mr. Chairman?

Mr. TAYLOR. The gentleman from California?

Mr. JOHNSON. I understand a letter was addressed to the chairman of the full committee with a copy to you and myself from an interested group about the North Fork Association of the American River.

I ask that that be put in the record.

Mr. TAYLOR. Absent objection, it will be placed in the record at the appropriate place.

[The letter referred to appears at p. 143.]

Mr. TAYLOR. Our next witness is Mr. Rexford A. Resler, Associate Chief, Forest Service, U.S. Department of Agriculture.

Without objection, your entire statement will be placed in the record at this point.

[The information referred to follows:]

**STATEMENT OF REXFORD A. RESLER, ASSOCIATE CHIEF, FOREST SERVICE,
U.S. DEPARTMENT OF AGRICULTURE**

Thank you for this opportunity to participate in your consideration of a number of bills to amend the Wild and Scenic Rivers Act. The Department of Agriculture has a major interest and responsibility in the administration of certain components of the National Wild and Scenic Rivers System and in the study of rivers for potential addition to the System.

I would like to speak first to H.R. 4864. This bill includes the Administration's proposal to extend the 5-year moratorium on water resources projects and mineral entry affecting study rivers. This extension is needed to provide the necessary protection for study rivers until studies are completed and recommendations are made to the President and the Congress. H.R. 4864 also includes the Administration's proposal to raise the appropriation authorization contained in section 16 of the Wild and Scenic Rivers Act from \$17 million to \$87.6 million. This additional authorization is necessary to allow completion of the acquisition programs for the initial components of the National Wild and Scenic Rivers System. We strongly support the Department of the Interior's recommendations as contained in H.R. 4864.

OKLAWAHA RIVER

Turning to individual river proposals, I would like to first discuss the Oklawaha River in Florida. Our recommendation to designate the Oklawaha River as a study river for potential addition to the National Wild and Scenic Rivers System was transmitted to the Congress on January 29, 1973. This proposal is embodied in its entirety in H.R. 4469 and H.R. 5444. The proposed study area is shown on the map before you, extending from the Dead River Swamp downstream to the confluence of the Oklawaha River with St. Johns River. The area is the Ocala National Forest. The present western boundary of the National Forest follows the Oklawaha River.

As you are aware this section of the Oklawaha River is also part of the Cross Florida Barge Canal project area. On January 19, 1971, the President ordered the halt to further construction of the Cross Florida Barge Canal to prevent potentially serious environmental damages. The President asked the Secretary of the Army to work with the Council on Environmental Quality in developing recommendations for the future management of the area. Recommendations were

developed by an interagency task force using information developed through environmental study and public review and comment. A draft environmental statement relating to management alternatives for the Oklawaha River area was released for governmental and public review on May 26, 1972. After review and evaluation of comments received on the draft statement, the final environmental statement was released on January 16, 1973. The legislative action evaluated in the environmental statement was the proposal to designate the Oklawaha River for study as a potential addition to the National Wild and Scenic Rivers System. The environmental statement documents not only the supporting data for study river designation but also the other alternative actions considered.

In this proposal we are not recommending how the Oklawaha River should be managed, or whether plans for the Cross Florida Barge Canal should be modified. We do believe that a study of the scope and depth of a wild and scenic river study is necessary to arrive at recommendations for final consideration by the President and the Congress. We strongly urge that the Administration's proposal, as contained in H.R. 4469 and H.R. 5444, be enacted.

AU SABLE AND MANISTEE RIVERS

The Au Sable and Manistee Rivers, as shown on the map before you, span nearly the entire State of Michigan. The Au Sable flows into Lake Huron and the Manistee flows into Lake Michigan. We recommend that both rivers be designated for study as possible additions to the National Wild and Scenic Rivers System. H.R. 134 or H.R. 1679 would accomplish this.

The Au Sable River has its source in the Gaylord-Grayling area of North Central Michigan 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 Bamfield 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 supports a good fishery and a 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 has its source in North Central Michigan. It flows west 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. This 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 cold and warm water fisheries that exist in the State of Michigan. The free flowing segments provide quality cold water fishing.

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

We believe both rivers, as proposed in H.R. 134 and H.R. 1679, have the qualities necessary to support designation as study rivers for possible addition to the National System.

NORTH FORK AMERICAN RIVER

The North Fork of the American River, as shown on the map before you, is located in northern California with a major portion of the river within the boundary of the Tahoe National Forest. H.R. 4326 proposes that the portion of the North Fork of the American River between the Cedars and Auburn Reservoir be studied for potential addition to the National Wild and Scenic Rivers System. We support this proposal and also recommend the additional river segment above the Cedars and extending to Mountain Meadow Lake and the lower 7½ miles of the North Fork of the American River also be included in the study. Details of these recommendations are contained in our report to the Committee.

The proposed study river is free flowing, with both wild and scenic characteristics. The river flows through an area that provides a wide variety of spectacular scenery. The river character varies from a broad flowing river hemmed in by steep canyon walls to stretches of white water flowing over rapids and waterfalls. The river is an excellent trout fishery. The State of California, in recognition of the wild and scenic qualities of the river, designated it as a component of the California Wild and Scenic Rivers System in 1972.

Although we support designation of the North Fork of the American River as a study river as provided in H.R. 4326, we recommend deletion of section 2 of H.R. 4326. Section 5(b) of the Wild and Scenic Rivers Act provides appropriate direction for the conduct of the study. The Department of Agriculture would lead the study under concepts of the original Act in cooperation with the Department of the Interior and the State of California.

We also suggest that the 2-year study deadline as specified in H.R. 4326 be deleted. Such a deadline would in effect pre-empt ongoing studies of those rivers originally listed by the Act. If this river is designated for study, we would expect to complete the study within the time requirement of the original Act.

SHAVERS FORK OF THE CHEAT RIVER

The Shavers Fork of the Cheat River, as shown on the map before you, is located in eastern West Virginia and lies largely within the boundary of the Monongahela National Forest. H.R. 1401 would designate the entire Shavers Fork from above Spruce, West Virginia, to its confluence with the Black Fork River at the town of Parsons, West Virginia, as a study river.

We do not object to the designation of the Shavers Fork of the Cheat River as a study river for potential addition to the National Wild and Scenic Rivers System as proposed in H.R. 1401. The river is free flowing and much of the river area is highly scenic. However, we would like to point out that while the river has certain attributes supporting study designation, it also has characteristics which make it questionable for such study designation. The river is paralleled for much of its length by roads and a railroad. Natural and man-caused influences have acted to lower the river's water quality for recreation use and fish habitat purposes. The river's fishery is presently maintained through a stocking program.

We are currently studying the Shavers Fork watershed as part of our multiple use planning process. A special mineral examination study is also being conducted. These studies include major opportunities for public participation in the planning process. We expect to complete these studies and develop a detailed management plan for the area by November 1974. We believe that many of the objectives of providing necessary protection to the watershed can be accomplished through this planning process and under authority now available to the Secretary of Agriculture.

If H.R. 1401 is enacted, we recommend that the provision which requires the study to be completed within two years be deleted. If we are directed to study the Shavers Fork, we would expect to complete the study within the time requirement of the original Act.

Further, we recommend that the description of the study river be amended to extend only to the southern corporate limit of the town of Parsons rather than to include the town of Parsons and portion of the anticipated Rowlesburg Lake impoundment. Details of these recommendations are contained in our report to the Committee.

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

STATEMENT OF REXFORD A. RESLER, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY DOUGLAS SHENKYR AND GENE BERGOFFEN

Mr. RESLER. I'd like to introduce my two colleagues, Mr. Douglas Shenkyr and Mr. Gene Bergoffen.

We appreciate the opportunity to participate in your consideration of these bills to amend the Wild and Scenic Rivers Act. The Department of Agriculture has a major interest and responsibility in the administration of certain components of the National Wild and Scenic

Rivers System and in the study of rivers for potential addition to the system.

First, I would like to speak to H.R. 4864. This bill includes the administration's proposal to extend the 5-year moratorium on water resources projects and mineral entry affecting study rivers.

This extension is needed to provide the necessary protection for study rivers until studies are completed and recommendations are made to the President and the Congress. H.R. 4864 also includes the administration's proposal to raise the appropriation authorization contained in section 16 of the Wild and Scenic River Act from \$17 to \$37.6 million. This additional authorization is necessary to allow completion of the acquisition programs for the initial components of the National Wild and Scenic Rivers System.

We strongly support the Department of the Interior's recommendations as contained in their February 15, 1973, legislative proposal and as contained in H.R. 4864.

Turning to individual river proposals, I would like to first discuss the Oklawaha River in Florida. Our recommendation to designate the Oklawaha River as a study river for potential addition to the National Wild and Scenic Rivers System was transmitted to the Congress on January 29, 1973.

This proposal is embodied in its entirety in H.R. 4469 and H.R. 5444. The proposed study area is shown on the map before you, extending from the Dead River Swamp downstream to the confluence of the Oklawaha River with the St. Johns River. The shaded area is the Ocala National Forest. The present western boundary of the national forest follows the Oklawaha River.

As you are aware, this section of the Oklawaha River is also part of the Cross-Florida Barge Canal project area. On January 19, 1971, the President ordered the halt to further construction of the Cross-Florida Barge Canal to prevent potentially serious environmental damages. The President asked the Secretary of the Army to work with the Council on Environmental Quality in developing recommendations for the future management of the area.

Recommendations were developed by the interagency task force using information developed through environmental study and public review and comment. A draft environmental statement relating to management alternatives for the Oklawaha River area was released for governmental and public review on May 28, 1972. After review and evaluation of comments received on the draft statement, the final environmental statement was released on January 16, 1973.

I have with me a final copy of the statement of the Oklawaha. There are two other volumes that carry appendix material that I will be glad to make available to this subcommittee.

The legislative action evaluated in the environmental statement was the proposal to designate the Oklawaha River for study as a potential addition to the National Wild and Scenic Rivers System. The environmental statement documents not only the supporting data for study river designation but also the other alternative actions considered.

In this proposal, we are not recommending how the Oklawaha River should be managed, or whether plans for the Cross-Florida Barge Canal should be modified. We do believe that a study of the scope and

depth of a wild and scenic river study is necessary to arrive at recommendations for final consideration by the President and the Congress. We strongly urge that the administration's proposal, as contained in H.R. 4469 and H.R. 5444, be enacted.

Mr. SEIBERLING. Mr. Chairman, while that map is up there, could I ask a question?

Mr. TAYLOR. Have you finished your statement?

Mr. RESLER. There are two other rivers that I would like to discuss.

Mr. SEIBERLING. What is the scale of that map? Can you give us some idea of how many miles across?

Mr. RESLER. The map scale is 1 inch to a mile.

Mr. SEIBERLING. So we're talking about 20 miles?

Mr. RESLER. About 20 or 30 north and south.

Mr. SEIBERLING. Where is the dam that Mr. Sikes talked about? Is there a lake there?

Mr. RESLER. Yes; there is a lake on that stretch of the river being pointed out to you.

Mr. SEIBERLING. The lake does not appear on the map, is that correct?

Mr. RESLER. That is correct, the map does not show the lake.

Mr. SEIBERLING. Thank you, I have no further questions.

Mr. TAYLOR. If the gentleman will yield, then between a third and a half of the total mileage of the river that the administration recommends including is in the lake. Is that right?

Mr. RESLER. Approximately so.

Mr. SEIBERLING. If the gentleman will yield--where is the upstream portion of the lake that H.R. 5678 would include?

Mr. RESLER. It would be that section right there.

Mr. SEIBERLING. So you are recommending that to be included as well as the downstream?

Mr. RESLER. Yes.

Mr. TAYLOR. Would the gentleman yield?

Mr. SEIBERLING. Yes.

Mr. TAYLOR. What about the lower tip? In showing the area to be included above the lake, you didn't come down to the bottom? Or it does come to the bottom?

Mr. RESLER. Yes.

Mr. TAYLOR. How many miles in total length do you recommend including?

Mr. RESLER. Forty-seven miles would be in the study, approximately.

Mr. TAYLOR. How many miles of that is in the lake?

Mr. RESLER. Fifteen.

Mr. TAYLOR. Fifteen?

Mr. RESLER. Yes; the purpose here again being that we believe it is appropriate to make this kind of comprehensive study in order to make some judgments as to what portions should be included, and how they should be managed.

Mr. TAYLOR. What will be the effect of passing this administration's plan on the barge canal?

Mr. RESLER. Pending further review by attorneys, our interpretation here is that it would effectively defer the action by so designating it as a study area.

Mr. TAYLOR. Is one of the purposes of including this river in the study section of the act to stop plans on the barge canal?

Mr. RESLER. No, the objection being that it is broadly recognized that there is great interest in the area. We know there are some conflicts. We believe this is an appropriate way to help make some important decisions that need to be made.

Mr. TAYLOR. Does anyone want to direct a question concerning the canal before we get to the other rivers?

Mr. SEIBERLING. Yes, Mr. Chairman.

Even if it were included as a Wild and Scenic River, the barge canal project would go ahead and simply not use this stretch of river. Is this correct?

Mr. RESLER. This is our interpretation. It would be avoided only to the extent that the portion was in the reach of the river itself.

Mr. SEIBERLING. Would water from this river be required even if the barge canal were located elsewhere? Would it be required for the canal?

Mr. RESLER. I think it would. Yes.

Mr. SEIBERLING. That would eliminate that possibility, too, wouldn't it, if it were included as a scenic river?

Mr. RESLER. It would seem to be a substantial risk in dissipating the final disposition that might be made on the river. Yes.

Mr. TAYLOR. On the plans for the barge canal, was the canal to go up the river to the lake, then use the lake up to its upper edges, then leave the river corridor so the canal will be constructed separate and apart from the river?

Mr. RESLER. I'd like to ask Mr. Shenkyr to explain that.

Mr. SHENKYR. The Rodman Dam is the first structure on the river at this point on the map. The canal then extends out east of the river area, and runs out to the St. Johns River at a northeast angle. Then the next dam, the Eureka Dam site, is the second dam on the river itself.

The next structure is down at the bottom of the map, to the left. From there a portion of the canal to the west coast of Florida is also constructed. And so, part of the canal in itself is already built in terms of being used or being useable.

Mr. TAYLOR. What part of the map are sections that are already built?

Mr. SHENKYR. This does not all show on the map, but this portion is basically constructed on out to the west coast of Florida. This dam here on the map, the Eureka Dam, is constructed. The gates have not been closed on the Eureka Dam. This dam, Rodman Dam, is a fully operative dam.

Then the canal goes out to this point on the map which is the St. Johns lock, and is already constructed, but it leaves this remnant of the Oklawaha River below Rodman Dam in a free flowing stage. The water from Rodman Pool is used to operate the St. Johns locks.

Mr. TAYLOR. The canal then did not use the upper portion of the Oklawaha River?

Mr. SHENKYR. It would inundate this segment shown on the map. It is inundated by this dam, Rodman Dam, at the present time.

Mr. TAYLOR. Does the canal make use of only the lake portion of the river?

Mr. SHENKYR. As it was conceived and authorized and designed by the Corps of Engineers, yes, the Oklawaha would be used as part of

the canal project, or this much of it from Rodman Dam to Silver Spring lock would be affected if the canal project went ahead.

Mr. TAYLOR. I understand now.

In Congressman Chappell's bill, and in the more up to date plans, they propose to depart from the river and build the canal some distance from it.

Mr. SHENKYR. There has been a proposal and this alternative has been evaluated by the Corps of Engineers. There are several proposals. There was a proposal to come directly across from this point near Sharps Ferry, straight across the Ocala National Forest to Lake George. That was one proposal.

There is another proposal to use a lock near Silver Run and to construct outside of the Oklawaha River area, and tie back into the existing Lake Oklawaha. That would be a paralleling canal staying out of the river area.

Mr. TAYLOR. Are there any other questions?

Mr. RESLER. I would like to touch on three or four rivers in the piece of legislation here. H.R. 134 and H.R. 1679 concern the Au Sable and the Manistee Rivers in the State of Michigan. We believe that both of these rivers qualify and should be considered for a study designation.

The North Fork of the American River is shown on this map. It's located essentially within the boundary of the Tahoe National Forest or largely so. H.R. 4326 proposes that portion of the North Fork of the American River between The Cedars and the Auburn Reservoir be studied as a potential addition to the wild and scenic rivers system.

We agree that this and the segments above the Cedar and the lower 7½ miles of the North Fork also be included in this study. Details of these recommendations are contained in our report.

Mr. TAYLOR. Is that consistent with the bill that is before us?

Mr. RESLER. It is an amendment in addition to it.

We would prefer again to see the 2-year study deadline in H.R. 4326 be deleted for the reasons that Mr. Watt touched on earlier.

I would like to touch on the Shavers Fork of the Cheat River. The Shavers Fork of the Cheat River, which is shown in the map before you, is located in eastern West Virginia, and lies largely within the boundary of the Monongahela National Forest. H.R. 1401 would designate the entire Shavers Fork from above Spruce, W. Va., to its confluence with the Blackwater River at the town of Parsons, W. Va., as a study river.

We do not object to the designation of the Shavers Fork of the Cheat River as a study river, as proposed in 1401. The river is free flowing, and much of the river area is highly scenic.

However, we would like to point out that while the river has certain attributes supporting study designation, it also has characteristics which make it questionable for such study designation. The river is paralleled for much of its length by roads and railroads. Natural and man caused influences have acted to lower the river's water quality for recreation use and fish habitat purposes. The river's fishery is presently maintained through a stocking program.

We are currently studying in Shavers Fork as part of our multiple use planning process, which will involve substantial public involvement, and the review of plans.

We believe that many of the objectives can be achieved through this process that would otherwise be achieved through the study and designation of this as a wild, scenic, or recreation river. If H.R. 1401 is enacted, we recommend that the provision which requires a study to be completed within 2 years be deleted. And if we are directed to study the Shavers Fork, we would expect to complete the study within the time requirement of the original act.

Further, we recommend that the description of the study river be amended to extend only to the southern corporate limit of the town of Parsons, rather than include the town of Parsons and a portion of the anticipated Rowlesburg Lake impoundment.

Mr. TAYLOR. We will have to leave in about 1 minute. Would you like to finish, and come back this afternoon?

Mr. RESLER. I am finished with my statement, unless there are some questions. I am at your disposal.

Mr. TAYLOR. I did not mean to cut you off.

Mr. RESLER. I was finished. That was the end of my statement.

Mr. TAYLOR. We are glad to get these specific recommendations concerning the specific bills before us. Each deals with a specific project.

Are there any questions?

Mr. SEIBERLING. Yes, Mr. Chairman.

Mr. TAYLOR. The gentleman from Ohio.

Mr. SEIBERLING. Although the Cheat River has a road paralleling it, a good deal of it, it would still qualify it as a recreational river, would it not?

Mr. RESLER. Yes. There are sections that could be treated under the various designations. We're merely pointing out that there is a substantial development along this river. It's a point that we wanted this committee to consider.

Mr. TAYLOR. The gentleman from Kansas?

Mr. SKUBITZ. What sort of development is taking place along the river?

Mr. RESLER. Roads, railroads and, of course, the matter I discussed earlier, mainly the private in-holdings. The Shavers Fork watershed has about 138,750 acres in it, 88 percent within the boundaries of the Monongahela National Forest. Of this, some 64,900 acres is in national forest ownership, the remaining is owned by others principally a lumber company with 41,000 acres.

Then in addition as a result of our acquisition of the lands, the mineral rights are withheld on some 41,000 acres that currently have national forest land status.

Mr. SKUBITZ. Are there any mining operations there?

Mr. RESLER. Yes, some small mining operations, not extensive at this time, as Mr. Hechler mentioned this morning.

Mr. SKUBITZ. Do they feed waste into the river?

Mr. RESLER. Not seriously, to my knowledge, there's a natural situation there. It was mentioned this morning that it does have an effect on the acidity of the stream itself.

We do have an agreement with the Mower Lumber Co. that provides for a 5-year moratorium on all mining on the national forest portions of those lands that have the mineral rights reserved. That will be withheld for 5 years before any action is developed there, allowing time for further study of this area.

Mr. TAYLOR. Thank you very much, Mr. Resler.
 The subcommittee stands in recess until 2:30 this afternoon.
 [Whereupon at 12:15 p.m., the subcommittee recessed until 2:30 p.m. the same day.]

AFTERNOON SESSION

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

When we decided to reconvene at 2:30, I was hopeful that the House would have finished its business at that time. We had four bills dealing with the District of Columbia. We finished three of them, but the fourth, which is the most controversial one, is now being debated. I have to go back after a little while, I am sure, for another vote, but we'll hear as many witnesses as we can.

Mr. Steve Seater, staff biologist of the Defenders of Wildlife.

Without objection, your entire statement will be placed in the record at this point.

You may proceed as you see fit.

[The prepared statement of Stephen Seater follows:]

STATEMENT OF STEPHEN R. SEATER, STAFF BIOLOGIST, DEFENDERS OF WILDLIFE

I am Stephen R. Seater, Staff Biologist of Defenders of Wildlife (2000 N Street, N.W., Washington, D.C. 20036), a national conservation organization dedicated to the preservation of our nation's wildlife and wild places. We have approximately 40,000 members distributed throughout the United States. Today I also speak for Friends of the Earth, an international organization committed to the preservation, restoration and rational use of the earth. Affiliated Friends of the Earth organizations are active in France, the United Kingdom, Switzerland, Sweden, the Netherlands; new groups are being formed in Canada, Italy, Germany, Australia and Japan.

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

The Wild and Scenic Rivers Act of 1968 provides a measure of protection to these beautiful streams, but unfortunately only a handful of our truly wild rivers enjoy protection under this Act. The 27 rivers under study as potential additions to wild and scenic status are now threatened by the expiration of the dam licensing moratorium this coming October. If the moratorium is not extended, it is quite possible that these rivers could be destroyed before Congress has the opportunity to consider preserving them. We, therefore, support H.R. 4864 which would extend the moratorium for five additional years.

These hearings also cover several proposed additions to the study category. We support all of these bills with the exception of H.R. 5678 which fails to provide protection for all of the truly wild and scenic stretches of the Oklawaha in Florida. Either H.R. 4469 or H.R. 5444 are acceptable to us because they include all the critical stretches of this river.

Both Defenders of Wildlife and Friends of the Earth are unalterably opposed to H.R. 5814 which would remove the St. Joe River in Idaho from the study category. With so few rivers in this category we sincerely hope your Committee will rebuff any attempts to remove rivers which are now under study.

In considering additions to the Wild and Scenic Rivers Act, perhaps the Committee should also consider one of the major inadequacies of the Act itself. Section 9 protects a stream from mining on federally owned lands only to a distance of one-quarter mile from its banks. Unfortunately, this allows extensive logging and mining operations along the tributaries of a stream which could eventually lead to its destruction. Ideally, the Act should be amended to give the federal government control over all or most of the stream's watershed. Naturally, this same protection should be extended to all rivers awaiting consideration in the study category.

Since I am not personally familiar with most of the rivers being considered for addition to the study category, I will limit the remainder of my remarks to

Shavers Fork of the Cheat River in West Virginia. Having fished it as a boy and later hiked many miles along its banks, I can claim a degree of familiarity with this river.

This beautiful stream with its headquarters above Spruce, West Virginia, flows approximately 100 miles through scenic mountain valleys to its confluence with the Black Fork River at the town of Parsons, West Virginia. It is characterized by fast, clean water which supports large trout and small mouth bass populations and provides good kayaking and canoeing for white water enthusiasts. According to Tom Cofield, Outdoor Editor of the *Baltimore News American*, Shavers Fork is "the finest trout stream in the eastern United States." Clearly this is a river which should receive protection under the Wild and Scenic Rivers Act.

Mr. Chairman, we feel it is imperative that Shavers Fork be protected under this Act as soon as possible for it now faces many grave threats in the form of acid mine drainage, roadbuilding and logging operations. Undoubtedly, the greatest single threat to the Fork is acid mine drainage. Even though the U.S. Forest Service declared a mining moratorium in Shavers Fork watershed last March, this does not affect private lands. At least three mining companies are preparing to mine coal on private lands adjacent to the stream.

Three underground mines are soon to begin operations. The first is T. and J. Coal Company's proposed mine at Glady on a tributary of Shavers Fork. The second is the Satin Sewell Coal Company's deep mine along the Fork just above the Bowden National Fish Hatchery and the third mine is to be opened in the headwaters area south of Route 250 on land owned by the Mower Lumber Company. The acid drainage from these new mines could easily destroy most of the aquatic life in the stream and render the \$4 million Bowden Hatchery useless. According to Jack Best, a former manager of the hatchery, the potential danger from mining operations is great. Moreover, there have already been a few fish kills following heavy rains which have been attributed to acid mine drainage.

In addition to lethal acid runoff, there is the problem of continued roadbuilding and logging operations in the Shavers Fork watershed by the Forest Service. One of the best examples of how these operations are threatening not only the water quality of the Shavers Fork but the wildlife of the region as well is the construction of a roadway by the Forest Service atop Cheat Mountain in the Monongahela National Forest. This road which connects Forest Service Route 92 with Forest Service Route 37, will open a previously roadless area to private and commercial use. This will include use for the transportation and removal of timber and development of mineral interests not owned by the United States Government. The road will also pass through a region identified by the West Virginia Department of Natural Resources as one of four remaining black bear breeding habitats in the state.

The black bear is the West Virginia state animal. In recent years the bear's range has been contracting and it is estimated that only 600 remain in the entire state. It is an established fact that, in West Virginia, areas in which roads have been constructed tend to become unsuitable habitat for bears. This is largely due to the easy access provided to poachers. Because of this the West Virginia Department of Natural Resources opposes the construction of the road.

It is also probable that extensive timber harvesting and eventual mining operations made possible by the road will adversely affect the water quality of Shavers Fork which flows about a mile away in the valley below. On October 21, 1972 Congressman Ken Hechler (D-W. Va.) charged "The proposed Forest Service road on Cheat Mountain will threaten the Shavers Fork River. . . Any roadbuilding, mining or logging operations in the watershed will produce lethal acid runoff."

This project clearly has an environmental impact of major proportions and at a cost of \$321,000, it is certainly a major federal action. Moreover, soon after construction began and the public became aware of it, the project became highly controversial in nature; yet, the Forest Service has steadfastly refused to prepare an environmental impact statement as called for by the Council on Environmental Qualities' final guidelines to all federal agencies. It should also be remembered that the U.S. Supreme Court has advised that environmental impact statements ought to be prepared on all roads being built in national forests.

Congressman Hechler has aptly characterized the Forest Service's brazen disregard for these guidelines as follows: "This comes as one more example of the Forest Service's callous disregard for the public interest in managing the Shavers Fork area. It is time the Forest Service moved to restore public con-

fidence by obeying the law in preparing the required environmental impact statement and by declaring a moratorium on all mining, roadbuilding and logging operations in the Shavers Fork watershed." With this, Mr. Chairman, we heartily agree.

In the interest of saving this threatened stream, we beseech you to designate the portion of the Shavers Fork specified in H.R. 1401 for study as a potential addition to the national wild and scenic rivers system.

In closing, Defenders of Wildlife and Friends of the Earth wish to emphasize the need to get more potential Wild and Scenic Rivers into the study category. The best way to achieve this is to rely on the recommendations of local citizen conservation groups.

Thank you.

**STATEMENT OF STEPHEN B. SEATER, STAFF BIOLOGIST,
DEFENDERS OF WILDLIFE**

Mr. SEATER. Thank you, Mr. Chairman.

I represent the Defenders of Wildlife, a national conservation organization dedicated to the preservation of our Nation's wildlife and wild places. We have approximately 40,000 members distributed throughout the United States.

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In closing, Defenders of Wildlife and Friends of the Earth wish to emphasize the need to get more potential wild and scenic rivers into the study category. The best way to achieve this is to rely on the recommendations of local citizen conservation groups.

Thank you.

Mr. TAYLOR. Thank you for your statement.

You mentioned H.R. 5814, which would remove the St. Joe River in Idaho from the study category. You would probably be pleased to know that that is not one of the bills that is in this group that we are considering.

Mr. SEATER. I did not realize it was not included.

Mr. TAYLOR. Are you satisfied in general with the progress which is being made under the Wild and Scenic Rivers Act?

Mr. SEATER. Not really. It appears to me that—and I am not an expert at this—but it appears to me that those studies have been taking too long on the various rivers; exactly why I do not know.

And also, it seems to me that we only have a handful of rivers in the study category at this point.

Mr. TAYLOR. Twenty—

Mr. SEATER. Twenty-seven.

Mr. TAYLOR. Well, it was Congress, of course, that placed the rivers in the study category, and we are now considering placing some more in as part of this legislation.

Well, thank you for your testimony.

Mr. SEATER. You are welcome.

Mr. TAYLOR. Mr. Brent Blackwelder, Environmental Policy Center, Sierra Club.

STATEMENT OF BRENT BLACKWELDER, ENVIRONMENTAL POLICY CENTER, SIERRA CLUB

Mr. TAYLOR. Go head.

Mr. BLACKWELDER. Thank you, Mr. Chairman. We appreciate the opportunity to testify, and are very glad the committee is holding hearings on the Wild and Scenic Rivers Act.

My name is Brent Blackwelder. I am Washington representative of the Environmental Policy Center, and I am also speaking today on behalf of the Sierra Club.

I would just briefly like to touch on a few points in my statement and also make some remarks following the conversations earlier this morning on the cross-Florida barge canal and the bills affecting the Oklawaha River.

We do support extension of the 5-year moratorium on the Wild and Scenic Rivers Act; and we also strongly support the scenic river bills up before this committee at the present time, with the exception of H.R. 5678, which was introduced by Congressman Chappell.

We do support the bills introduced by Congressman Saylor, H.R. 4864 and 5444.

To touch on some of the comments made on the Oklawaha this morning, I think the committee should be familiar with the position of conservationists in regard to this Lake Ocklawaha, so called. It is in reality, Rodman and Pools, which is a reservoir that conservationists believe should be drained completely and to allow the natural river habitat to recover and to be fit suitable for inclusion in the Wild and Scenic Rivers System.

And we also would like to point out that central Florida is well noted for its outstanding bass fishing, and we do not see any point in spending a lot of Federal money to create another bass fishing lake, or to spend a lot of money trying to develop recreation facilities at this particular reservoir. And we hope the committee would just check into whether this \$500,000 request for recreational development at this Rodman Reservoir is in reality going to be spent removing lots of the water lilies which are growing in abundance on this lake and choking it out.

These points, unfortunately, were not brought to the committee's attention. I have here with me some news clippings and other informa-

tion, all on this matter, which I would like to leave for the committee's use, which may help you come to a wise decision.

Mr. TAYLOR. That material will be passed over to counsel to be placed in the file.

Mr. BLACKWELDER. Thank you, Congressman.

I should point out that there is a bill to deauthorize the cross-Florida barge canal, and we are in strong support of this bill. There is a concern as to jurisdiction arising here as to the Public Works Committee and the Interior Committee. It is our feeling that the Interior Committee's jurisdiction is actually being intruded upon just as much as the reverse may be the case.

This committee is charged with the responsibility of looking after wild and scenic rivers to see which ones might indeed be included in this status; and we believe that the Public Works Committee, in proceeding to pursue its business and authorizing dams and canals on scenic rivers, is pursuing its business, but that business puts it into a conflict with the responsibilities that this committee is charged with.

So, we believe that the sword here cuts both ways; and therefore, we urge you to go ahead and to include the full critical sections of the river which are in Congressman Saylor's bill.

I might go on from there just to indicate that we are in disagreement with the statement Mr. Watt made this morning, when he did not think that any further changes needed to be made in the Wild and Scenic Rivers Act. We believe that several additional amendments may be useful, and I touch briefly upon these in my statement.

One is a suggested increase in the boundary size to allow flexibility. In some cases there are examples where you might need additional scenic easements beyond what the maximum limits are in the 1968 act. That amendment would be to simply upgrade classification of a river, so that if it improved over time with proper management, it could be upgraded from recreational to scenic status, or from scenic status up to wild status.

And finally, we would like to suggest to this committee that a whole entire block of new rivers be added for study; and the American Rivers Conservation Council, which will testify in just a minute, will be submitting to the committee a list of 79 rivers. This list was formulated by contacting conservation groups nationally and on State and local levels all across the country to see what rivers they felt needed to be included in the system.

We feel that far too little attention has been given to the wild and scenic rivers system. We only have a very small number of rivers in the system now, and only a few rivers being studied. We believe that the country should have at least 100 wild and scenic rivers, and we hope that the committee would take swift action to introduce a lot more rivers into the study category, to prevent them, one, from deteriorating; and two, to save a lot of money which might have to be spent in the future if there is delay; and therefore, to protect the scenic treasures that we have.

Mr. Chairman, this completes the basic points that I wanted to cover in my statement; and the full list of rivers will be submitted to you in a moment.

Mr. TAYLOR. With regard to these 79 additional segments of rivers, have you submitted any of those to local congressmen in the areas

affected in an effort to get their support and to get them to introduce the legislation?

Mr. BLACKWELDER. Yes. We are working on that right now, and some of the 79 do have bills actually being introduced in the process. Some, I believe, have come in in the past week. And so we are working very diligently on that, but we did not have sufficient time in which to go through all those motions; but we are trying to carry those out right now.

Mr. TAYLOR. Well, I think that would be an effective way to get action started on those particular streams.

Now, you expressed strong opposition to H.R. 5678, which includes only a section of the river. Now, if you had a choice, would you rather have that bill enacted or none?

Mr. BLACKWELDER. We believe that that bill should not be enacted.

Mr. TAYLOR. I know you prefer a bill that goes further.

Mr. BLACKWELDER. For this simple reason that that bill just seems to keep the door wide open to the Cross-Florida Barge Canal. It is really a bill introduced simply for stalling the inevitable decision, which will be made to stop the Cross-Florida Barge Canal. Proponents are still trying to keep the door open with that bill.

Mr. TAYLOR. Are you trying to use this Wild and Scenic Rivers Act as a means of stopping the construction of the barge canal?

Mr. BLACKWELDER. No. We feel that is essentially a past and a dead issue, and that the situation that this committee should address itself to right now is the protection of this significant river. To build a Cross-Florida Barge Canal has been stopped; a bill has been introduced to deauthorize it. It is our feeling that the canal is no longer a live issue; that the funds have been impounded and will continue to be impounded.

It is now, I think, up to this committee to take action to pursue the alternative which Florida conservationists have advocated over the years—protecting this important national treasure. And Mr. Chappell's bill simply will not do that job. It is trying to keep a portion of that pool open from which they will pursue an alternative plan.

Mr. TAYLOR. He apparently is trying to put in a study section of the wild and scenic rivers legislation only those segments of the river which would not be affected by the present plans to build the canal.

Is that not the way you read it?

Mr. BLACKWELDER. Right. He is trying to keep his option open to build the canal and only include the safe sections of the river.

Mr. TAYLOR. In other words, he is trying to put as much of the river into the scenic rivers bill as he can without interfering with the canal.

Mr. BLACKWELDER. That is our understanding. While simultaneously trying to appear to be protecting the river, it is actually opening up an alternative route, which in fact could wreak considerable damage upon the canal even if it did not go through the river itself.

Mr. TAYLOR. Well, we are hoping to consolidate these bills into one bill and take that bill to the House floor. Personally, I am inclined to think that if the subcommittee approves a bill which would interfere with this canal, that it ought to be kept as a bill by itself. I would not want this whole package to be jeopardized by a floor fight over the canal. The tail would be wagging the dog.

Mr. BLACKWELDER. That is a very difficult question to be decided. If that were going to sink the whole bill, then obviously—

Mr. TAYLOR. Right. We do not jeopardize this legislation by putting anything in it that might threaten its passage. The controversial items should stand on their own merits.

Mr. BLACKWELDER. On the other hand, the committee, of course, has to be very concerned about this important resource, and it might indeed want to take the leadership in saying that this Cross-Florida Barge Canal has been studied to death. Contrary to the proponents' assertion that no environmental studies have been done, there have been at least four important studies which we had to do ourselves because they refused to do them.

And now we think it is a dead issue, and this committee could now move in and say this whole river ought to be protected.

Mr. TAYLOR. Well, this gets us into the jurisdiction of another committee when we use the provisions of the Wild and Scenic Rivers Act as a means of stopping the construction of a canal which has already been authorized. The proper procedure would be to get the Congress to reverse that decision, if that is the prevailing viewpoint.

Now, this bill has that effect. But in any event, that is subject to a good deal of debate, and I guess we will hear about that on both sides some more.

Your entire statement will be included in the record.

[The prepared statement of Brent Blackwelder follows.]

STATEMENT OF THE ENVIRONMENTAL POLICY CENTER AND THE SIERRA CLUB,
SUBMITTED BY BRENT BLACKWELDER

INTRODUCTION

I am Brent Blackwelder, Washington Representative of the Environmental Policy Center, a national conservation organization located at 324 C St. SE, Washington, D.C. 20003. Today I am also speaking on behalf of the Sierra Club. We are concerned over the degradation and deterioration of many of our nation's finest rivers and are anxious to see some significant steps taken to insure that further abuse does not occur and that proper protection is accorded to scenic rivers.

SUPPORT FOR HR 4864

We strongly support HR 4864 which would extend the 5-year moratorium in the original Wild and Scenic Rivers Act of 1968 and would also raise the ceiling on expenditures for scenic easements and land acquisition. It is essential that this moratorium be extended to give the Forest Service and the Bureau of Outdoor Recreation time to complete their studies on many of the original 27 study rivers which are still not finished. Furthermore, we believe that it would be desirable to have the moratorium extend until the required study has been completed and a report sent to Congress and the Congress has had 3 years to act on the report. Alternatively, it would be just as desirable to have an indefinite moratorium on study rivers which would end only when Congress actually determines that the given river is not suitable for wild, scenic, or recreational status. We urge the Committee to give consideration to amending HR 4864 in either of these ways.

SCENIC RIVER STUDY BILLS UP BEFORE THE COMMITTEE

We strongly support the following bills which would add the indicated rivers to the study category:

HR 134 & 1679—the Au Sable and Manistee Rivers in Michigan.

HR 1401—Shavers Fork in West Virginia.

HR 2307—Cahaba River in Alabama.

HR 2348—Colorado River in Colorado.

HR 4326—American River in California.
 HR 5419—Wisconsin River in Wisconsin.
 HR 4469 & 5444—Oklawaha River in Florida.

These rivers have outstanding qualities and definitely merit study as potential wild and scenic rivers.

OKLAWAHA RIVER BILLS

Several bills have been introduced on the Oklawaha River. HR 5678 introduced by Congressman Chappell differs in important respects from HR 4469 & HR 5444 (identical bills) by failing to include critical stretches of the river. HR 5678 by omitting the important stretches of the Oklawaha which would be affected by the proposed Cross-Florida Barge Canal amounts essentially to the canal builders bill. We therefore urge the Committee to reject this bill and support instead HR 4469 and HR 5444.

ADDITIONAL AMENDMENTS TO THE WILD AND SCENIC RIVERS ACT

The Wild and Scenic Rivers Act of 1968 limits the total management area to 320 acres per mile of river with fee simple purchase being limited to an average of 100 acres per mile. These figures include both sides of the river, not just one side. We believe that it would be desirable to double both limits up to 640 acres per river mile for the total management area with 200 acres per mile being the maximum for fee simple purchase. It should be kept in mind that these figures are upper limits rather than the actual amount of land which would have to be acquired.

UPGRADING OF CLASSIFICATION

It would seem desirable to have provision made in the Wild and Scenic Rivers Act for upgrading the classification of a river when over the years the character of the river improves through good management practices. Such a provision would allow a recreational river to be upgraded to scenic status and a scenic river to be upgraded to wild status.

ADDITION OF NEW RIVERS TO THE STUDY CATEGORY

We believe that it is indeed unfortunate that our country does not have at least 100 rivers in the wild and scenic river system. At a time when the demand for recreation on natural free-flowing streams is increasing every year we feel that much more attention should be devoted to studying and establishing wild, scenic, and recreation rivers. Enormous quantities of federal funds are devoted to providing flat-water recreation, while simultaneously very little effort has gone into protecting the free-flowing rivers of the nation which in their natural condition offer a wide variety of recreational and educational experiences. It is our view, therefore, that it is appropriate this year to add a large number of rivers to the study category. Communication with state and national groups across the country has produced a major list of rivers which on preliminary investigation appears to be leading candidates for inclusion in the wild and scenic rivers system. This list is being submitted to the Committee by the American Rivers Conservation Council. We hope that the Committee will see fit to include these rivers in the study category.

Mr. TAYLOR. The next witness, Mr. Bill Painter.

STATEMENT OF BILL PAINTER, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. TAYLOR. Now, we may have to stop in a few minutes so that I can go over to vote.

Mr. Painter, a copy of your entire statement will be put in the record at this point. You may proceed.

[The prepared statement of Bill Painter follows:]

STATEMENT OF BILL PAINTER, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. Chairman, I am Bill Painter, I represent the American Rivers Conservation Council, a newly formed organization comprised of groups and individuals from

throughout the country, who are dedicated to the preservation and protection of America's remaining wild and scenic rivers.

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

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

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

Although we feel a 5 year extension of the moratorium, as proposed in H.R. 4864, is desirable and worthy of support, we would like to suggest another course of action which might better achieve the desired ends. If the moratorium were to apply to each river under study from the time it is placed in Section 5a of P.L. 90-542 until the time at which the required report is submitted to Congress and the President, there would never be a chance of the moratorium lapsing before the Congress considered a river for inclusion in the National System. Section 7(b) (1) of the Wild and Scenic Rivers Act provides that the moratorium shall continue for 3 years after recommendation of a river by either the Secretary of Interior or the Secretary of Agriculture, in order that Congress might have adequate time to act upon the recommendation. Under this statute plus that suggested above, a river would be protected from the entire time it was deemed by Congress to be worthy of study for possible inclusion in the System until the Congress has full opportunity to determine if it is actually worthy of such inclusion.

We urge you to approve the increase in funds available for acquisition of land and scenic easements under Sec. 16 of the Act. We support the provision of H.R. 4864 calling for increasing the amount that can be spent to \$37,600,000. If this is not approved, some of the rivers now designated as part of the National Wild and Scenic Rivers System will not be given the protection called for in the Wild and Scenic Rivers Act.

With regard to the protection afforded a river under the 1968 Act, we feel that improvements need to be made. The Act limits the total area that can be managed within a designated river to 320 acres per mile of river. This is equivalent to around 1300 feet back from the river, on the average. Although this is adequate for many river systems, it is not enough for many others. This is especially true in areas where rivers pass through gently sloped mountains that may be subject to surface mining, which can destroy the water quality of a river through sedimentation.

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

We support a similar increase in the allowable amount of acreage that can be taken by fee purchase. Such an increase would provide needed flexibility in certain circumstances, but should not result in a great increase in the amount of land acquired by this method.

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

The American Rivers Conservation Council also feels that the law should be expanded to preclude Federal involvement in any actions which would degrade the quality of a river either in the System or under study. In both Sec. 5(a) and 7(b), reference is made to restriction of water resources projects. We suggest that this be changed from "water resources project" to simply "project".

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

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

Finally, we turn to the matter of additions of rivers to the study category, under Section 5(a) of the Wild and Scenic Rivers Act. The American Rivers Conservation Council supports all the bills on this subject before you at this time, with the exception of H.R. 5878, regarding the Oklawaha River in Florida. This bill would not provide adequate protection of this beautiful river. Rather, we endorse H.R. 4469 and H.R. 5444, identical bills which would give the needed safeguards for the river by including in the study all the critical sections of the river. We urge you to approve H.R. 134, H.R. 1679, H.R. 1401, H.R. 2807, H.R. 2848, H.R. 4826 and H.R. 5419.

The American Rivers Conservation Council also endorses recently introduced bills calling for study of the Green River and Clarks Fork in Wyoming; the Kettle River in Minnesota; and the Bel, Kiamath, Trinity, Smith and San Joaquin (Middle and North Fork) from origins to Mammoth Pool Reservoir in California.

Our organization, and especially our affiliates in Idaho, are opposed to any bills calling for removal of a river from the study category under Section 5(a) of the Wild and Scenic Rivers Act. Once the Congress has identified a river as being of national significance, and worthy of study for inclusion in the System, the required studies should be carried through, and a report filed with the Congress, and then the Congress can decide if it should be added to the Wild and Scenic Rivers System. To do otherwise would violate the intent of the Wild and Scenic Rivers Act.

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

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

RIVERS SUGGESTED FOR ADDITION TO THE STUDY CATEGORY

- San Rafael, Utah—all north of I-70
- Dolores—entire river in Utah
- *Escalante, Utah—town of Escalante to Lake Powell
- Green, all of river in Utah
- Cheat, W. Va.—Parsons to Rowlesburg
- Cranberry River, W. Va.—entire
- Greenbriar, W. Va.—entire
- Gaule, W. Va.—below Summerville to confluence with Kanawha
- Laurel Fork of Cheat, W. Va.—entire
- Dry Fork of Cheat—north of Laurel to confluence with Blackwater
- Williams, W. Va.—Tea Creek to Three Forks
- *Tuolumne, Calif.—from Hetch-Hetchy Dam to New Don Pedro Reservoir
- Kings River, Calif.—above Pine Flint Reservoir to headwaters excluding N. Fork
- Methow, Washington
- *Wenatchee, Wash.—entire, including tributaries, the Chiwawa and White Klickitat, Washington
- Stillaguamish—both North and South Fork
- Nisqually, Washington
- Kalama, Washington
- Skykamish, Washington
- St. Francis, Mo.
- *North Fork of White, Mo.—from State Highway 76 to Lake Norfolk
- Sipsy, Alabama
- *Wacissa, Florida—entire river
- *Imnaha, Oregon—entire main stem
- *Grand Ronde, Oregon—From Ronowa, to confluence with Snake, with tributaries the Wenaha to Milk Creek on the South Fork of the Wenaha; and the Wallowa to the Minam; and all of Minam
- Snake, Oregon—from confluence with Stud Creek to Oregon, Wash. border
- *Madison, Montana—from Earthquake Lake to Ennis Lake
- Missouri, Montana—Robinson Bridge to Fort Benton
- Blackfoot, Montana—from Landers Fork to Milltown Dam
- *Green, Wyoming—source to Horse Creek
- Clark's Fork, Wyo.
- Sweetwater, Wyo.
- Allegheny, Pa.—from Kinzua Dam to Drodys Bend
- Lehigh, Pa.—north of town of Jim Thorpe
- *Mullica, New Jersey—entire, including tributaries Wading Creek and Bass River
- Big Pine, Ind.
- 14 Mile Creek, Ind.
- Big Blue, Ind.
- Sugar Creek, Ind.
- Big Walnut, Ind.
- Wildcat, Ind.
- *Little Missouri, N.D.—from Marmarth, N. Dak. to Lake Sakawea
- *Chatanika, Alaska—from head of McManus Creek to milepost 11 of Elliott Highway
- *Birch Creek, Alaska—from milepost 94 to milepost 147 of Steese Highway
- *Fortymile, Alaska—entire river with major tributaries in Alaska
- *Rappahannock, Va.—from tidewater to Remington, and Rapidan to town of Rapidan
- *Delta, Alaska—from Round Tangle Lake to confluence with Phelan Creek
- *Gulkana, Alaska—entire main stem and Middle and West Forks, between Paxton Lake and town of Gulkana
- *Chitina, Alaska—entire
- Chama, New Mexico, Colo.—source to Rio Grande
- Gila, N. Mexico—source of each of the 3 forks to Florence, Arizona
- San Francisco, N. Mex., Ariz.—from source to confluence with Gila
- Yampa, Colo.—from Maybelle to confluence with Green
- White, Colo.—N. Fork including Trappers Lake and South Fork
- Animas, Colo.—from Silverton to Durango
- Green, Colo.—all in Colorado
- Colorado, Colorado—from Public Service Company of Colorado Power Plant to Glenwood Springs; Gore Canyon area
- Roaring Fork, Colo.—from Aspen to Snowmass

Gunnison, Colo.—upstream from Blue Mesa Reservoir and downstream through Black Canyon and Gunnison Gorge; also Lake Fork of Gunnison
 Piney, Colo.—from source to confluence with the Colorado
 Piedra, Colo.—entire river
 Pine (Los Pinos), Colo.—source to Vallecito Reservoir
 Navajo, Colo.—entire river
 Upper Rio Grande, Colo.—from headwaters to Alamosa, except for Rio Grande Reservoir
 Crystal, Colo.—from Marble to Carbondale
 Poudre, Colo.—from Chambers Lake to Ft. Collins treatment plant
 Arkansas, Colo.—from Granite to Canon City
 North Fork South Platte, Colo.—from Foxton to confluence of South Fork South Platte
 South Fork South Platte, Col.—from Cheesman Dam to Kassler Treatment plant
 Dolores, Colo.—between Dolores and Bedrock
 South Fork White River, Colo.—entire river
 North Platte, Colo.—from source to Colorado border
 Blue, Colo.—from Green Mountain Reservoir to Spring Creek Road
 Encampment, Colo.—source to Colorado border
 Williams Fork, Colo.—from source to Buford
 White River, Vermont—entire river
 Black River, Vermont—entire river
 West River, Vermont—entire river

(River marked with (*) were listed in a report by the Secretary of Interior published in 1970, in accordance with Section 5(d) of the Wild and Scenic Rivers Act.)

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

Mr. PAINTER. I will try to make my oral comments brief, Mr. Chairman.

First, let me thank you and the committee on behalf of our organization for having scheduled these hearings on this most important Wild the Scenic Rivers System, and we hope there will be more such hearings in the future.

We are in support of extending the moratorium on water resources projects and mining activities, and are concerned that if this is not done that damage will be done to a number of the rivers now included in the system, or set for future inclusion in the system.

We would like to make a suggestion that although we feel that a 5-year extension of the moratorium is proposed in H.R. 4864 is desirable and worthy of support, that another action might better achieve the desired ends. We suggest that if the moratorium were to apply to each river under study from the time it is placed in the study category until that time at which the required reports are submitted to this committee by either the Secretary of the Interior or the Secretary of Agriculture, as the case may be, there would never be a chance of the moratorium lapsing before the Congress had an opportunity to consider a river for inclusion in the national system.

Mr. TAYLOR. The present language, though, encourages the bureaucrats to be a little more diligent than if they had unlimited time to take action.

Mr. PAINTER. I would like to think that. However, it does seem that their average performance right now is something more than the 5 years that you have tried to encourage them to meet in the past.

I agree with you that I would prefer it if they were to do these studies in 2 or 3 years instead of what they seem to be averaging, more like 6 to 7. That would be desirable.

I am concerned that perhaps in the future, while they are proceeding with one of these 6- or 7-year studies, that this extension that might be granted this year would expire, and perhaps you would not have such a wise committee and such a wise Congress at the time, or some other fluke might happen that would prevent the extension of the moratorium; and then we would have a number of rivers sitting sort of high and dry right in the middle of the study process with no protective moratorium. This suggestion would assure that.

Perhaps another way to do it would be to combine the two concepts with some sort of a limit on how long they can take to do these studies.

We also support the increase in funding requested in—we do not know for sure, but perhaps even more is needed for this purpose. We certainly feel that there is a need for more funding for studies under the Wild and Scenic Rivers Act.

Mr. TAYLOR. That is a matter of the appropriation process. As the witness said this morning, there is general authority for appropriations for the studies, so it is a matter of getting the money appropriated by the proper committee.

Mr. PAINTER. I would like to make a few comments about suggested changes in the 1968 act.

First of all, the limits on the amount of area that can be managed within a designated river. At the present there is a limit of 320 acres per mile on the average, which is equivalent to about 1,300 feet back from the river. Although this is adequate for many river systems, it is not adequate enough for many others. This is especially true in certain areas such as ones where rivers pass through gently sloping mountains that may be subject to surface mining. Such activity can destroy the water quality of a river through sedimentation.

We suggest that this limit be increased to at least double the current 320 acres. We suggest this is reasonable, because this is merely an allowable upward limit. It is not a required minimum. In most cases it would not be necessary to bring more than the current limit within the boundary of a river, but such an extension would give the managing agencies a flexibility to deal with some of these excessive situations where it may be necessary to take to manage more land back than is allowed at present.

We also support an increase in the amount of acreage that can be taken by fee purchase. Once again, probably this would not occur very often, but it would give us some flexibility to do so when necessary.

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

Mr. TAYLOR. I am going to have to stop you now. We have to go to the House floor, but I should be back in about 12 minutes.

[A brief recess was taken.]

Mr. TAYLOR. Mr. Painter, you may proceed.

Mr. PAINTER. Thank you, Mr. Chairman.

Another suggestion we have for changes, possible changes, in the Wild and Scenic Rivers Act regards those kinds of Federal projects which now come under the restrictions of section 7(a) and 7(b) with

regard to study rivers, and we feel that it would be wise to change the restrictions from just simply water resources projects to any project which the Federal Government has some involvement, or one agency of the Government will withhold action that would damage a particular river and to have others to proceed would not seem to be the best way.

Mr. TAYLOR. Now, that is a suggested amendment to the basic act?

Mr. PAINTER. Yes; and I specifically point that out in my testimony.

Now, two other things that we suggest—one would be to have a provision for changing classification of sections of a river once they are in a system. That is, you might change a recreational segment to a scenic segment, and a scenic to a wild; and I point out this to suggest that we did not mean that it is the goal of the act to make all rivers wild rivers, but rather there may be some circumstances—and there have certainly been cases like this with regard to the wilderness system—in which we might have a long stretch of river that was essentially of wild character, and just at one point there was some conflicting use, and that over the course of time this conflicting use might cease to be; and then you could upgrade the entire section of the river to the wild category, when in fact that is what the majority of the character of the river would be anyway.

Another suggestion that we are very concerned about is we now have a new, recently passed amendment to the Water Quality Act. It has been brought to our attention that there are a number of rivers which will probably be cleaned up as a result of these more stringent water quality regulations. And we would suggest that it would be helpful to have some kind of a system for placing rivers in a holding category or what have you. The water quality might be the only thing—and this is certainly being designated as a wild and scenic river. The shorelines are of such character that it certainly does qualify, but that the water quality at present is not adequate to meet standards. But if it does indeed appear that the water quality of a given stream will improve in the future, it would be best to go ahead and move on this protection of the river now. For one thing, it would probably save a good deal of money, because no doubt the land values around these rivers will increase greatly as the water quality improves. And in general, of course, it is less expensive to move ahead on programs like this now than in the future.

And finally, with regard to additions of the rivers in the study category, we support all of the bills except for H.R. 5678 in regard to the Oklawaha River. And I will not go into that. I think that has been covered before.

And we also support legislation that was introduced too recently to be included in the hearing, with regard to the Green and Clarks Fork River in Wyoming; the Kettle River in Minnesota; and the Eel, Klamath, Trinity, Smith, and San Joaquin in California.

Finally, as mentioned, we do have a list that we are submitting to you of rivers which came to our attention through contacts with the river conservation groups throughout the country. These were rivers which were given to us after we had explained to them that they did not already know the qualifications that a river must meet to be worthy of consideration for the national wild and scenic rivers system.

Most of these rivers are not embroiled in any controversy with regard to dams or other water resource developments. There are a few that do have such controversies involved, but the people we talked to felt that they were of such quality that they should at least be mentioned before this committee in the event that later on the water resources development is stopped and the committee could proceed with the protection of these rivers.

We will be contacting Members of Congress. This is already going on. In the case of each one of these rivers, the people who suggested them to us will be sending this committee brief remarks about the type of river, and the quality, and why they think they should be considered at some point for inclusion in the wild and scenic rivers system.

That concludes my oral comments.

Mr. TAYLOR. Mr. Painter, I commend you on some very constructive suggestions. I agree with you that the water quality in our rivers should, and will, improve; and this will help qualify more rivers for consideration in the Wild and Scenic Rivers System as the years go on.

Also, I think the wild characteristics of the rivers will gradually change; that is, as we acquire and preserve land along the banks of the river, it will gradually go back to its more natural state. This, too, will help more rivers qualify as units of the Wild and Scenic Rivers System.

Are there any questions?

The gentleman from Ohio.

Mr. SEIBERLING. I think this is a very excellent statement, Mr. Painter. I noticed that none of the rivers which you suggest for addition in the study category is in the State of Ohio, and this brings up a question which I think we have begun to address in connection with national parks and recreation areas; and I wonder if we should not give more attention to it in connection with rivers. And that is, putting the parks, and in this case putting the rivers that are to be preserved, where the people are.

And I just wonder, while I think it is important to preserve these truly wild rivers, the emphasis seems to be mostly out West, or an area such as West Virginia where there are mountains and very few people. And I wonder if you have any suggestions as to what can be done to preserve rivers that perhaps do not even qualify under the existing statute and yet have recreation potential in the vicinity of major urban areas.

Mr. PAINTER. First, in regard to the Ohio situation, I think we may have some. There were people who we were not able to get in contact with.

Mr. SEIBERLING. For example, there is a river in Ohio that is called the Clear Fork of the Mohican River, on which there is already a great deal of canoeing. The commercial canoe business industry does quite a business when the river is canoeable, and I have been on it myself, and it is a very beautiful river. I do not know if anything has been done to try to keep it that way; and yet, it is easily accessible to a large part of the population.

And then I am sure you have heard of the Cuyahoga River, which is renowned as being the first river in the world to catch fire. But what is not generally known is that the upper reaches of the river

are used constantly by canoeists, and it is used as a recreational resource. As a matter of fact, on Saturday I attended a hearing in Kent, Ohio, which was devoted entirely to what can be done to preserve the upper reaches of that river for recreational purposes. One of the problems that present themselves is that the future projected demands for water in the area for industrial and residential purposes will probably eventually take the entire flow of the river, and in fact, may end up requiring the pumping of water from Lake Erie to supply water to the various users.

I wonder if there is not some way we could address ourselves to developing rivers that are not free flowing in the ordinary sense of the word, and yet, we develop some sort of way of reconciling all these competing uses, including recreational uses.

I wondered if you have given any thought to that kind of situation, because the value of that river is that it is right in the heart of a major urban area.

Mr. PAINTER. Well, I think perhaps the people who have been concerned about the Wild and Scenic Rivers Act, have not paid enough attention to that third category, the recreational river. The first thing that comes to mind is to protect those precious remaining wild rivers and the ones that are semiwild, which are listed as scenic.

But this legislation does provide for protection of some sort for rivers that may have impoundments on them, that are fairly heavily developed already. And this could be an area where more concentration needs to be put.

I might add that although the list we present does have a lot of rivers from out West, it is just easier for people out there to name rivers that are still in a wild state. We spent an awful lot of time working in the Eastern rivers, because it is very important that we do get these resources near the people.

There are a number of very active groups concerned with the river preservation in Ohio now, and I do expect that this committee will receive comments from them about some of the rivers, although we were not able to get any just now.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. TAYLOR. Do you know how many rivers there are in Colorado? I noticed that of this list of 79, there are 24 in Colorado.

Mr. PAINTER. That is right. It does. That list was given us by the people in Colorado as a result of some rather extensive meetings amongst major conservation groups out there; that this list was actually sent to one of their Senators; so although we do not necessarily feel that this greater length of the list here reflects the fact that there are that many more rivers there, it is just that we optioned to let the people there select what they thought were the best ones; and obviously, in one place people were more selective than they were in others.

Mr. TAYLOR. Well, the people in Colorado may have done more field-work than the ones in Ohio have done.

Mr. PAINTER. That may not be true. People in places like Ohio, Indiana, and Illinois really treasure those rivers, because in many cases they are the outstanding natural value. They do not have these spectacular mountains and things like that.

But our work in this regard shows that people in some of these

States are even more zealous than the ones in other areas where they have such an array of natural wonders.

Mr. SEIBERLING. Has the Sierra Club representative testified yet?

Mr. TAYLOR. Yes.

Mr. SEIBERLING. Because they have been active in Ohio in trying to get Grand River designated a wild river. And, of course, there has been a long, active program for getting the Little Miami designated a scenic river. And I understand they are already running into problems with the fact that even though it has been designated that by the State, as I understand, the development on either side of the river is beginning to encroach. So this, obviously, is another area that I think you made a very good suggestion on, and that is, expanding the protected areas on either side of the river from the present 320 acres to some larger area.

Thank you, Mr. Chairman.

Mr. TAYLOR. I might state to the gentleman that we might have created some national rivers such as the Buffalo National River and the Ozark National River, in which we place more emphasis on recreation and took in a large amount of land on both sides of the stream.

Thank you, Mr. Painter.

Mr. SKUBITZ. Mr. Chairman.

Mr. TAYLOR. The gentleman from Kansas.

Mr. SKUBITZ. When was this council organized?

Mr. PAINTER. We were actually officially formed in March of this year.

Mr. SKUBITZ. What is the total membership?

Mr. PAINTER. Well, we are not really a membership organization at this point. We are affiliated with a number of organizations and are still in the process of establishing the affiliation. We are actually working as a clearinghouse.

Mr. SKUBITZ. And when was the Environmental Policy Center established?

Mr. BLACKWELDER. Could I speak to that?

Mr. TAYLOR. You might come sit with the witness and then let him answer after conferring with you.

Mr. BLACKWELDER. I did just testify a few minutes ago on behalf of the Environmental Policy Center and the Sierra Club.

Mr. TAYLOR. Well, let the record show that you are Mr. Blackwelder.

Mr. BLACKWELDER. The Environmental Policy Center was founded a year ago, last February, so we have been in existence a little over a year now; and we were formed specifically to do lobbying and research on critical environmental issues, and bring this information to Congress to help it make wise decisions.

We concentrate on the following areas: Energy, land use policy, water resources, the Everglades-Big Cypress issue.

Mr. SKUBITZ. I understand what your purpose is. I am just wondering, though how many other environmental groups use the address 324 C Street SE., and the telephone number 202-547-6500?

Mr. BLACKWELDER. Well, the American Rivers Conservation Council, which I helped establish last March, along with conservationists from across the country, is currently using this office as its temporary facilities until we come up with more permanent means of financing to continue the efforts.

And I might add, as a part of the American Rivers Conservation Council, we have had at the Denver meeting canoe organizations like the American White Water, the American Canoe Association, as well as members from other national conservation organizations, such as the Wilderness Society and the Sierra Club.

It was our feeling in forming this club that far too little attention had been paid in the past to wild and scenic rivers. We have been concentrating on wilderness, on national parks, and everybody had been more or less letting rivers go unnoticed.

Mr. SKUBITZ. I am not criticizing. I am just wondering how many people were testifying out of the same address. This is the point I am getting at.

Mr. BLACKWELDER. Well, we are getting a little crowded there. [General laughter.]

Mr. SKUBITZ. I wondered if we were hearing from the same people.

Mr. BLACKWELDER. No. They are two distinct organizations, but I think if we had a little more in the way of financing, we could find a little more in the way of suitable office accommodations.

Mr. SKUBITZ. You have not answered my question. Are any other conservation groups or any other groups operating out of this address?

Mr. BLACKWELDER. Yes. The Sierra Club is located on the second floor, which is an entirely separate organization.

Mr. SKUBITZ. Do they use that phone number?

Mr. BLACKWELDER. No. They have a different phone number.

Mr. SKUBITZ. What about Friends of the Earth?

Mr. BLACKWELDER. No. They are located at a different address, but the League of Conservation Voters rents separate office space in the building itself.

Mr. SKUBITZ. They are located at 324 C Street?

Mr. BLACKWELDER. Yes.

Mr. SKUBITZ. What other organizations?

Mr. BLACKWELDER. That is all.

Mr. SKUBITZ. For the present.

Mr. BLACKWELDER. Yes. I think our space is already crowded to the hilt, and we will be moving before too long.

Mr. SKUBITZ. One other question. Mr. Painter, I noticed that you suggest that we state in the act of 1968 that the total area that can be used in a river is 320 acres per mile, and you recommend that it be 640 acres. What is that based upon? Do you have any reason for recommending 640?

Mr. PAINTER. No. We obviously did not have the time, and I do not know that there is any way to come up with an ideal amount. We have already seen examples of river systems that cannot adequately be protected.

Mr. SKUBITZ. Could you give us an example of that?

Mr. PAINTER. The one I am most familiar with is the Obed River in Tennessee. Even if that river goes into the system, if the strip miners have their way it will turn the river from a crystal clear green water to chocolate brown, as rivers in the nearby watershed have done in spite of the fact of being in the Wild and Scenic Rivers System, because there is no way that this law can prevent that from happening.

Mr. SKUBITZ. That is all, Mr. Chairman.

Mr. TAYLOR. Thank you very much, Mr. Painter.
 Next is Thomas Gray of the Canoe Cruisers Association. Your statement will be included in the record at this place and you may proceed.

STATEMENT OF THOMAS L. GRAY, REPRESENTING THE CANOE CRUISERS ASSOCIATION

I am Thomas L. Gray, representing the Canoe Cruisers Association, a local group of over two thousand (2000) canoeists and kayakists who are very concerned with the conservation of rivers and their protection by such means as the Wild and Scenic Rivers Act. Our love of rivers comes from first hand experience. We are very aware of developments that affect rivers—either good or bad. The scenic rivers system is a good development; it seeks to preserve the aesthetic and recreational qualities that are sought by a growing number of people. Unfortunately, there are no rivers in this part of the country in the system. I'd like to recommend five rivers that are worthy of the designation and need the protection of the Wild and Scenic Rivers System.

Number one, the Lehigh River in Pennsylvania, from the F. E. Walters Dam down to Jim Thorpe, a distance of 35 miles. The Lehigh above Jim Thorpe flows through wild, remote country, through a narrow gorge in a plateau that in places is one thousand feet above the river. Throughout this gorge there are well distributed rapids of intermediate difficulty—some of which are a mile long. It is a very popular river for all sorts of paddle craft. Often, there are groups of boaters on the Lehigh who have converged from all over the Northeast, just to paddle this river. This popularity has caused considerable congestion in the village of Rockport, the only access point in the middle of the gorge. If an agency like B.O.R. would provide a public access point, it could get paddlers off of the main street through Rockport and out of the way of the local people.

Two, the West Branch Susquehanna in Pennsylvania, from Shawville to Keating, a distance of about 65 miles. The West Branch is also a confined gorge river. It is safe for novices with canoes full of camping gear. An ideal canoe-camping trip can begin at Shawville where the gorge is about 400 feet deep. One glides for miles over long shallow riffles in the ever-deepening gorge. The plentiful unprepared campsites are beautiful. Further downstream, the gorge becomes more of a canyon, with walls 700 to 1000 feet above the river. Wild life is plentiful. There are strip mines in the area whose acid drainage had killed all life in the river. It is ironic that the acid pollution of the West Branch has helped to preserve the natural surroundings by discouraging development. Now that the river is slowly beginning to recover from this pollution, we should act quickly to protect it from second home developments which will surely proliferate because of nearby Interstate 80.

The Rappahannock River in Virginia, from Remington to tidewater, a distance of 37 miles. This is already under consideration as a 5D river and should immediately become a study river. The Rappahannock river is unique in that it is only fifty miles from Washington but remains quite wild. It has well known white water at Kellys Ford and at Fredericksburg where it crosses the fall line and meets tidewater. Between these two rapid areas it has a variety of water conditions—some swift, easy rapids around rocky islands, some gently flowing stretches where the small mouth bass fishing is the best in Virginia, some deep pools that make good swimming holes, and some long rapids near the confluence with the Rapidan. There is perhaps no other river of its size with so much history from Indian days through the Civil War.

The North Anna River in Virginia, from the big new VEPCO dam to the mouth, a distance of about 80 miles. In all my canoeing experience in the last nine years, the North Anna is the only trip I have ever taken where absolutely no signs of civilization could be seen: no road, railroad, or houses. For most of the way there are occasional uncomplicated rapids, many of them consisting of low ledges. There are a couple of interesting abandoned mills. The climax of the trip is at the fall line rapids where the river has tried, with little success, to erode a channel through the resistant ledges. Just below the fall line, the river narrows, deepens, and flows swiftly across the gentle terrain of the coastal plain. The big new dam upstream may have the effect of lengthening the season when the North Anna can be run. It might also increase the water quality. Here again we should move quickly to study and protect this river before its fragile natural condition is destroyed by incompatible development—a distinct possibility be-

cause of its location along U.S. 1 between Washington and Richmond, and because of the new dam with its lake-oriented recreational development.

And five, the South Branch of the Potomac in West Virginia, from Upper Tract to Romney, a distance of about 70 miles. The South Branch is a beautiful clean river in a lovely and, in some places, rugged valley. It flows through the Spruce Knob-Seneca Rocks National Recreation Area in Monongahela National Forest. In the recreation area, the river has created Smoke Hole Canyon, a twenty mile long rocky chasm filled with white water. After the South Branch leaves the Smoke Hole and passes Petersburg it flows more gently across a wide agricultural valley rimmed by distant mountains. Abruptly, this section ends where the river enters The Trough, a symmetrical narrow V-shaped valley where the river becomes deep and calm and the camping is great. The Trough was explored by George Washington and was the scene of Indian battles.

I commend this committee for its consideration of Shavers Fork, a geographically unique river. We strongly urge its inclusion in the system and hope its water quality will be permanently protected from mining activities.

We strongly urge that the present moratorium on dams be extended for the duration of the necessary studies. It would also be quite proper to apply this moratorium to 5D rivers.

In administering or studying these rivers, the concerned agencies should assure the land owners that this is not a massive federal takeover of their land, but an effort to maintain high environmental and aesthetic standards. After all, we river users and the majority of landowners have the same desire—to keep these rivers that are scenic just the way they are now.

STATEMENT OF THOMAS GRAY, CANOE CRUISERS ASSOCIATION

Mr. GRAY. Thank you, Mr. Chairman.

I am Thomas Gray, representing the Canoe Cruisers Association, a local group of over 2,000 canoeists and kayakists who are very concerned with the conservation of rivers and their protection by such means as the Wild and Scenic Rivers Act.

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low riffles in the ever-deepening gorge. The plentiful unprepared campsites are beautiful.

Further downstream, the gorge becomes more of a canyon, with walls 700 to 1,000 feet about the river. Wildlife is plentiful. There are strip mines in the area whose acid drainage has killed all life in the river. It is ironic that the acid pollution of the West Branch has helped to preserve the natural surroundings by discouraging development.

Now that the river is slowly beginning to recover from this pollution, we should act quickly to protect it from second home developments which will surely proliferate because of nearby Interstate 80.

The Rappahannock River in Virginia, from Remington to tidewater, a distance of 37 miles. This is already under consideration as a 5D river and should immediately become a study river. The Rappahannock River is unique in that it is only 50 miles from Washington but remains quite wild. It has well known white water at Kellys Ford and at Fredericksburg where it crosses the fall line and meets tidewater. Between these two rapid areas it has a variety of water conditions—some swift, easy rapids around rocky islands, some gently flowing stretches where the small mouth rocky bass fishing is the best in Virginia, some deep pools that make good swimming holes, and some long rapids near the confluence with the Rapidan. There is perhaps no other river of its size with so much history from the Indian days through the Civil War.

The North Annā River in Virginia, from the big new VEPCO dam to the mouth, a distance of about 30 miles. In all my canoeing experience in the last 9 years, the North Anna is the only trip I have ever taken where absolutely no signs of civilization could be seen: No road, railroad, or houses.

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In the recreation area, the river has created Smoke Hole Canyon, a 20-mile-long rock chasm filled with white water. After the South Branch leaves the Smoke Hole and passes Petersburg it flows more gently across a wide agricultural valley rimmed by distant mountains. Abruptly, this section ends where the river enters The Trough, a symmetrical, narrow, V-shaped valley where the river becomes deep

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We strongly urge that the present moratorium on dams be extended for the duration of the necessary studies. It would also be quite proper to apply this moratorium to 5D rivers.

In administering or studying these rivers, the concerned agencies should assure the landowners that this is not a massive Federal takeover of their land, but an effort to maintain high environmental and esthetic standards. After all, we river users and the majority of landowners have the same desire—to keep these rivers that are scenic just the way they are now.

Mr. TAYLOR. Thank you for your statement.

Now, you understand that the proposals that we are concerned with today are in bills that have been introduced by Members of Congress and are pending before us.

Now, you recommend adding five additional segments of rivers, and apparently you are very familiar with them. You seem to know of what you speak.

Have you taken these suggestions up with the Congressmen or Senators representing the areas?

Mr. GRAY. No; I was not aware that that was the procedure that had to be followed, and I just heard of these hearings a few days ago. I have known of the 5D proposals, and I thought this would maybe be something that should be brought before the committee.

Mr. TAYLOR. We do not have an investigative staff of our own that we can send out into the field and make comparisons of one stream versus another. I would suggest that you do that as maybe your first step. The time might then come when the Department might recommend a group of additions.

Does the gentleman from Kansas have any questions?

Mr. SKUBITZ. No; Mr. Chairman.

Mr. TAYLOR. Well, thank you for your testimony. We appreciate these suggestions.

Our next witness is Mr. E. J. Lobb of T & J Coal Co.

STATEMENT OF E. J. LOBB, T & J COAL CO.

Mr. LOBB. Can I bring my wife along?

Mr. TAYLOR. Yes.

Mr. LOBB. Mr. Chairman and Honorable Congressmen, I was not prepared for this. I just happened to notice an article in the paper where there was going to be a hearing on this Shavers Fork, so my wife and I drove up because we are coal operators on Shavers Fork and have been since 1968.

Mr. TAYLOR. And your name is what?

Mr. LOBB. E. J. Lobb.

Mr. TAYLOR. And you are owner of T & J Coal Co.?

Mr. LOBB. Yes.

Now, originally in 1927 my father was transferred from Pennsyl-

vania to supervise Walker Coal Co.'s holdings on Shavers Fork on which they had two large union mines; Davis Coal & Coke Co. had two; and then the W. H. Green Coal Co. had two.

Now, none of these mines have ever been sealed, and of course, the water resources of West Virginia has tested this water. The water board has five men picked by the Governor of the State of West Virginia to sit in on a hearing on June 30 and May 1 after we were shut down, to try to obtain a water permit.

And Mr. Henry, who is the chief of the Water Resources, would not issue this water permit in the 30 days that he was required, which was active on June 1972. So we appealed to the Water Board, and they listened to our case on these two days, like June the 30th—on April 30 and May the 1st—and after hearing our case and seeing the water sample results, they ordered the Chief—which I have right here in my hands—to issue us a water permit; because these water samples showed these abandoned mines are way above the standards required by the State for water quality on Shavers Fork, which is a tributary.

And also, during this on the job study by the Department of Water Resources, they took all kinds of samples, and they put dye in the water, and they have done everything. In fact, they mixed the coal dust and the samples, trying to get bad samples and they could not get it. I mean the water quality is too good, because this is a whole seam of coal. There is no acid in the coal itself.

And the State geologist came up and looked at it—and it was stripped during World War II by Mr. Weams—and he told us right there that he could see no acid in the soil. He said I will go back to Charleston, write a letter to this effect.

Well, when I went to Charleston I found that he got over this otherwise, not to make this statement; but all I want to do is to show these people, these other people, that I spent 40 years on Shavers Fork. There has been large mines in that area, and it has never affected the fishing. And this water is still coming out, and in fact it has helped cool the streams for the fishing in that area, because it is good cold water. And they are cutting the timber off, and of course the water is getting warmer, and the siltation from the timber cutting. But it is not the deep mines that is affecting Shavers Fork whatsoever.

And, of course, we are private owners up there, and we do not know what this bill is going to do to us. I have equipment payments to make. I have men employed, and I certainly do not—I mean, try to work. I do not want to be put out of business myself.

Mr. TAYLOR. You have been operating a mine for several years?

Mr. LOBB. Yes, sir, I have.

Mr. TAYLOR. And you say in 1972 you made an application for a water permit?

Mr. LOBB. Yes, sir.

Mr. TAYLOR. Now, what is a water permit?

Mr. LOBB. You have to fill out this application. You have to take all your water samples. You have to run the benchmark by the Government.

Mr. TAYLOR. Is that a permit to discharge waste water into the river?

Mr. LOBB. Well, it is required. To operate a deep mine any more you have to have this water permit, and it has to show your water qualities.

If it is bad, you have to put in pools and that sort of stuff to purify water.

And, of course, we have ponds there, but the water quality is better than what they require.

Mr. TAYLOR. Now, what is the essence of a water permit? Is it a permit to discharge waste water back into the river?

Mr. LOBB. It is a permit to—well, I would say, as far as the State is concerned—to make sure the water quality, if it does get away from you, is up to standards when it hits the river. And it is to settle anything like muddy water, something like that, before it leaves your operation.

Mr. TAYLOR. So you do not intentionally discharge water back into the river?

Mr. LOBB. No.

Mr. TAYLOR. But if some happens to get away from you—

Mr. LOBB. Even if it gets away, it beats the quality required by the State.

Mr. TAYLOR. How far is your mining operation from the river?

Mr. LOBB. A mile and a half.

Mr. TAYLOR. And still you have to have a water permit, even though you are not purposely or knowingly discharging water into the river?

Mr. LOBB. All mining now is required to have it.

Mr. TAYLOR. But in the case of a flood or a wash, some water may go from the area of your mine back to the river?

Mr. LOBB. Yes.

But they put dye in and everything, and tested it, and it never reaches Shavers West Fork.

Mr. TAYLOR. Did they not grant the water permit?

Mr. LOBB. No. After our permit was approved and filled out properly, he failed to issue it.

Mr. TAYLOR. Now, how does that affect your current operations?

You do not have a water permit now?

Mr. LOBB. Well, the board has ordered him to issue it on May 25. This is it in my hands right here now.

The water board is five prominent men from over the State, picked by the Governor, and they told him to issue the water permit.

Mr. TAYLOR. You are a mile and a half from the river.

Mr. LOBB. Yes.

Mr. TAYLOR. What affect would the inclusion of the Fork River in the system have on your water permit? Do you know?

Mr. LOBB. No. I don't know. Is this law going to put me out of business? I have equipment payments to make. My equipment costs me quite a bit of money a month. I just want to know what is going to happen to me.

I am on private land. They did not even want me to move my equipment across my own property.

Mr. TAYLOR. Does counsel have any comment on this?

Mr. McELVAIN. Well, Mr. Chairman, it is a little difficult to analyze on the basis of the information we have. But the permit you are talking about is a State permit, is that correct?

Mr. LOBB. Yes.

Mr. McELVAIN. And that will be, if it has not been, issued to you now under the State law?

Mr. LOBB. I understand that.

Mr. McELVAIN. As far as this legislation is concerned, it appears—from questions we have asked the prior witnesses, departmental and otherwise—that there is nothing in the present act that would affect any kinds of operations on privately owned lands as long as the river is in the study category unless a Federal license, permit, or funds is involved.

If, after the study is made, the river is recommended for inclusion in the scenic rivers system, it is conceivable that the recommendation might include some privately owned lands, in which case those privately owned lands would probably be acquired.

Now, there is still a question as to how much land would be acquired along Shavers Fork or any other study river. The present act contemplates the acquisition of 320 acres per mile on the average, which is about a quarter of a mile on either side of the river.

In some places that might widen out, if the development plans and so forth would necessitate that. There is a serious question in my own mind that it would ever get as far as a mile and a quarter away from the river; but I suppose that could happen, depending on the geography of the area.

Mr. LOBB. My property now, the peak of it, goes right down to Shavers Fork; but the coal seam is high up on the hill.

Mr. McELVAIN. Well, it could be that at some future time, if the Congress authorizes the addition of Shavers Fork to the scenic rivers system, as such, that those privately owned lands adjacent to the river would be acquired; but you would be compensated for the fair market value of those lands taken, if they are taken.

But my off-the-cuff opinion that your current operations would not be affected by this legislation, since they are, No. 1, on privately owned lands, and No. 2, do not involve any Federal assistance—at least on the face of it, they do not seem to involve any Federal assistance or Federal licensing or permits.

Mr. LOBB. You see, Congressman Hechler said this morning that this was for coal. There is millions of tons up there.

Mr. McELVAIN. Even if it was the worst possible grade of coal that you could produce, I do not see how this would affect your operation, if I understand the circumstances correctly.

Mr. LOBB. Well, we just do not want to be caught and find we are not in business.

Mr. McELVAIN. Well, I can appreciate your concern, and I am sure the members of the committee can also.

Mr. LOBB. Now, why did they mention T & J Coal Co.?

Mr. McELVAIN. Well, I cannot speak for anybody else. I do not know why they mentioned your company.

Mr. LOBB. Well, right in this report it says T & J Coal Co. They are pounding away at T & J Coal Co.

Mr. SKUBITZ. Who mentioned your coal company?

Mr. LOBB. It is in this report of Mr. Hechler's and Mr. Seater. The T & J Coal Co. and Stephen R. Seater, staff biologist, of Defenders of Wildlife on page 4. And he claims there are acid runoffs.

Now, there is no acid in that coal. It is premium coal.

Mr. SKUBITZ. This report says that 300 mines are soon to begin operation.

Mr. LOBB. I was operating, and I was shut down by the State to get this permit, but I am operating again now. They are trying to use this to put me back out again.

Mr. McELVAIN. Do you have any Federal license or any Federal permit?

Mr. LOBB. I have my Federal Department of Mines permit. I have a State Department of Mines permit. The natural resources took my money to bond the area. I have my money put up for this water permit. They cashed that check. I have what is required—all my permits for mining and everything else.

Mr. McELVAIN. What is the nature of the Federal permit that you have?

Mr. LOBB. Well, that is you cannot open up a mine unless under their supervision as to safety.

Mr. McELVAIN. I see.

Mr. TAYLOR. Mr. Lobb, we appreciate your calling the situation to our attention. I am not certain we can answer all your questions. In the future, though, if you have any direct questions that you would like to submit to the committee, they should be turned over to counsel and if need be, we will be glad to confer with other Federal agencies in trying to get an answer.

Mr. LOBB. Well, we are just a little scared. We happened to read it in the paper.

Mr. TAYLOR. In general, placing a river in the study section does not affect private enterprise operations or property rights. If, at some time in the future, Congress approves it and officially declares it to be a portion of the Scenic Rivers System, then the land is acquired and it becomes government-owned, but until it is acquired, ordinarily private operations can continue.

We have no legal authority to take private property without the owners' consent, unless it is taken through eminent domain and the fair market value paid.

Well, thank you for calling it to our attention.

Mr. LOBB. Thank you.

Mr. TAYLOR. I do not think we have any witnesses here today on our list who have not testified.

The hearings will continue in the morning.

This subcommittee stands adjourned until 9:45 in the morning.

[Whereupon, the hearing in the above-entitled matter was adjourned at 4:15 p.m., to be reconvened the following day, Tuesday, June 12, 1978, at 9:45 a.m.]

AMEND THE WILD AND SCENIC RIVERS ACT OF 1968

TUESDAY, JUNE 19, 1979

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

The subcommittee met, pursuant to notice, at 10 a.m., in room 1824, Longworth House Office Building, Hon. Roy A. Taylor [chairman of the subcommittee] presiding.

Present: Representatives Haley, Kazen, Roncalio, Saylor, Sebelius, and Ketchum.

Mr. TAYLOR. The subcommittee will convene.

At this point I will recognize the gentleman from Wyoming, who has a statement.

Mr. RONCALIO. Thank you very much, Mr. Chairman.

STATEMENT OF HON. TENO RONCALIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mr. RONCALIO. Recently I have introduced legislation calling for the study of portions of four Wyoming rivers, looking toward their inclusion in the Wild and Scenic Rivers System. They are: H.R. 8501 dealing with the Clark's Fork River; H.R. 8502, the Green River, H.R. 8577, the Sweetwater River; and H.R. 8578, the Snake River.

The Clark's Fork River flows through the Shoshone National Forest in northwest Wyoming, the first national forest in the United States, created in 1891. The river boasts superb fishing; the canyon that it has carved serves as the habitat for several species of large and small game and wildlife. Because the Shoshone National Forest borders on Yellowstone National Park, there is a high rate of visitor usage in the Clark's Fork River area. I don't see any major controversy in my State of Wyoming in studying the section from the Clark's Fork Canyon to the Crandall Creek Bridge for potential Wild and Scenic River designation.

The Green River in southwestern Wyoming has been considered as a potential Wild and Scenic River. In September of 1970, the Secretaries of the Interior and Agriculture named the Green as one of the 47 rivers in the United States jointly identified for potential addition. This initial identification simply says that the Green River may have some characteristics which might make it worthy for inclusion in the National Wild and Scenic Rivers System, and is, in effect, a holding category. My bill seeks to move the Green from this holding category to an

"active" category so that a detailed and specific study can get under way.

H.R. 8577 calls for the study of about 10 miles of the Sweetwater River in Wyoming's Red Desert. This segment of the river runs through public lands, and through an area so rich in wildlife habitat that consideration is being given to putting the surrounding lands in a preservation category. The Sweetwater is near the historic Oregon Trail and in an area containing segments of the three major routes to Yellowstone National Park. It also contains some visible marks of the Brigham Young Migration of the Mormons on their original trek from Illinois to Salt Lake City, Utah.

It is also a major visiting site for rockhounds, campers, fishers, hunters, boaters, snowmobilers, and dune buggy enthusiasts. The Red Desert affords significant all-around recreational opportunities for Wyoming citizens and for tourists. One of its main rivers, the Sweetwater, certainly is deserving of inclusion in the Wild and Scenic Rivers System.

The fourth bill I have introduced, the Snake River Proposal, deals specifically with that portion beginning at the southern boundary of Grand Teton National Park to the Palisades Reservoir. It includes about 85 miles of meandering waters whose beauty, serenity, and recreational value should be preserved. Some of the Snake River may be subject to gold mining and owners of some of the claims in this area—and I am one of these owners—have attempted to dispose of their claims for several years in a manner to assure the lasting protection of that part of the river on which they are now located. Pending success in our efforts, however, the study should proceed to designate the entire Snake River Valley for Wild and Scenic River status, and thus protect the entire area regardless of the limitation on property rights it may impose on me or on anyone else.

Thank you, Mr. Chairman.

Mr. TAYLOR. I suggest that we request a departmental report on these bills.

Mr. RONCALIO. I appreciate that, Mr. Chairman.

Mr. TAYLOR. And then we will see what kind of reaction we get.

The first scheduled witness is the Honorable Charles E. Bennett.

Mr. BENNETT. Thank you very much, Mr. Chairman. I deeply appreciate you and—

Mr. TAYLOR. Mr. Haley?

Mr. HALEY. Just let me welcome my distinguished colleague here before the committee this morning. I have a great deal of interest in his serious testimony, he is one of the very able Members of Congress, he is a highly respected member of our delegation, and I must say that whatever you want here, that you may have at least one vote.

Mr. BENNETT. Well, thank you very much, Mr. Chairman.

Mr. TAYLOR. You know, you can go pretty far with that vote.

Mr. BENNETT. Thank you very much.

STATEMENT OF HON. CHARLES E. BENNETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BENNETT. I am a cosponsor of H.R. 5678 of which Congressman Chappell is the main sponsor. I want to add my support for Congressman Chappell's efforts for the enactment of this bill.

This legislation proposes a study for inclusion under National Scenic and Wild Rivers System of the parts of Oklawaha River which fit the criteria of existing legislation on scenic rivers. To extend the concept to drain an existing lake and make it into a riverbed was not the idea of the basic legislation and the Chappell bill wisely restricts the coverage to the large area of the Oklawaha that is still in its original state.

Another bill introduced by Congressman Burke would include almost all of the Oklawaha River and Rodman Pool in the study. The Burke legislation would be contrary to the basic legislation about scenic and wild rivers and seems designed to discriminate against further construction of the Cross Florida Barge Canal. The ecological and economic merits of the canal are being heard in a court suit which is scheduled to go to trial in July. Congress has authorized and funded an ecological study to determine if the canal should be completed. No Government ecological study has yet found that the canal should not be built for ecological reasons. The future construction of the canal should be determined by this funded study of the ecology or by the court and not indirectly approached in the manner of the Burke bill, which cannot in any way weigh the defense and economic values along with ecological changes if any.

The legislation which Congressman Chappell and I have introduced is not pro or anticanal, but rather seeks to include that part of the Oklawaha River which is basically in its natural state in the wild and scenic rivers program; only areas in their basic natural state can be included. Areas of the Oklawaha River not included in my bill have been severely altered either by development or deepening, widening, and straightening of the river.

I hope the committee will promptly approve H.R. 5678.

That concludes my remarks, Mr. Chairman, and I would like to say that I very much favor the preservation of this river, if it can be done. But I don't think it should be used as a weapon to destroy the canal.

The Interior Department looked over all the rivers of Florida, and out of the seven that were given serious study sometime ago, this ranked fifth as I understand it among those rivers which were worthy of consideration. By no means first.

It is an attractive river, it's one that should be included in the protection if it can be done. But it should not be done so in a tricky way which would damage the national defense of our country, or preclude a logical handling of overall patterns of transportation or ecology in our country.

The Joint Chiefs of Staff said that the barge canal from the western oil-producing areas to the Eastern consuming areas would be important in a time of war, and it recommends the building of the canal. That defense aspect is something that we should not just throw out.

Some people say in modern days with modern torpedoes that this is no longer a threat. But of course, it is. It is more of a threat today than it was in World War II. Anybody who knows anything about the defense of our country knows that the Russians have a better submarine fleet than did the Germans, and as a matter of fact they would use the same sort of weapons against oil tankers that were used in World War II, if the same targets were available. And without this canal they would be there. So, this is a defense aspect that should be considered.

Also to be considered is the fact that in the State of Florida the taxpayers in the district which I represent have put in millions and millions of dollars of State funds, and the Federal Government has put in \$58 million of Federal funds into the Cross Florida Barge Canal. It shouldn't be thrown out the window just by some back-door sort of arrangement.

So, I urge the committee not to approve something which would destroy the future of the canal and leave that as an open question to be decided in the courts where it is being litigated, or by the ecological study which those of us who favor the canal have urged the Federal Government to undertake, and which has been funded. The reason it hasn't been spent yet is it has been impounded for the immediate future. But I am reasonably sure that that \$150,000 that last year Congress made available, will be utilized to determine the ecological aspects of this area. And that is the orderly way in which it should be handled.

Thank you very much, Mr. Chairman.

Mr. TAYLOR. We thank you very much for your statement.

As I understand H.R. 5678, which you have joined Congressman Chappell in introducing, it includes sections of the Oklawaha River. H.R. 4469 that Congressman Burke introduced includes a larger portion of the river.

H.R. 5678, as you interpret it, would not interfere with future plans concerned with the canal?

Mr. BENNETT. That's correct.

Mr. TAYLOR. And it really doesn't answer the question of the canal one way or the other.

Mr. BENNETT. Right.

Mr. TAYLOR. But the other bill, in your opinion would?

Mr. BENNETT. Oh, it definitely would.

Mr. TAYLOR. Are there any other questions of Mr. Bennett?

[No response.]

Mr. TAYLOR. Thank you.

Mr. BENNETT. Thank you very much, Mr. Chairman.

Mr. TAYLOR. Honorable Walter Flowers.

Mr. FLOWERS. I don't know what I'm doing in here with all these Floridians, but of course I have a bill which is not as controversial, and I won't take up much of the committee's time at all.

Mr. TAYLOR. I'm sure it will be less controversial.

Mr. HALEY. Mr. Chairman, I just want to state that I think that you have good company.

Mr. FLOWERS. I would agree, Mr. Chairman. And I'm certainly going to agree with you sitting back there with the subcommittee chairman.

Mr. Chairman, I am here to ask for the committee's serious consideration of my bill, H.R. 2807 to provide for a study of a portion of the Cahaba River for potential inclusion under the Wild and Scenic Rivers Act.

And if I might have permission, I will offer my statement for the record, and I also have a statement from the Sierra Club of Alabama, which I would like to attach to my statement, Mr. Chairman, if I might, for the record.

Mr TAYLOR. Without objection, the Sierra Club statement will be turned over to counsel and it will be placed in the record at the appropriate place

[The statement referred to appears at p. 146.]

STATEMENT OF HON. WALTER FLOWERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. Chairman and Members of the Committee, I am pleased to appear before you this morning in behalf of my proposal for the possible inclusion of the Cahaba River in Alabama as a part of the Wild and Scenic Rivers Program.

Favorable action by this Committee and Congress means the Cahaba River will then become eligible for a feasibility study by the Department of the Interior to ascertain if this waterway or any portions of it meets qualifications to be included in this important program.

When Congress approved the Wild and Scenic Rivers Act in 1968, it declared the need for a policy to preserve selected rivers or portions of them in a free-flowing condition in order to protect their water quality and fulfill other vital national conservation purposes. By that action, Congress became an active partner with the various states in preserving some of the natural waterway beauty which exists in our great country.

Under the provisions of my bill before this Committee, a study would be conducted by the Department of the Interior to determine the eligibility of the Cahaba River which flows through my Seventh District. This study would be conducted on that segment of the Cahaba River downstream from United States Highway 81 south of Birmingham in Jefferson County and upstream from United States Highway 80 west of Selma in Dallas County.

The section of the Cahaba River proposed for study is bounded by many unusual geological, botanical, historical and recreational features. Ichthyologists say the Cahaba ranks high among North American rivers in the variety and beauty of its fish species. There are at least 75 species of fish found in the Cahaba, of which at least five species have their last stronghold. In addition, at least 48 different species of mussels and snails are found there.

The Cahaba is an ideal float-fishing stream. And it also provides several series of rapids for the excitement of the adventurous individual. It should be preserved for the enjoyment of all, both now and in the future.

Mr. Chairman, I hope this Committee can see its way clear to give approval for a feasibility study of that portion of the Cahaba River set forth in my bill as a first step towards its possible inclusion in the Wild and Scenic Rivers Program. Thank you.

STATEMENT BY HON. WALTER FLOWERS

Mr. FLOWERS. Mr. Chairman, without going into a detailed statement, which I do have here, I would say this informally, this is one of the two free-flowing streams of any size in our State. This is unusual in that, the part that I am asking to be considered here, is near the great population centers of our State; it is very near, in fact, to the metropolitan area of Birmingham.

It has great potential for preservation under this act, and the added potential of proximity to large numbers of people who would be afforded the opportunity of visiting this very beautiful scenic area.

Also, the Cahaba River has great historical significance to our State further downstream. The old town of Cahaba, which was one of the early capitols of our State, is located on the banks of the Cahaba River just below the portion that I am asking to be considered under this bill.

Therefore, we can envision great ecological benefits, a great historical benefit, great recreational benefits, all of which I think merit its inclusion for study as a potential inclusion under the Wild and Scenic Rivers Act.

And I would ask the committee to give serious consideration to the bill. I know of no opposition in our State to this, and the portion of the river involved is mostly in my district. It borders on Mr. Buchanan's Birmingham district, and he was an original cosponsor of the bill with me.

So, we hope that you will be able to favorably consider the bill.

Mr. TAYLOR. Thank you, for your statement.

Is there any controversy as to which portions of the river that should be included?

Mr. FLOWERS. Mr. Chairman, I know of none although there are portions of what I asked for here which may not be eligible, I am not real sure of that. But as I understand it, the purpose of the study would be to determine what parts might be eligible.

It has come to my attention that some of the towns that are near the upper portions do dump some municipal waste into the area, and it may or may not affect inclusion. But I don't know for sure at this point, and I don't know of any controversy at all as to the study by the Department of the Interior.

Mr. TAYLOR. You would probably be interested to know that the witness from the Department of the Interior yesterday testified favorably with regard to this river.

Mr. FLOWERS. Very good.

Mr. TAYLOR. If there are no other questions, thank you for your testimony.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. TAYLOR. The honorable J. Herbert Burke.

Mr. BURKE. Thank you, Mr. Chairman.

Mr. TAYLOR. Now we are back to Florida.

Mr. HALEY. Before you start, let me welcome also my good and personal friend, and a very able member of the Florida delegation to the committee this morning.

I guess you heard what I said to Charlie, that you may have at least one vote on this committee, but sometimes the other members do not see things quite the way I do.

Mr. BURKE. Thank you, Chairman Haley. I appreciate it very much.

STATEMENT OF HON. J. HERBERT BURKE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BURKE. Mr. Chairman, and members of this distinguished subcommittee. I am pleased to have this opportunity to appear before you in support of my bill, H.R. 4469, which would provide for study of a certain segment of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System. This bill, which I introduced on February 21 of this year is identical to H.R. 5444 which was later introduced by both Congressmen Saylor and Camp, who are members of your committee.

In addition, I am also cosponsor, together with more than 20 other Congressmen, of H.R. 8200, which is a bill to permanently deauthorize the recently halted Cross Florida Barge Canal.

Mr. Chairman, I believe that H.R. 4469 and H.R. 5444 offer the most feasible alternative for insuring that the picturesque Oklawaha River and its unique swamp-forest environment are not destroyed, by giving

this area Federal protection while studying values worth preserving under the Wild and Scenic Rivers Act.

Two years ago, the President, after an expenditure of \$57 million, ordered a halt to further construction of the Florida Cross-State Barge Canal in order to prevent possible serious damage to the area's ecology.

As a result of the intensive studies, public hearings and reviews, it was recommended that a comprehensive study should be made of the river to determine its potential for addition to the Wild and Scenic Rivers System. H.R. 4469 will authorize and implement such a comprehensive study of the river, from Dead River Swamp down stream to the Oklawaha confluence with the St. Johns River, which could be added to the list of rivers designated by Congress for study under the Wild and Scenic Rivers Act of October 2, 1968.

I have a great deal of respect for my colleague Congressman Sikes, who is a strong supporter of the Cross-State Barge Canal as well as Mr. Chappell and Mr. Bennett. I am aware that they are opposed to the bill which I introduced, and which I indicated is identical to the bill introduced by your colleagues on this committee. I regret, however, that Mr. Sikes felt it necessary to say that my actions, in introducing a bill which I consider in the best interest of the people of the State of Florida should be criticized as having been done with some ulterior motive. Congressman Chappell did discuss his bill, H.R. 5678, with me and asked me to withdraw mine since, as he stated, my bill was in direct conflict with his. To be sure, my bill is in direct conflict because, in my opinion and in the opinion of many others in the State of Florida, the Cross-State Barge Canal should not be built. In fact, the Miami Herald in its editorial of last Friday has stated that the Great Phoenix of Egyptian legend which comes back to life again and again, threatening ecological degradation for questionable economic benefit, has done so with the Cross-State Barge Canal.

Now, I'd like to digress a moment if I may, because there was some indication when Congressman Sikes testified before this committee that for some reason or another this is just strictly a Republican as against Democrat proposition.

First of all, this is not so because with regard to the Cross-State Canal, the State cabinet of the State of Florida passed a resolution on August 1 of 1972 in which they called for a new benefit-ratio study, which would include up-to-date interest rates, construction costs, and a reevaluation of the recreational benefits. And they have withdrawn their support for the Cross-State Barge Canal until this is completed.

Now, I would, with the permission of the committee, ask that this resolution of the State of Florida be made a part of the record.

Mr. TAYLOR. Without objection, it will be placed in the record.

STATE OF FLORIDA RESOLUTION

The Governor and Cabinet of Florida as the Executive Board of the Department of Natural Resources does hereby rescind its previous policy supporting completion of the Cross Florida Barge Canal through the Oklawaha River Valley as enunciated in the Florida Board of Conservation resolution of March 1, 1966 and does hereby suspend any further support for construction of the Cross Florida Barge Canal until such time as:

(1) A new benefit-cost ratio study, which includes up-to-date interest rates and construction costs and reevaluation of recreational benefits, is completed and

demonstrates to the satisfaction of the State that this is a wise expenditure of taxpayers funds.

(2) An environmental impact statement, as required by Section 102 of the National Environmental Policy Act, is completed and available to the State for final evaluation as to the environmental effects of the Canal.

Adopted this 1st day of August 1972 in the Capitol, Tallahassee, Florida.

REUBIN O'D. ASKEW,
Governor.

RICHARD (DICK) STONE,
Secretary of State.

ROBERT L. SHEVIN,
Attorney General.

FRED O. DICKINSON, Jr.,
Comptroller.

THOMAS D. O'MALLEY,
Treasurer.

DOYLE CONNER,
Commissioner of Agriculture.

FLOYD T. CHRISTIAN,
Commissioner of Education.

Mr. BURKE. In addition, I would like to read if I may a recent letter which I received just this morning from Congressman Pepper. Congressman Pepper was discussing the bill of Congressman Bufalis, which would deauthorize permanently the recently halt of Cross-State Canal, in which he says, and I quote:

In June of this year I am not at all adverse to changing my position when the facts justify or regard that course. I have not pushed for the Cross-State Florida Canal for sometime, and I said nothing in support of it when the Chairman of the Subcommittee on Appropriations, which would appropriate the money for the continuance of the Canal, said that the Committee would not provide such appropriations unless there was strong support from the Florida Delegation, and from the Governor supporting the continuation of the project.

He then went on to say:

I would not support further work on the Canal unless it were shown that the Canal's construction would not have a substantial injurious effect on the environment about the Canal. I think there should be a Federal study as to the effect of the building of the Canal, so that we have information upon which we can rely fully.

Then he says:

If such conditions,

And I am still quoting from his letter—

should show that it were not economically justifiable or consistent with the preservation of our environment to construct the Canal, I would not support further efforts towards construction in spite of the fact that I led the fight in the Senate for the authorization of the Canal in 1942.

I would, Mr. Chairman, like to ask permission to put this letter of Congressman Pepper into the record also.

Mr. TAYLOR. Without objection, the letter by Congressman Pepper will be placed in the record at this place.

[Letter by Congressman Pepper, in support of H.R. 4469 follows:]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 11, 1973.

Mr. and Mrs. R. A. McKENNA,
Coral Gables, Fla.

DEAR MR. AND MRS. MCKENNA: You know I am pleased to have your letter urging my support of H.R. 7904, which has been introduced by Congressman L. A.

Bafalis, to de-authorize permanently the recently halted Cross Florida Barge Canal.

I am not all adverse to changing my position when the facts justify or require that course. I have not pushed for the Cross Florida Canal in some time and I said nothing to support of it when the Chairman of the Sub-Committee on Appropriations, which would appropriate money for the continuance of the canal, said that the Committee would not provide such appropriation unless there was very strong support in the Florida Delegation and from the Governor supporting the continuation of the project.

I would not support further work on the canal unless it were shown that the canal construction would not have a substantial injurious effect on the environment about the canal. I think there should be a federal study as to the effect the building of the canal would have so that we have information upon which we could rely fully.

Pending such further study and because no further appropriation is sought or is likely to be obtained unless such study should show that the canal could be constructed in such a way that it would not harm the environment, I do not think it is necessary now by legislation to de-authorize the construction of the canal. Accordingly, I have not joined in the introduction of or in the support of H.R. 7904, de-authorizing the canal permit, introduced by Representative Bafalis.

If such conditions show that it would not be economically justifiable or consistent with the preservation of our environment to construct the canal, I would not support further efforts toward its construction in spite of the fact that I led the fight in the Senate for the authorization of the canal in 1942.

Kindest regards, and believe me,
Very sincerely,

CLAUDE PEPPER,
Member of Congress.

Mr. BURKE. Thank you. I believe and I hope that you will concur, that a study should, however, be made of the Oklawaha River. As I indicated, there is some disagreement on just how much of the river should be included in such a study. I feel strongly however that we should not limit any study of the river to only certain segments of the river. True, it may be that only limited areas are worthy of wild and scenic river status but, Mr. Chairman, and members of this committee, I believe that this can only be determined by the study of the entire river.

The Wild and Scenic Rivers Act allows for many options in use and at the same time provides for total management and protection. To place limits on the area to be studied would eliminate consideration of all alternatives. It would allow for commercial development of certain areas which could have adverse effects on segments designated for study.

For example, if Lake Ocklawaha is not included, the studies of the downstream reaches of the river will have to take into consideration the impact of the lake if it is not properly managed, without proper management, serious problems in water quality and the spread of noxious weeds will degrade the downstream segments of the river. Indeed, it probably would not be feasible to declare any downstream segments suitable for Wild and Scenic River status without knowing the fate of Lake Ocklawaha.

Furthermore, it is possible that certain segments of the river may warrant consideration for recreation, while other segments may be better maintained in a wild state. Such a decision can only be made by evaluating the total river and its entire flood plain.

The Nation's future and the future prosperity of the State of Florida in particular, depends upon the conservation, restoration, and

protection of a wholesome environment which is Florida's real attraction.

The Oklawaha is one of the principal rivers of Florida. It has its source in a chain of lakes—Griffin, Eustis, Harris and Dora—in the central peninsular highlands and flows northward and then eastward, for some 70 miles, entering the St. Johns River about 8 miles below Lake George. The river owes much of its character to Silver Springs which joins it a short way along its course, and is responsible for much of the flow of the river from there on, through most of the year. Twenty miles further along, the river is joined by Orange Creek which comes down from Orange Lake to the north.

The Oklawaha meanders strongly throughout its course, and its actual length is a third again as long as its heavily forested valley. Because this is a region of extensive subsurface drainage, there are few rivers in this part of peninsular Florida. The region abounds in lakes, however. Within a radius of 85 miles from Eureka on the Oklawaha, the U.S. geological survey map of Florida shows 875 lakes above small-pond size, and only seven rivers. Three of the rivers, the Oklawaha with Lacoochee and St. Johns, would be strongly modified or essentially destroyed by construction of the originally authorized Barge Canal. For this loss, the creation of two artificial reservoirs was offered in restitution.

Any manmade canal will alter the surface and subsurface water in the entire area. Large areas would be inundated. The reservoirs that are proposed or already in existence alter the water table of the river valley, and cause the water table to be raised or lowered in some places, depending on the site along the route of the proposed canal. Any change in ground water level will affect surface vegetation, and will have an impact on the ecological balance of the area. Any flooding, clearing, and dredging would irrevocably alter the entire ecosystem.

In 1968, the joint study by the Departments of the Interior and Agriculture, found that the Oklawaha River should be included in any system of wild rivers. Now in 1978, after much damage and harsh words, we have an opportunity to reexamine the unique aspects of the Oklawaha River and determine if it still deserves to be placed in the Nation's System of Wild and Scenic Rivers.

Gentlemen, I believe it is urgent that we all act with all possible haste for each day that we waste in debate contributes to the decay, and ultimate death presently occurring in the half-filled Rodman Reservoir. The ecosystem, which formerly supported fishing, hunting, and esthetic values, is jeopardized by this nutrient trap that functions similar to a sewage treatment "polishing pond."

I urge this committee to act so as to provide for a study of the possibility of returning the Oklawaha to the cool, highly enriched, densely shaded, flowing river whose beauty has been enjoyed by all, including tourists from all over our country and the world.

Mr. Chairman, certainly no one has worked more diligently than you and the members of your committee to protect the fragile ecology of southern Florida and of the Everglades National Park, through possible acquisition of the Big Cypress area, and I wish to commend you for this. Mr. Chairman, the Oklawaha River is a similar situation and although a smaller area, it nevertheless deserves protection from degradation and possibly, destruction. I am sure we all favor orderly

and planned development, however, I believe that the attempt to develop the Oklawaha for commercial purposes was an error in judgment. I urge this subcommittee to give favorable consideration to H.R. 4469, which will provide for this Oklawaha River study. I would like to make one further comment, if I may. I don't have a crystal ball, Mr. Chairman, but perhaps if I did have an ulterior motive at all in order to stop the Cross-State Barge Canal, which I didn't think I had. However, in analyzing it I could say that I had this in mind.

For 14 years I served as a county commissioner in Broward County, and I saw the growth of South Florida from Palm Beach County down on. Mr. Haley has seen the growth which is just starting now to the west coast of Florida.

It is my frank opinion that someday, water being as scarce as it is, it is going to have to be piped in from an area other than the areas in which the largest segments of our population are located now. And I believe the time will come when the water for the residents of the State of Florida on the west coast and the southeast coast will be piped in from the St. Johns River area, which has the only two natural deep spring reservoirs in the entire lake area.

So, if I did have one it's to protect not only the ecological beauty, but the future potential of safe and clean water for the State of Florida.

Gentlemen, I want to thank you very much for giving me the opportunity to testify this morning.

Mr. TAYLOR. Well, thank you very much, Mr. Burke. You've made yourself very clear.

In whose congressional district is this river located? Of course, I realize that it goes across Florida, but I'm just wondering where the segment involved in this legislation is located.

Mr. BURKE. Basically, it starts in Mr. Chappell's district. But I don't think this is a question of where it starts or ends, because I think the question is the ultimate value for the people of all parts of Florida.

Mr. TAYLOR. It is my understanding that it is located partially in the district represented by Mr. Chappell and partially in the district represented by Mr. Bennett.

Mr. BURKE. Right.

Mr. TAYLOR. Are any other districts directly involved?

Mr. BURKE. To my knowledge, no. I don't think anyone else has any part of it.

Mr. TAYLOR. Now, you said that you were opposed to the Barge Canal. Is one of the purposes of your bill simply to block construction of the canal?

Mr. BURKE. No, I don't think so. I think it would be the reverse. I think if the ecological study is shown not to be damaging for the entire river, then I would see no reason why anybody would object to having the study, because it would then open it up so to show a particular situation, where the Barge River Canal possibly could be built.

But the determination should be made by a study but not by me to say individually for Mr. Bennett or Mr. Chappell. No matter where the river is located a study will tell the truth. And I am at a loss to

understand really why anybody then would object to the inclusion of the entire area in the study.

Mr. TAYLOR. Well, until the last 2 days I thought the building of the canal was pretty much a dead issue. Now, I find out they have impounded the funds, the State is withdrawing support, and there is a court action.

Mr. BURKE. I think to some extent there are a variety of exceptions. You know there is a bill to revive it, as I stated that as the Miami Herald said about the Phoenix rising from the ashes, the dead so has the canal.

However, Governor Askew has indicated that he will not support it, and as I understand it the appropriations committee said they will not appropriate the money for the Barge Canal unless there is a concerted and concentrated effort by all of the State and particularly I would believe the congressional delegation.

By the way, this bill has been introduced in the Senate by Senator Jackson from the State of Washington. He certainly isn't from the State of Florida, yet he has an interest I don't know whether he ever talked to Senators Gurney or Childs nor whether he talked to any of the Senators or Congressmen beyond that. I have had no conference with either one of our two Senators, either Mr. Childs or Mr. Gurney concerning any conversations by Senator Jackson.

I don't know whether the barge is dead or not. I have no quarrel with the Cross-State Barge Canal per se, if it is a proper project. I personally do not think it is, I think it has been boondoggled, and I think time and effort will show that. But I can't understand why there would be such serious objection to a further study of the entire river area, rather than just have a study of it segment by segment, unless there might be some feeling or reason to believe, as Mr. Sikes said, that my bill would kill it if it succeeds. But it wouldn't be the bill that would kill it, it might be and I think that a study would kill it.

Mr. TAYLOR. Of course, the bill would prevent any Federal construction for the next 5 years.

Mr. BURKE. That is true.

Mr. TAYLOR. Well now, if I were voting on a clear cut issue—whether or not more money should be appropriated from the Government now—and in all probability I would probably vote “no.”

But I will state frankly that I have some questions in my mind as to whether we should put a bill that affects the canal in with these other bills, in an omnibus bill, and take it before the House. Because if we do that we will be making a controversy out of the legislation, which otherwise would flow smoothly and quickly through. In other words, I have a feeling that maybe it ought to be separate from the package and be considered on its own merits.

Mr. BURKE. Mr. Chairman, I appreciate your idea, but this is a controversial issue in the State of Florida. The whole thing is a controversy. So I think if it reaches a controversy on the House floor, I see no objection to that, because other controversies are on the House floor and—

Mr. TAYLOR. Well, I think in all probability it ought to be kept separate and not tied in with the rivers in the other bills.

Are there any further questions?

Mr. HALEY. Mr. Chairman?

Mr. TAYLOR. The gentleman from Florida.

Mr. HALEY. I am certain that as long as the Governor and the cabinet in Florida, and the State legislature are opposed to this, there can be no progress made as far as the Cross-State Barge Canal is concerned. Isn't that correct?

Mr. BURKE. That is correct.

Mr. HALEY. It's more or less a joint effort of the Federal Government and the State at large?

Mr. BURKE. Yes, sir.

Mr. HALEY. Thank you.

Mr. TAYLOR. Any other questions?

[No response.]

Mr. TAYLOR. The point that I was making here is that this bill that I am considering should move forward before the 5-year moratorium expires. We need to get it enacted because it affects many streams and affects the whole wild and scenic rivers program so we need to get it enacted within the next few months. Personally, I don't want to tie it up with this major controversy, and I would rather keep the two separate.

Mr. BURKE. I understand.

Gentlemen, thank you very much, and you, Mr. Chairman.

Mr. TAYLOR. The Honorable L. A. Bafalis.

From the floor. Mr. Chairman, Mr. Bafalis had a committee meeting this morning that he had to attend, but I have some copies of his statement for the record.

Mr. TAYLOR. In the absence of objection, his statement will be put in the report at this point.

[The statement follows:]

STATEMENT OF HON. L. A. "SKIP" BAFALIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman. On February 21, 1978, Congressman Burke introduced H.R. 4469, a bill to authorize a study of the Oklawaha River from Dead Swamp to its confluence with the St. Johns River for possible addition to the Wild and Scenic Rivers System. Shortly thereafter, Mr. Saylor introduced an identical bill, H.R. 5444. Since then, Mr. Chappell introduced H.R. 5678 which would restrict the study to limited segments of the river. H.R. 4469 and H.R. 5444 are identical to legislation proposed by the Department of Agriculture.

H.R. 4469 and H.R. 5444, identical bills, would provide for a study of 60 percent, approximately 47 miles, of the Oklawaha River from Dead River Swamp to the St. John's River. On the other hand, H.R. 5678 calls for a study of two separate segments of the river. One area extends from Howard's Landing downstream to Sunday Bluff, together with river side lands not extending beyond 850 feet of the thread of the river, and the other segment is from Riverside Landing, including Rodman Dam, downstream to the Oklawaha River's confluence with the St. Johns River. Together these two segments comprise about 24 miles of the river.

I believe that the length and location of the study segment described in H.R. 4469 and H.R. 5444 is far superior to those of the segments described in H.R. 5678. This position is based on significant evidence compiled by the Department of Agriculture in development of an Environmental Impact Statement on the Oklawaha Wild and Scenic River proposal.

I am opposed to limiting the study of the river to two separate areas as proposed in H.R. 5678 because:

First, it would eliminate from study a portion of the river which remains in a natural condition.

Second, it would allow for completion of the Cross-Florida Barge Canal along the Burke By-Pass alternative alignment.

The Oklawaha River is a winding sandy-bottomed stream with multiple channels in some reaches. Its acid-stained waters rise out of a chain of lakes in the Central Florida. Dora, Bustis, Harris and Griffin are the major source lakes. The river flows generally northward for 75 miles. It merges with the St. John River eight miles downstream from Lake George. One of the many tributaries feeding into the Oklawaha River is Silver Springs Run. It is fed by Silver Springs, one of the world's largest springs, noted for its large volume of crystal clear water and abundance of aquatic life. In its natural state, the Oklawaha River area is cool and densely shaded.

The river and its flood plain provide valuable wildlife habitat and diversified recreation opportunities. Over 100 species of fish, including pickerel, sunfishes and catfish inhabit its waters. The river supports abundant populations of insects, crustacea and worms, as would be expected from the rich fish fauna present. The St. Johns drainage provides habitat for the very rare Florida live-bearing freshwater mollusk, *Campeloma floridense*, commonly called the Florida mystery snail. The snail is currently being considered for addition to the Federal list of native endangered species.

The diverse plant communities occurring in the Oklawaha region provide habitat for an abundance of game and non-game animals. The area provides a refuge for at least 41 species of mammals, including deer, squirrel, gray fox and the rare Florida long-tailed weasel.

Although the river in its natural state does not support a great number of aquatic birds, the hydric hammock swamp forest areas surrounding the river provide nesting and resting areas for a variety of other birds, including three classified as endangered: the Southern Bald Eagle, Florida Sandhill Crane, and Everglades Kite.

To exclude the area between Howard's Landing-Sunday Bluff and Riverside Landing-St. Johns segments from the study as contemplated in H.R. 5678 will eliminate from consideration the portion between Sunday Bluff and Eureka Dam which is still in its natural condition. This segment would be open for development and valuable habitat would be destroyed. Furthermore, the proposed wild river study in H.R. 5667, by segmenting the river, poses numerous future difficulties in effective management.

H.R. 5678 does not provide protection from water resources projects for Lake Oklawaha. It is important that any program for the protection of the Oklawaha include consideration of the Lake.

I further believe that the proposal to include only 350 feet on either side of the main channel is unwise. The floodplain, particularly on the west side of the river, would remain unprotected. The river ecosystem, including natural character, water quality and quantity, and fish and wildlife, are dependent upon and are an integral part of the flood plain as a whole. Development in the lower flood plain, with concomitant filling, draining, pollution, and noise and other disturbance, would seriously degrade the qualities that recommend the Oklawaha as a wild river and could have serious impact on the total environment of the area. In addition, there will be serious practical difficulties in surveying, plotting and acquiring a narrow strip along a winding stream. The 850-foot maximum provided for will leave side channels and bayous in private hands along the wild river segments, thus magnifying the problems arising from development.

At present, further construction of the Cross Florida Barge Canal has been ordered halted by the President's order of January 19, 1971, H.R. 5444 and H.R. 4469 would complement this order by independently halting federally assisted water projects along the Oklawaha during the study period.

The 350-foot limitation in H.R. 5678, on the other hand, would allow completion of the Barge Canal along the Eureka By-Pass alternative alignment with Federal assistance if some future administration repealed the Executive Order halting construction of the canal. Should the canal be completed along this alignment, I believe that the wild river configuration proposed would be in serious jeopardy.

In addition, this alternative alignment of the Eureka By-Pass would destroy approximately 7,000 acres of fish and wildlife habitat through clearing or inundation. This would cause a substantial reduction of important fish and wildlife species. The continuous levee planned along the Howard's Landing-Sunday Bluff segment of the wild river would eliminate large flood plain areas to the west which act as nutrient and sediment filters for floodwaters of the river. This would result in degraded water quality.

The character of the Oklawaha depends on the stable flow of cool, clean water from Silver Springs. Should the canal be constructed as H.R. 5678 could allow,

the amount of Silver Springs water diverted from the natural river channel would fluctuate widely from day-to-day, depending on volume of canal use. This variable quality alone would result in a drastically changed ecosystem.

Unavoidable seepage through the canal berm would seriously waterlog much of the 3,000 acres of floodplain between the canal and the river. In general, soil saturation results in anaerobic, reducing conditions which slow organic decomposition and cause loss of nitrate nitrogen. If these conditions are maintained on a long-term basis, death of a major portion of the trees between the berm and the river can be expected. This conclusion is supported by the actual observations of tree mortality and reproductive success in Lake Oklawaha.

It is doubtful that natural water quality and seasonality would allow sufficiently drastic drawdowns, timed properly, for good weed and water quality control and quality fisheries management. This in turn would create problems in the wild river segment downstream from Riverside Landing. Further, the back-pumping facility designed to maintain natural flows in the Oklawaha River would, assuming construction of the canal, not be adequate to allow design use levels during drought conditions and still maintain at least the minimum flow of record in the natural channel. The normal treatment of flood waters with this alternative alignment would be to divert the waters down the canal from Silver Spring Run to Eureka Dam after the flood plain has been utilized for flood control.

Should the canal be completed along the Eureka By-Pass alignment, as could be possible if H.R. 5678 were enacted, the area designated for wild and scenic river study would rapidly deteriorate. The resulting loss of wilderness, esthetic, recreational fish and wildlife qualities will be irreplaceable. I therefore, recommend enactment of H.R. 4469 or H.R. 5444. These identical bills will provide the flexibility essential for a comprehensive, complete study of the Oklawaha potential for wild and scenic river designation.

Mr. TAYLOR. Honorable Bill Chappell.

Mr. EVANS. Mr. Chairman, I think Mr. Chappell had to be at the Capitol, but we expect him back shortly.

Mr. TAYLOR. We will hear him later then.

Colonel Ray Bunton?

Mr. BUNTON. Yes, sir.

Mr. Chairman, I am Raymond Bunton, county coordinator for Putnam County, Fla. To locate this for you, this is where the Oklawaha empties into the St. John River, and is located in our county. A considerable part of this entire project you have been hearing discussed is in that area.

I am appointed by and serve at the pleasure of the Putnam County Board of Commissioners who specifically and unanimously directed that I testify in their behalf, and in behalf of the citizens of Putnam County, in favor of H.R. 5678, introduced by the Honorable Bill Chappell, who represents our county in the Congress.

This bill will add certain limited sections of the Oklawaha River, much of which lies within our county, as a wild and scenic study river.

Though we speak with more authority on the lower segment proposed between Riverside Landing downstream to the Oklawaha's confluence with the St. Johns River, we have gained great familiarity with the entire river. If any segments of the Oklawaha truly qualify for wild and scenic river study status, perhaps those sections proposed in H.R. 5678 do qualify.

Conversely, the area of the Oklawaha River between Sunday Bluff and Riverside Landing certainly do not qualify for wild and scenic study status. Even before the Cross Florida Barge Canal was begun, considerable development including the cutting of channels, lot sales and the construction of fish camps had taken place along this section of the river. Also, and many years ago, heavy timber cutting, particularly Cypress, had taken place throughout the River Valley. Add

to this the construction of the congressionally approved and funded barge canal, and you have something less than a wild and scenic river.

More importantly to Putnam Countians, if only those sections of the river as proposed in H.R. 5678 are designated in the wild and scenic study category, Lake Oklawaha (Rodman Reservoir) will be left untouched, as we believe it should be. Lake Oklawaha was formed as a part of the now halted Cross Florida Barge Canal and it has become a truly fabulous recreational area for all our citizens, and much more than our citizens, people from all over the country. The fishing is excellent, it is accessible to all, including poor people who might otherwise not be able to enjoy such areas, and has become a virtual mecca for outdoors enjoyment. In fact, Lake Oklawaha is about the only payoff our people have had from the Cross Florida Barge Canal, even though some \$60 million has been expended on the project.

Putnam County, Fla., urges you to favorably consider H.R. 5678 as being in the best interest of the people who live in the area.

Now, I would like to comment briefly on something I heard, and it was about this bad and contaminated lake which is so terrible. This happens to be the May-June issue of Bass Masters magazine, and it contains a short article, "Don't Let Them Scrap the Pool."

Now, I don't necessarily concur with everything they say, but I do about the great fishing success. "If they start to blow that dam up, they will find a bunch of angry bass fishermen with shotguns on hand, commented one enthusiastic fisherman following the Florida invitational, February 7 through 9. The Rodman Pool, a controversial 8,000 acre impoundment," and his acreage is wrong, "on the beautiful Oklawaha River in east-central Florida has stirred many protests and comments. There are ecologists who would like the manmade reservoir destroyed and returned to nature's wishes before man's machines started digging canals."

You can't blame Bass Masters for wanting to keep it intact. Rodman may just be the hottest fishing spot in the country. The bass record book would indicate such a claim valid. The famous bass capital of the world, including big and little Lake George, Crescent Lake, and the historic St. John's River, most of which is in my county, were accessible to the pluggers. But it was the 6-year-old Rodman that rocked the fishing world.

We understand and I am more familiar with it now since hearing Congressman Burke, that another and similar bill has been introduced to make the entire Oklawaha River a study river. This bill's true purpose, we believe, is to prevent a barge canal from ever being built and to insure that Lake Oklawaha will be drawn down for study river purposes. We are really not sure why certain groups are so intent on emptying this beautiful manmade lake. We suppose that many experts—and I am personally familiar that they did—predicted an early death of the lake due to eutrophication and since this has not come about, they must insure its demise by emptying it.

Mr. TAYLOR. I might point out to you that the witness for the Interior Department testified that in all probability their recommendation would be to retain the lake. They said it wasn't necessarily inconsistent with the scenic river program.

Mr. BUNTON. Well, Mr. Chairman, we have been advised. I have been advised that they would probably propose drawing it down to 11

feet, from its present 18-foot level and its design level of 20 feet. And if so, that would be a disaster.

Another part of the bill is to prevent a fair and impartial hearing in Federal court, where trial is now scheduled to begin on July 16 on the barge canal's legal issues.

These feats were recorded. Larry Hill, a 31-year-old insurance salesman from North Carolina, charged from fourth to win with 10 bass at a remarkable 6-pound average for a total of 60 pounds, 1 ounce. Bob Tindell erected a new all-time lunker record for official bass tournaments of 12 pounds, 13 ounces.

Mr. TAYLOR. I might say that we had some testimony yesterday from the Department along that same line. It sounds like it is a fine fishing lake.

Mr. BUNTON. One other thing, Mr. Chairman, if I may, about the resolution that was adopted by the Florida cabinet.

I happened to be there when it was adopted, and yes, the Florida cabinet asked for the canal to be restudied, but they did not ask that it be made a part of the Wild and Scenic River Act. They asked that the economic issues and the ecological issues be studied.

We have also asked for that, as Congressman Bennett testified, \$150,000 was appropriated by the Congress for such a study, and the White House has impounded it. So we have been effectively blocked in that direction.

I'd like to submit my statement for the record after today, if I may, sir.

Mr. TAYLOR. You mean an additional statement?

Mr. BUNTON. No, sir. Just what I said.

Mr. TAYLOR. Oh, yes, there's no question that it will be a part of the record. It has been taken down already.

Mr. BUNTON. Thank you, very much.

Mr. TAYLOR. We would run into difficulty if you said you didn't want it in the record.

I might point out that certainly the study would not in any way result in the destruction of the dam. And I can't concede that authorization.

Are there any other questions of Mr. Bunton?

[No response.]

Mr. TAYLOR. Thank you, Mr. Bunton.

Mr. BUNTON. Thank you.

Mr. TAYLOR. Colonel Giles Evans, the canal authority of Florida. Your statement will appear at this point.

[The statement follows:]

STATEMENT OF COL. GILES L. EVANS, JR., MANAGER, FLORIDA CANAL AUTHORITY

Mr. Chairman, and Members of the Committee, I am GILES L. EVANS, JR., Manager, Florida Canal Authority, local sponsor of the Cross Florida Barge Canal project. We have given, and the United States has accepted, requisite local assurances on the project. We have fulfilled those obligations to the tune of some \$18 million in expenditures for rights-of-way.

We endorse Mr. Chappell's bill, H.R. 5678, and oppose H.R. 5444 and H.R. 4469. The Burke bill would preclude any further consideration of, or progress with the Canal project; it would effectively deny us due recourse in the Federal Courts, where these issues now are at issue.

Further, as Mr. Chappell has already explained, the Burke bill would negate effective realization of another Public Works Project, the 4 Rivers Basin Project.

You doubtless have received copies of the Forest Service Environmental Statement on the Oklawaha River portion of the Ocala National Forest Plan. *This EIS is a Madison Avenue effort to end-run and thwart the intent of Congress as expressed in various appropriations measures.* Last year, the Congress appropriated \$150,000 for the Corps of Engineers to compile a comprehensive EIS on the Canal project. The Office of Management and Budget has impounded these funds.

The Forest Service EIS was funded from sources unknown to us; its adequacy presently is under assault in the Courts; its competency is a matter of question.

The Forest Service EIS does not face up to the problems, and solutions thereto, inherent with the completed portions of the 4 Rivers Basin Project. Its authors, admittedly, worked from the premise that the Cross Florida Barge Canal was non-existent. The so-called public hearings in connection therewith, denied any attempts to discuss further alternatives for continuing the Canal project.

Mr. Chappell's bill provides viable alternatives to all these issues; it offers a workable solution to the 4 Rivers Basin problems; it allows appropriate studies and evaluation of those portions of the Oklawaha which conceivably might ultimately qualify as components of the Scenic and Wild Rivers System; it retains a valid and feasible alternative plan for continuing the Canal Project; and it preserves Lake Oklawaha, the 14th largest lake in Florida.

The Corps of Engineers has determined that the proposed alternate alignment is engineeringly feasible. It offers a practical compromise of the environmental questions, and it can be accomplished in a manner compatible with the Scenic and Wild Rivers study.

Mr. Chappell's bill contains provisions compatible with the approach taken by the Department of the Interior in its present study of the Suwannee River. Last fall, by a simple query to their Atlanta Office, we obtained a copy of their report on the Suwannee as then under consideration in the Office of Management and Budget. The real estate program enunciated therein, limited acquisition to public areas and a narrow strip of fee, or scenic easements, varying in width between 100 and 300 feet each side of the river—depending upon the conformation of the particular element of the shoreline. Mr. Chappell's bill insures that the scrutiny of the Oklawaha follows comparable criteria.

We understand that the Office of Management and Budget subsequently has returned the Suwannee Study to the Department for further study in an effort to revise the proposed costs. We are perturbed at the Burke bill's apparent complete indifference to the economics of wiping out the approximate \$20 million capital investment which created Lake Oklawaha, an existing fishing and recreation mecca, and the 14th largest lake in Florida. Baldly stated, this must be the ultimate effect of designating this lake element of the Oklawaha as a component of the Scenic and Wild River System. Why then, even talk about "studying" the Lake Oklawaha stretch of the river.

We could elaborate, mile by mile, to emphasize the fallacy of trying to treat Lake Oklawaha as a Scenic River. In general terms, some 15 miles of the river channel lies a quarter mile, or more, from any stand of living trees sufficient to provide seed sources, or scenic screening. Federal witnesses already have testified in court that it will require 75 to 100 years to regenerate a true national forest along these cleared and deeply inundated reaches of the river channel through Lake Oklawaha.

When we note that the United States (Forest Service) never owned more than about 3½ miles of the right bank of the Oklawaha between Rodman and Eureka Dams, and only about 2½ miles between Eureka and Silver Rivers; when we point out that the Canal Authority has acquired, and still owns, most of the remainder (on both sides of the river) from private owners, and when we recognize that many of the land owners obtained revisionary clauses and residual rights of access to the water's edge, we question the validity of any urgency, whatsoever, about studying the Oklawaha—the Burke bill is an obvious diversionary tactic. The Chappell bill offers a reasonable, and a workable alternative. We urge your favorable consideration of HR 5678.

Mr. EVANS. Mr. Chairman, we are having to go on record here without one or two things which are in Mr. Chappell's statement.

Mr. SAYLOR. Here is Mr. Chappell now.

Mr. TAYLOR. In that case, we will recognize Hon. William Chappell, Jr. If he is ready.

Mr. CHAPPELL. Yes, sir; Mr. Chairman, thank you very much. I apologize for being late and not getting here on time.

Mr. TAYLOR. I have two committees, and I find it difficult to get to them on time—especially when they both meet at the same time.

Mr. CHAPPELL. Mr. Chairman, you already have a list of those people who would like to be heard on this proposition, and I appreciate you giving us the opportunity to be heard on these bills which are before your committee at this time.

Mr. TAYLOR. Without objection, a copy of your entire statement will be made a part of the record at this point, and you may read it or comment on it as you see fit.

STATEMENT OF HON. WILLIAM CHAPPELL, JR., A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF FLORIDA

Mr. Chairman, I come before your distinguished Committee today in support of bill H.R. 5678 which I introduced for myself, Mr. Sikes, Mr. Bennett, Mr. Pepper, Mr. Fuqua, Mr. Gibbons and Mr. Gunter, all fellow members of the Florida Delegation. I am here in opposition to H.R. 4469 introduced by Mr. Burke.

I am joined today by representatives of the Marion and Putnam County Commissioners and by the past president of the Jacksonville City Council who also have come up from my District to support H.R. 5678.

Both of these Bills relate to the Oklawaha River, a river which lies wholly within my district. Mr. Burke's bill would designate the entire Oklawaha River for study as a potential addition to the Scenic and Wild Rivers System. My bill would provide that only certain segments of the Oklawaha be designated for such study.

You may wonder about the distinctions drawn in the bill before you. A certain amount of explanation and candor is in order. The area and subject matter involved in this legislation lies entirely within my District and some two hundred miles from the closest point of Mr. Burke's District. Mr. Burke's bill was introduced without any prior notice to me which is not exactly in keeping with the procedures of this body. It is commendable that Mr. Burke has his own district so well under control that he has time to become involved in matters concerning the province of another member.

There have been suggestions that Mr. Burke's bill is put forward not so much due to his concern for conservation and natural assets, as it is intended actually to be a device to kill the Cross Florida Barge Canal, a major, albeit controversial, public works project which passes close by the area in question and in certain instances, uses portions of the Oklawaha River along its route.

You also should be aware that the Cross Florida Barge Canal is in litigation before the Federal Courts at this time, and that these suits, among other things, present issues relating to the requirements of the Administration to follow the mandates of the Congress. One of the defensive maneuvers in this litigation has been for the Administration to attempt to frustrate further construction of the Canal by obtaining the designation of the Oklawaha as a Scenic and Wild River and thereby effectively prevent any further construction of the Canal. In furtherance of this end they have come up with a hastily conceived Madison Avenue Environmental Impact Statement attempting to justify the Oklawaha for inclusion as a Wild and Scenic River.

However, from an abundance of caution, I do not want to treat further these considerations, but to speak to the two bills before you on the basis of their respective merits. By way of qualification I should note that I grew up on this river, have lived nearby and have hunted, fished, and canoed it all my life. I am intimately acquainted with its natural attributes from the inception of the river at Lake Griffin to its confluence with the St. Johns River.

I respectfully suggest that your committee carefully consider and list the characteristics of the Oklawaha to determine whether it qualifies as a Wild and Scenic River. I should like for this Committee to know that I support the concept of Scenic and Wild Rivers and I support the designation of the Oklawaha in those areas where it would so qualify.

My reservations are that only segments meet the rather exacting criteria of the Act and our Bill would include only those areas which would do so.

Historically, we should note that in 1961 a National Park Service report rated the Ocklawaha River as number 5 out of 8 rivers examined in Florida for potential preservation in a contemplated Scenic and Wild River system. Later in 1968 the Congress passed the Scenic and Wild Rivers Act (Public Law 90-542; 16 U.S.C. 1271). It is unfortunate that no Florida Rivers except the Suwannee were found among those 27 listed throughout the nation which the Congress found worthy of study for possible inclusion under the Act. Then again on September 11, 1970, the Secretaries of Interior and Agriculture jointly announced the identification of 47 more rivers as potential additions to the Wild and Scenic Rivers System, and again the Ocklawaha was not among those nominated.

The Suwannee you will remember was designated as a Study River with an instruction that a report on it be submitted to Congress within 2 years after passage of the Act. It is now some 4 and a half years later and the Congress has yet to receive a report on the Suwannee. The Ocklawaha was not included in the original Act, even for study, and to the extent of my knowledge did not come up for consideration until the introduction of Mr. Burke's recent bill with its curious timing.

In order for a river to qualify for designation under the provisions of the Scenic and Wild Rivers Act, which was intended to preserve free flowing streams of outstanding and remarkable value, it must fall into one of three categories:

(1) A Wild River—This must be one which is in a primitive state, free from impoundments and generally accessible only by trail.

(2) A Scenic River—This must be a river free of impoundments whose shore lines are primitive and undeveloped, although accessible by road.

(3) A Recreational River—This must be a river readily accessible by road which may have some development along its shore line and may have undergone some impoundment or diversion in the past.

Now it is important for this Committee to take notice of the fact that there are certain portions of the Ocklawaha that will not qualify under any of the basic criteria of the Act. Along the segments of the Ocklawaha exempted in our bill are shores that have been cleared and timbered and which have been developed by subdividers, or channeled and impounded by federal water resources projects. Under no stretch of the imagination should those areas be included. The Ocklawaha, from its junction with the Silver River east of Silver Springs, has been deepened, widened and straightened up river to Moss Bluff as part of the existing 4 Rivers Basin Flood Control Project. For a mile or so north of State Road 40, the eastern shore of the river has been cleared for farming and residential use. Numerous recreational sites and housing developments have sprung up on both sides of the river between the mouth of Silver River and Rodman Dam. Some of these still dump raw sewage into the river. That hardly squares with the clear and clean water qualification necessary to a Scenic and Wild River designation. Therefore, we have, in our bill, deleted those portions of the Ocklawaha not meeting the criteria and spirit of the Act.

We have, however, proposed that 2 segments of the Ocklawaha be designated for study. The first begins a short distance downstream, or north of Silver River. It commences at a point known as Howard's Landing, where the previously mentioned east bank developments end, and extends northward or downstream a distance of some 18 miles through a beautiful hardwood swamp forest. Even though the virgin hardwood stand along this stretch of the river was heavily timbered about 60 years ago, the vegetation is lush. A band of vegetation 100 to 300 feet wide bordering the thread of the stream still is relatively untouched and should be retained for future generations to enjoy for aesthetic value.

This study segment ends at Sunday Bluff about 3 miles south from State Road 316, near Eureka, where private development and clearing has encroached as to alter natural conditions.

The next stretch of the river, which is exempted in our bill, runs from Eureka downstream to just below Riverside Landing, which was impounded in 1968 and forms a beautiful recreation and fishing lake, designated by Act of Congress as Lake Ocklawaha. Over 900,000 visitors from all over the country have visited this lake since its inception, and it has acquired the reputation during its short life span as one of the finest bass fishing lakes or perhaps the finest bass fishing lake in the southeast.

This lake represents a capital investment, on the ground, of close to \$20 million in taxpayer's money; and only now is starting to reveal its true poten-

tial as an environmental asset to the area. There is no rational justification for even considering this resource for Scenic and Wild River Study.

Then comes the second segment my bill proposes for study, which extends from Rodman Dam some 11 miles downstream to the mouth of the Ocklawaha at the St. Johns River opposite the little town of Welaka. The Ocala National Forest borders all except a few hundred feet of the right bank; the privately owned left, or north, bank is swampy and void of any appreciable encroachments. Only a single highway bridge, and a few boat launching sites, evidence recent works by man. This area needs to be retained, undeveloped, to accommodate major storm discharges from the Rodman Dam spillway and it warrants careful study under the Scenic and Wild Rivers Act.

Our bill would include the river banks on each side to a distance of 350 feet from the thread of the river, which is consistent with the proposal put forth by the National Park Service in its analysis of the Suwanee River and is in conformance with the Act.

Comparing the two bills before you, it will be found that:

The Burke bill is designed to kill a project in another Congressman's district; ours is not.

The Burke bill will divide the Florida delegation; ours will not.

The Burke bill is completely partisan, creates party line problems, and drags the Wild and Scenic Rivers System into the political arena; ours does not.

The Burke bill would have this Committee, through back-door tactics, decide on the life or death of a public work project belonging jurisdictionally to the Public Works Committee; our bill would not.

I submit to this Committee that designation of the Ocklawaha as a study river under the terms of our bill, HR 5678, will result in those genuinely meritorious segments of the Ocklawaha being saved for future generations, while at the same time its limitations will avoid interference with nearby water resource projects already authorized by the Congress.

I urge acceptance and favorable action on HR 5678, and unfavorable action on HR 4499.

Mr. CHAPPELL. Thank you, Mr. Chairman. I shall not read the statement, but I shall attempt to summarize and bring to the attention of the committee exactly what the issues are as I perceive them to be.

First of all, let me see if I can remove some of the smoke screen which has been laid here by some of those who have preceded me.

The Burke bill, for example, is a bill which would ask you to get right into the middle of a delegation fight in Florida. The Burke bill is one which would ask this committee to deauthorize, in essence, through the back door, a project which has already been authorized and funded by the Public Works Committee and the appropriate appropriations committee. They would attempt to have you, in essence, deauthorize the Cross Florida Barge Canal.

I think you and I will agree that this is not the forum for that. The fight is not whether or not we have a Cross Florida Barge Canal. That bill goes to the Public Works Committee, and I know you people are glad that it does. That is not the issue or should not be the issue before this committee. Although Mr. Burke and those who stand behind Mr. Burke are attempting to make it so.

The sole issue before this committee ought to be whether or not the Ocklawaha River or parts of it qualify to be a part of the Wild and Scenic Rivers Act of this Nation. That should be the sole question before this committee.

The bill which I have introduced, together with my colleagues, who feel as I do, says in essence we are not going to touch the question of the Cross Florida Barge Canal in this forum. That we are going to present to you a bill which meets the criteria of the act.

It does not ask you to get into the middle of a Florida delegation

fight. It simply says, let's look at the facts and see whether the Oklawaha River or any part of it can qualify. That is the sole issue.

Now, I regret that my good friend, Mr. Burke, and others have tried to come in the back door here, and ask you to reach over and grab from the Public Works Committee some of its jurisdiction. I regret that. I regret that the Florida delegation has to take this time to try and negate something that ought not to be here in the first place.

Albeit, that's the case. And because it is the case, let's just point out a few of the things which show the reasons why you ought not to get into the question of the canal; but rather the question of what parts of the Oklawaha River qualify under the act. I have attempted to do that with the very best help I can get, to get that canal issue out of this question here. It has no business here. That is for the Public Works Committee and not for this committee that is, to deauthorize a canal project.

Now, let me just show you, just so that you get some idea of it, what is really behind this bill. As far as the Burke bill and those who support it are concerned, it's strictly an intent to kill once and for all the Cross-Florida Barge Canal by including in the Wild and Scenic Rivers Act this river so man cannot further touch that area, to bring about a 5-year moratorium by designation for study. That is a question that ought to be decided on its merits before the Public Works Committee.

Now, we have a chart here—I don't know whether, Mr. Chairman, you can see it. Can we bring it up a little closer, or can you see it here all right?

Mr. TAYLOR. That's all right.

Mr. CHAPPELL. Let me say first that the Oklawaha River lies totally within my congressional district. Mr. Burke didn't even so much as discuss this matter with me before he introduced the bill. The bill purports to authorize a project in the Fourth Congressional District.

Mr. HALEY. Mr. Chappell?

Mr. CHAPPELL. Yes, sir.

Mr. HALEY. How far away is the congressional seat or district represented by Mr. Burke from this particular area?

Mr. CHAPPELL. I would guess that the closest point that Mr. Burke's district comes to this area we are talking about, is 200 miles, approximately. And that is likewise true for some of the others who are talking about this project.

And really, not one of these gentlemen, Mr. Nat Reed, who has been a canal opponent for so many years, nor those he has sent from the Interior Department to testify before you, have mentioned this project to me. I can't even get Mr. Nat Reed to talk to me on the telephone. I've called him and I get no response.

What I am saying to you is that while all of us want to do what is best for Florida. I think you would agree that the logical and proper way to present such a project would be at least to go to the Congressman in whose district the project lies.

These folks are trying to use this committee, Mr. Chairman. They want to use this committee to come in the back door to do something which they are afraid to face head-on in another committee. And I don't think that's the way it ought to be. I'm willing to have the canal heard on its merits, and it ought to be heard on its merits. That's the

reason I supported the money for the independent ecological study. But it has no place before this committee. No place before this committee.

Now, the Oklawaha River runs from south to north, as do the rivers in Florida, and originates down here in this general area to which I point and which is marked on this map as Moss Bluff, in that general area. It really goes beyond that, but for the ease of reference I am pointing to that.

There is a segment of this river included in the Burke bill which cannot possibly qualify, because that river has already been dug out and widened to help with flood control. Along its borders are farming areas. Man has substantially changed it, and there is no way for this to qualify under the act, in my opinion. So it was not put in our bill.

As you come along from south to north, you come to the Dead River swamp area and on down to the Sharps Ferry area, which again has been substantially changed by man to be a part of the flood control area. It has been changed primarily to remove some water in the area between this Moss Bluff area and the lakes which go into the Eustis area in the county, and some which go down into the Orange County area.

Now, as we come on along, it is obvious that coming on north of Sharps Ferry along with the flow of the river, there is an area there about which something must be done one of these days, if you are going to remove the flood waters from this area up here to the south, which this overall project along the Oklawaha was designed to do. I'm not touching the canal part of it at all.

Now, when this problem that has already been created by the widening of the Oklawaha River in this area north and south of State Road 40 is opened up to take care of those flood waters, that's going to be substantially changed too. So there is no way it can in the future qualify because of the substantial change which has and will have already taken place.

Now let me say I was born and raised in this area. I have hunted along the rivers in this area, I have fished upon this river, and I know it almost from its beginning to its end. I tell you what I know personally to be the facts.

As we come down to the Howards Landing area, which is north of State Road 40, we come to an area which is substantially unchanged by man. That is to say that within an area of some 300 feet from the thread of the river, each side has been substantially unchanged by man, and ought to be considered and studied for improvement in your Wild and Scenic Rivers Act. That is my district. It will meet the criteria which have been set previously, and for example, the study which was authorized on the Suwannee River, specified 360 feet on each side of the thread of the river.

The Burke bill attempts to go far beyond what the law permits in acreage per mile. The area specified in his bill cannot qualify either from the acreage standpoint or as being substantially unchanged by man. Within 360 feet of the thread of the river it is wild and I have always wanted that area preserved as a wild river; but if I had had my druthers in the beginning, there never would have been a routing right down the Oklawaha. In parts of it, however, that's already been done and I can't change it, man can't change it back, he's already done

all the damage he can do, and it would take God 200 years to put it back where it was before man started changing it. There is no question about that.

The area described in my bill ought to be included in your study. This area beginning substantially at Howards Landing, running down through the Eureka lock and dam, which is at State Road 316—that's about 18 miles—13 to 15 miles of beautiful, scenic river substantially unchanged by man. It qualifies and ought to be under your study.

There then begins an area from the Eureka lock and dam down to the St. John's lock which has been absolutely obliterated by man from its natural state. And whereas there was at one time the wild and scenic river, the trees have been trampled into the ground. When I say trampled, I literally mean trampled because a giant machine was developed to roll over and stamp and push these logs and trees into the ground they are going to be there for awhile—those that don't finally float and do some other messing up, but they are stomped into the ground there. The area has been virtually made void of trees. The whole river bed has been changed, and there isn't any way in God's green Earth that it can qualify as a wild and scenic river.

In the place of that little winding river there is now the 14th largest lake in Florida. It's been in existence for some 5 or 6 years or more now, and has now become one of the finest bass fishing areas in the United States. They just had a national fishing competition on this lake where they had fabulous results. Over 1 million people have enjoyed the recreational facilities.

Now, those who are intent on making an issue of the canal before this committee would have the Corps of Engineers draw the river down to the level it was before.

Mr. Chairman, I want to hand you something here. I think it will be shocking to you. The court drew down this lake for awhile, and remember it is the 14th largest in Florida, and there are about 13,000 or 14,000 acres of land involved.

I want you to look at this picture because it demonstrates what these people would have this committee attempt to get into the wild and scenic rivers. You look at it, and if anyone can tell us how this part of the river can be a part of the wild and scenic rivers of this country, then we can hear the most miraculous statement known to man.

That shows it in the drawn-down stop. Now it is back up, a beautiful lake, a beautiful recreation and fishing area.

Now, you are looking at the same area—well, I might let you look at that first though.

Mr. TAYLOR. Just go ahead.

Mr. CHAPPELL. Now, you are looking there at an area that is right around this general area here, which you see from actual aerial photographs, to be a beautiful 14,000-acre lake, the 14th largest in Florida, and one of the most beautiful recreation areas we have in that area.

Mr. Chairman, it's a little akin to the Kerr facility which you have in North Carolina. It is just a beautiful, wonderful facility down there. But these people would have that drawn down, destroyed just to make certain that the canal is killed.

Mr. TAYLOR. I might point out again that earlier the departmental witness stated yesterday that if this were in fact to be approved under the Wild and Scenic Rivers Act, under their guidelines, the dam would

be retained, the lake would be retained, and that while it wouldn't qualify as a "wild" river, it might under the scenic rivers.

I don't think they have any intention to drain the lake and destroy the dam.

Mr. CHAPPELL. Mr. Chairman, the main thrust of Mr. Burke and those who support his bill is to get this incorporated under the act so that the very study period will prohibit a going forward of the canal—and its ultimate inclusion would deny the small additional change to complete the canal if found yet feasible.

All I am saying to you, Mr. Chairman, is, that this area has no business being included in this study, because by any stretch of the imagination it does not qualify as either wild or scenic.

I'd like to bring this exhibit just a little bit closer, because I want you to see what I am pointing out here. Here is the little thread of the river. This river flows around here to the north and then finally east and then cuts back a little bit to the southeast. We have included in our bill that part which is now wild and scenic, over here on the other side. It ought to be included. But if you look here, you see the river in its natural state, and then look down here how man has changed it.

I might move this a little bit here so you can all see it a little bit closer. Just watch the little thread of the river there, and then notice the difference in the lake area.

Mr. Chairman, I shall not be much longer.

Now, there's no question that that piece over there beyond the St John's lock or beyond the dam over there in the Lake Ocklawaha area ought to be retained, no question about that. But those other areas cannot possibly qualify.

Mr. TAYLOR. Does this complete your statement?

Mr. CHAPPELL. I want to make one closing thought, Mr. Chairman.

Again, I would ask this committee to support the study which we have proposed, and the bill which I introduced for Mr. Sikes, Mr. Pepper, and others. And that it would not favorably support or recommend the other bill.

The first bill would further divide the Florida delegation, would get you into a fight that you have no business being in. It asks you to take jurisdiction that belongs to another committee. All we ask you to do is look at this one on its merits. Our bill describes the areas that qualify, and leaves out those areas which do not qualify. So we ask you not to get into the canal question before this committee, leave that to the Public Works Committee, Mr. Chairman, and we will handle that solely on its merits, and that's the way it ought to be done. It has no business being before your committee.

I hope you will act favorably on our bill, and that you will act unfavorably on the other bills.

Thank you so much, Mr. Chairman, for being so lenient with your time.

Mr. TAYLOR. We on the committee, have heard a very clear and persuasive statement.

Mr. CHAPPELL. Thank you, Mr. Chairman.

Mr. TAYLOR. Of course, our committee does have as much jurisdiction to consider including a river in the scenic rivers program as the Public Works Committee has to consider development of water resources.

Mr. CHAPPELL. Mr. Chairman, I would say it has more than all to do with it. I don't think the Public Works Committee has any jurisdiction over scenic rivers. But that's not my argument.

My argument is that you have it and they don't. But as to whether or not a public works project, this canal, ought to be killed or continued, belongs with the Public Works Committee.

Mr. KAZEN. But that question is not before us.

Mr. CHAPPELL. It really is. That is exactly the point of argument I have made. That is really the question that's before you in the Burke bill. The whole intent and purpose of the Burke bill is not to do with scenic rivers, but to destroy the project which has already been authorized. And it does it by bringing these river segments into the act.

Mr. TAYLOR. Any further questions?

Mr. HALEY. No questions.

Mr. TAYLOR. The gentleman from California.

Mr. KETCHUM. Yes; if I may, Mr. Chairman. Just so I have it clear in my mind, could you put that map back up? Just hold it up for a second.

Now, if you would, Mr. Chappell, just for my own edification, would you show me where in the Burke bill where the Dead River swamp starts and the confluence is with the St. John's River?

Mr. EVANS. The Dead River swamp is coming in right here, sir. The confluence of the St. John's River and Lake Ocklawaha is here.

Mr. CHAPPELL. So that the record may be straight, it's between Sharps Ferry, just south of Sharps Ferry, 2 or 3 miles.

Mr. KETCHUM. And then it goes how far?

Mr. EVANS. It's about $3\frac{1}{2}$ miles from Dead River swamp on down to here, to the confluence.

Mr. KETCHUM. The Burke bill then would cover how much?

Mr. EVANS. It would cover about $3\frac{1}{2}$ miles in here, which has already been cannibalized as Mr. Chappell pointed out.

Mr. KETCHUM. And Mr. Chappell's bill covers what?

Mr. EVANS. The east arch here.

Mr. CHAPPELL. When he says the east arch here, he is talking about Howards Landing which is just north of State Route 40.

Gentlemen, I wish you could go down and see it, and see exactly what the situation is down there.

Mr. KETCHUM. Thank you, Mr. Chairman. I don't have any further questions.

Mr. TAYLOR. Any other questions?

Mr. KAZEN. Mr. Chairman.

Mr. TAYLOR. The gentleman from Texas.

Mr. KAZEN. How far is this segment from Miami?

Mr. CHAPPELL. From Miami, about 325 miles.

I want to commend these gentlemen who have been so adept in solving the problems in their areas and gotten into problems with canals in my area. Presently in Florida there are hundreds of miles of canals which in the view of Mr. Burke and his supporters, are real good for the southern end of the State, but which would be real bad for the northern end of the State. And incidentally, some day he is going to have to compare the nature between the South and the North.

I do not argue for or against the canal issue, that is for another

forum. But before us here is only the basis of whether or not this is a wild and scenic qualification.

Mr. TAYLOR. Thank you very much, Congressman Chappell.

Colonel Evans, I guess what you had in mind to speak about has been pretty well covered.

Mr. EVANS. The parts that I was going to speak to, I mean several of them have been covered by Mr. Chappell, but there are a couple of remarks that I did not make that refer to his remarks. And I thought they would have been out of sequence.

So I am going to try to avoid duplicating Mr. Chappell's ideas.

Mr. TAYLOR. All right, proceed.

STATEMENT OF GILES EVANS, JR., MANAGER, FLORIDA CANAL AUTHORITY

Mr. EVANS. Mr. Chairman, I am Giles Evans, Jr., manager of the Florida Canal Authority. We are the local sponsors of the Cross Florida Barge Canal project. We have given, and the United States officially has accepted, the local assurances on the project. We have fulfilled our obligations for the last 10 years, pretty near 10 years, 9½, to the tune of \$13 million in local taxpayers' money and State taxpayers' money for acquiring rights-of-way.

Now, my statement is rather brief, and I would like to hit its highlights. But there are a couple of points that have been heard this morning that I would like to address which were not specifically covered in my presentation.

We endorse Mr. Chappell's bill, H.R. 5678, and oppose H.R. 5444 and H.R. 4469. The Burke bill would preclude any further consideration whatsoever of, or progress with, the Cross Florida Barge Canal. Everything we can read about it in the court records and hearings, and as best we can interpret the impacts of the bill, it freezes any further consideration and eliminates any further consideration of construction of the Cross Florida Barge Canal.

Now, I want to come back to two things which have been repeated this morning, Mr. Chairman, if I might. I understand there was some discussion as to the eutrophication or deterioration of the water quality in connection with this project.

On the 12th of January of this year, the District Engineer wrote to Congressman Bennett in part that the barge canal, if completed, construction of the canal and the reservoirs will not in themselves degrade the quality of water in either the Oklawaha River or the St. John's River:

The existing Lake Ocklawaha would function as a buffer between construction operations and the St. John's River during construction plans.

This part I would like to underscore:

Data collected during the last 4½ years show that the quality of water has not been altered and exhibits good quality.

A 4-year study completed early in 1970 by the Geological Survey concluded that planned construction and operation of the canal are compatible with existing conditions and will not significantly alter the overall hydrology, including the water quality of the earth.

Now, the Geological Survey has maintained a marking system for the last 4½ years throughout the barge canal area, and has been working with the Corps of Engineers on it.

The other thing that came up a couple of times ago had to do with the retention of the reservoir level. Mr. Chairman, I do not know what the departmental witnesses told you yesterday, but within the last 5 to 10 days the U.S. Attorney General has filed an appeal to the Fifth Circuit Court of Appeals, protesting or seeking to escape or overturn Judge Howard Johnson's ruling of March 28, in which he denied a continued drawdown of Lake Ocklawaha.

Now, that statement in the argument, on page 12 :

In denying the Government request to draw down Lake Ocklawaha to preserve the area's natural qualities, pending congressional determination whether to designate it as a study river within the National Wild and Scenic Rivers System, the District Court abused its discretion.

Now it goes on on two pages to discuss the reasons of having a drawdown, so it can retain Lake Ocklawaha for inclusion in the Scenic and Wild Rivers. That would change or contravene any assurances to the contrary, Mr. Chairman.

I would like to file this appellate's brief, if I may, with this committee. And we just received it about——

Mr. TAYLOR. That will be turned over to counsel and will be placed in the file.

Mr. HALEY. I reserve the right to object.

Mr. TAYLOR. The gentleman from Florida reserves the right to object.

Mr. HALEY. Colonel, do you make this a part of your statement?

Mr. EVANS. Yes, sir.

Mr. HALEY. And you concur with the decision?

Mr. EVANS. I do not. I concur in Judge Johnson's decision, I do not concur with this appeal. The barge canal halt was contained in Judge Johnson's decision. And what the decision was, the judge said "I'm not going to hear any further discussion about draining Lake Ocklawaha until the overall court cases have been heard on the merits."

Now, he issued that, I believe, in March, and 60 days later they are supposed to appeal or have it filed. They filed about 3 days before the termination of this period for appeal.

Mr. TAYLOR. The gentleman says he withdraws his objection.

Mr. KAZEN. Mr. Chairman, I understand it will be placed in the file?

Mr. TAYLOR. It will be placed in the file, yes.

Mr. CHAPPELL. Mr. Chairman, Mr. Evans' main intention in offering it is to show that contrary to what has been testified before this committee, the intention is to draw it down, not to leave it up as it has been stated to you.

Mr. EVANS. Mr. Chairman, with your permission then I would like to proceed with the gist of my statement.

Mr. TAYLOR. All right, but how much more time do you need?

Mr. EVANS. About 3 minutes, Mr. Chairman.

You have received, doubtless, a copy of the Forest Service environmental statement on the Oklawaha portion of the Ocala National Forest plan. To us this is an obvious Madison Avenue effort to end-run and thwart the intent of Congress as expressed in various appropriations measures. Last year, as mentioned, the Congress appropriated \$150,000 for the Corps of Engineers to compile an impact

statement, and the Office of Management and Budget has impounded that money.

We don't know what sources were used to fund the Forest Service impact statement. Its adequacy is presently under assault in the courts, and its competency is a matter of question.

It does not face up to the problems, and solutions thereto, inherent with the completed portions of the Four Rivers Basins project, which has already been mentioned. The so-called public hearings in connection therewith, denied any attempts to discuss further alternatives for continuing the barge canal project.

Mr. Chappell's bill provides viable alternatives to all these issues. The Corps of Engineers has determined that the proposed alternate alignment is engineeringly feasible. And Mr. Chappell's bill is compatible with the approach being taken by the Department of the Interior in its present study of the Suwannee River.

Last fall, by a simple written letter inquiry to their Atlanta office of the Department of the Interior, I obtained a copy of the Suwannee River report as then rested in the Office of Management and Budget. This was indicated in their reply to me. The real estate program enunciated therein, limited acquisition to public areas and a narrow strip of fee, or scenic easements, which varied in width between 100 to 300 feet on each side of the river, depending upon the conformation of that particular element of the shoreline. Mr. Chappell's bill insures that the scrutiny of the Oklawaha would follow comparable criteria.

We understand further that the Office of Management and Budget has subsequently returned that study to the Department of the Interior for further evaluation of its economics. We are perturbed at Mr. Burke's bill apparent complete indifference to the economics of wiping out the \$20 million investment to create Lake Ocklawaha. Boldly stated, this must be the ultimate effect of designating this lake element as a part of the Wild and Scenic River System. Why then even talk about studying this Oklawaha stretch?

We could elaborate, mile by mile, to emphasize the fallacies. In general terms, some 15 miles of the river channel lies in a quarter mile or more from any stand of living trees sufficient to provide seed sources, or any scenic screening. Federal witnesses already have testified in court that it will require 75 to 100 years to regenerate a true national forest along these cleared and deeply inundated reaches of the river channel through Lake Ocklawaha.

I might point out that the United States, the Forest Service, never owned more than about 3½ miles of the shoreline on one bank of the Oklawaha River between Rodman and Eureka Dams, and only about 2½ miles between Eureka and Silver Rivers. When we point out that the canal authority has acquired and still owns most of the remainder on both sides of the river from private owners, and we recognize that many of the landowners obtained revisionary rights and residual rights of access to the water's edge, we question the validity of any urgency whatsoever about studying the Oklawaha. The Burke bill is an obvious diversionary tactic. The Chappell bill offers a reasonable and workable alternative, and we urge your favorable consideration.

Mr. TAYLOR. Thank you, for your testimony.

Are there any questions of this witness?

Mr. KAZEN. Mr. Chairman.

Mr. TAYLOR: The gentleman from Texas.

Mr. KAZEN. I just want to ask one question of Mr. Chappell.

The segment of the river that is covered by Congressman Burke's bill is entirely within your district?

Mr. CHAPPELL. Yes, sir.

Mr. KAZEN. Is there any other part of that river that is now under study?

Mr. CHAPPELL. No, sir. And as a matter of fact, about 12 to 15 years ago there was an effort made to have that whole river made a part of the study. It was not. The Suwannee was selected for study 4½ years ago and yet there has been no study.

Now, let me point out one additional factor. The sudden interest in the Oklawaha at this time is an obvious attempt to just cloud up and muddy the waters on this matter to influence court action now pending. We ought to be considering just those segments which qualify. There was a time when the whole thing qualified, but we've missed that opportunity. Now to tie it down to all aspects of the river qualifying, that just muddies everything up.

Mr. KAZEN. My question is directed actually to whose district—

Mr. CHAPPELL. It's mine.

Mr. KAZEN. [continuing]. This bill covers. And everything we are talking about is in your district?

Mr. CHAPPELL. Yes, sir.

Mr. KAZEN. That's not in the study.

Mr. CHAPPELL. If I can show you on here, this part is solely in my district.

Mr. KAZEN. And there is no other part of this river that is going to be included in the study outside of what is provided for in this bill?

Mr. CHAPPELL. No, sir. No, sir, Mr. Burke's district is 200 miles from here.

Mr. EVANS. Mr. Kazen, you might note on the map that not even all of the Oklawaha which does lie in Mr. Chappell's district is even mentioned in Mr. Burke's bill. They only limit it to sections.

Mr. KAZEN. How long a river is this?

Mr. EVANS. Forty-five miles.

Mr. KAZEN. Forty-five miles?

Mr. EVANS. About, from Lake Harris down to the mouth.

Mr. KAZEN. The whole river is 45 miles then?

Mr. EVANS. About, yes.

Mr. KAZEN. And is it all in your district?

Mr. CHAPPELL. Yes, sir. I think that every speck of it, unless it is this little tip right here at the head waters, there may be some question in there. But this all lies in my district.

And all we are asking you to put in is approximately half of this river in here, and it is still part of the Oklawaha.

Mr. TAYLOR. I understood that a portion of it was in Congressman Bennett's district.

Mr. CHAPPELL. Sir?

Mr. TAYLOR. I was thinking that a portion of the river was in Congressman Bennett's district.

Mr. CHAPPELL. Not the river. Mr. Chairman, the confusion is that the canal itself employs the use of the St. John's, which starts in

Congressman Bennett's district, with the Atlantic Ocean and comes down to its confluence with this canal as far as they have dug it in here, just south of Palatka. And a portion of that is included.

Mr. TAYLOR. Any other questions of these witnesses?

Mr. SAYLOR. Mr. Chairman?

Mr. TAYLOR. The gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Evans, this committee and all of the Members of Congress have a great deal of regard for Mr. Chappell. But as far as I am personally concerned, you didn't enhance his position with your statement. I've heard a great number of statements before this committee that support a Congressman's position that have been a great deal more effective. And when you come along as you did in your fourth paragraph and say, "This EIS is a Madison Avenue effort to end-run and thwart the intent of Congress as expressed in various appropriations measures." You should understand that the appropriations measures don't express anything. The Appropriations Committee is a very sterile committee and doesn't originate any legislation at all.

The others, the authorizing committees of Congress, originate legislation. All the Appropriations Committee does is try to second guess everybody else. And their expressions don't carry much weight unless somebody is trying something.

And I think you have done Mr. Chappell a disservice by part of your statement.

Mr. EVANS. I regret that, sir. I was merely quoting language out of the appropriations bill of last year.

Mr. SAYLOR. That's all I have.

Mr. CHAPPELL. Mr. Chairman, on that point, I would like to emphasize that this project, the canal project, besides what we are talking about here, is law, authorized by the Public Works Committee and the Congress and it was funded from time to time by the Appropriations Committee and the Congress. And there is now pending \$150,000 for an ecological impact study on this canal. This study would help us decide what to do from here. And all I am saying is, Let's don't get the canal confused with this one here. Let's decide on what parts of the river qualify and what parts do not.

Thank you, sir.

Mr. TAYLOR. Thank you.

Our next witness is Joel Pickelner, National Wildlife Federation.

Mr. CHAPPELL. Mr. Chairman, I don't know if you have been proceeding in order, and we have a couple of other gentlemen who would like to be heard, two others who would like to be heard briefly.

Mr. TAYLOR. No, let's put them at the end. We have a whole group of witnesses here, and we have the House scheduled this afternoon, and I'm wondering now if we are going to finish.

Mr. CHAPPELL. What would the chairman have us do, sir?

Mr. TAYLOR. Give their names to our counsel, if they are not on the list, and we will try to get to them.

You may proceed, Mr. Pickelner.

Mr. PICKELNER. Mr. Chairman, I am Joel Pickelner, the conservation counsel for the National Wildlife Federation. I would like to file my statement and make a short statement.

Mr. TAYLOR. Without objection, a copy of your statement will be made a part of the record at this point.

[The statement follows:]

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

Mr. Chairman, I am Joel M. Pickelner, conservation counsel of the National Wildlife Federation which has national headquarters at 1412 16th Street NW, here in Washington, D.C.

Ours is a private organization which seeks to attain conservation goals through educational means. The Federation has independent affiliates in all 50 States and the Virgin Islands. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 8½ million persons.

We welcome this opportunity to testify.

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

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

For the remainder of my statement I would like to confine my remarks to H.R. 4864, proposed by the Administration and sponsored by your colleagues and ranking minority member of the committee, Rep. John P. Saylor (Pa.). When the Wild and Scenic Rivers Act was enacted in 1968 the study set-up under it to determine what rivers were eligible for inclusion in the system was given a life of five years. The five-year limitation will be up in October of this year. The five-year study limitation has proved to be inadequate and by October only a few of the 27 studies named in the original bill will have been completed. To rectify this the Administration is recommending that the protections afforded by the study classification be extended for an additional five-year period.

We feel that rather than the mere extension suggested by the Administration a much more logical and workable solution to the moratorium situation can be worked out. The National Wildlife Federation would like to suggest that the Rivers under study be afforded the protections granted under the Wild and Scenic Rivers Act for an indefinite period of time that would end only when Congress determines that a given river is not a wild or scenic river. This suggested solution would allow Congress to be the final judge of a river's eligibility for inclusion in the system, while at the same time protect the river from exploitation until its suitability for wild or scenic status is determined.

Another problem which we would like to point out concerns the boundary restrictions contained in the 1968 Act. The Act limits the total management area to 320 acres on each mile of river. This works out to an average of about 1800 ft. on each side of the river. Also the Act limits fee simple purchase to 100 acres per mile, on the average. In some instances these limitations have proved to be too restrictive. Often, in order to preserve the quality of the stream, the watershed draining into the stream needs to be covered by the protections contained in the Act. In order to properly take into account the special instances when more protection is needed we feel that the restrictions on management areas and fee simple purchase should be removed and Congress should determine the boundaries of the individual rivers for the purposes of the Act.

Thank you again for the opportunity of making these remarks.

Mr. PICKELNER. Thank you. I wasn't quite prepared to step into the lion's den of controversy, but I would like to make a short statement with regard to the position of the National Wildlife Federation.

Since I am not personally familiar with any of the rivers now being considered, particularly the Oklawaha, I will not attempt to describe the qualities which make them eligible for inclusion in the National Wild and Scenic Rivers System. Rather, I would like to

say that the National Wildlife Federation is on record in our position to the Cross Florida Barge Canal.

We would, therefore, support the enactment of H.R. 4469, subjecting the entire Oklawaha River for study for inclusion in the Wild and Scenic Rivers System. H.R. 4469 should be enacted not to block the barge canal, but in view of the widespread opposition to the barge canal, it should be enacted to preserve all of the options.

Enactment of H.R. 5678 would lock the study into a smaller portion of the river, even after the barge canal is eventually deauthorized. As I am confident it will be.

I agree with the chairman's earlier statement that the Oklawaha should be separated from the other Wild and Scenic Rivers legislation now up for consideration, because of the controversial nature of this river.

The remainder of my statement, Mr. Chairman, deals with H.R. 4864. We have two specific recommendations for amendments to H.R. 4864, but I will not read them at this time. I will leave that to the committee and the chairman to read.

Mr. TAYLOR. Thank you. We will read your entire statement, see what your recommendations are, and consider them.

Mr. PICKELNER. Thank you.

Mr. TAYLOR. Are there any questions?

[No response.]

Mr. TAYLOR. Thank you very much.

Mr. John Grandy.

Mr. GRANDY. With your permission, sir, I'd like to submit my statement for the record.

Mr. TAYLOR. Without objection, a copy of your entire statement will be made a part of the record at this point.

[The statement follows:]

STATEMENT OF JOHN W. GRANDY, NATIONAL PARKS AND CONSERVATION
ASSOCIATION

My name is John W. Grandy IV, Ph. D. I am administrative assistant for parks and wildlife at the National Parks and Conservation Association, 1701 18th Street NW., Washington, D.C. I appreciate the invitation of the committee to testify in these hearings.

The NPCA is an independent, private, non-profit membership institution, educational and scientific in character, with over 50,000 members throughout the United States and abroad, all of whom receive the monthly National Parks and Conservation Magazine: The Environmental Journal.

NPCA has a longstanding interest in the preservation of free-flowing wild and scenic rivers for their scenic, recreational, historic, cultural, and other values as well as for their value as environmental systems. Many of our members have individually expressed to us their interest in the preservation of such rivers.

We would first like to comment on Representative Saylor's proposed legislation, H.R. 4864, by saying that we are strongly in favor of his recommendation to increase the funding allotted under the Wild and Scenic Rivers Act by \$20,600,000.

Secondly, we would like to comment on the proposal to extend the original five year moratorium on project construction which would have a negative impact on study rivers. Representative Saylor's legislation would extend this moratorium, which otherwise will expire in October of this year, for an additional five years. We support this proposal, as many of the studies provided for in the original Act have not yet been completed. We would further like to offer for the Committee's consideration the suggestion that such a moratorium might be more effective if the provision were worded so that the moratorium would be

in effect from the time that a particular river was placed on the study list until such time as the study was completed.

In addition, NPCA would like to suggest that Representative Saylor's fine legislation be amended so as to insure that sufficient interests in land be acquired in all cases to protect those features essential to the maintenance of the designated characteristics of the rivers. This would include, where appropriate, land up to the edge of any existing flood plain; or, where hilly or mountainous terrain is involved, land up to the top of the crests along the river. Management of such lands would not necessarily involve government ownership or purchase of such lands. In order to implement this suggestion, the Secretary should be directed to take any steps that are necessary to secure rivers classified under the Act, or classified for study under the Act, from projects which could alter the essential character of the river.

In conjunction with this idea, we would like to suggest that Section 7 (a) and (b) be reworded so as to prohibit projects by any federal agencies that would have an adverse impact on the qualities of the river which make it eligible for classification under the Act. This would provide for more consistent management of the rivers by bringing all projects requiring federal loans, grants, or licenses under restriction. We will be happy to provide detailed amendments should the Committee so desire.

Finally, we would like to recommend that the Act be amended to allow for a scenic river to be upgraded to the wild river classification if management of such a river were carried out in such a way as to result in that river's quality changing so as to qualify it for that classification.

Again, thank you for this opportunity to present our views and I will be happy to try to answer any questions.

Mr. GRANDY. Thank you. My name is John Grandy, and I am administrative assistant for parks and wildlife at the National Parks and Conservation Association. I would like to comment specifically on Congressman Saylor's proposed legislation, H.R. 4864, by strongly supporting his recommendation to increase the funding allotted under the Wild and Scenic Rivers Act.

Secondly, we would like to comment on the proposal to extend the original 5-year moratorium on project construction which would have a negative impact on study rivers. Representative Saylor's legislation would extend this moratorium, and we favor it. However, we would further like to offer for the committee's consideration, the suggestion that such a moratorium might be more effective if the provision were worded so that the moratorium would be in effect from the time that a particular river was placed on the study list until such time as the study was completed.

In addition, NPCA would like to suggest that Representative Saylor's fine legislation be amended so as to insure that sufficient interests in land be acquired in all cases to protect those features essential to the maintenance of the designated characteristics of the rivers. This would include, where appropriate, land up to the edge of any existing flood plain, or where hilly or mountainous terrain is involved, land up to the top of the crests along the river.

Management of such lands would not necessarily involve Government ownership or purchase of such lands.

In conjunction with this, we would like to suggest that section 7 (a) and (b) be reworded so as to prohibit projects by any Federal agencies that would have an adverse impact on the qualities of the river which make it eligible for a classification under the act.

Thank you for this opportunity, and I will be happy to answer any questions you have.

Mr. TAYLOR. Are there any questions of Mr. Grandy?

[No response.]

Mr. TAYLOR. Well, thank you for your testimony.

Mr. GRANDY. Thank you.

Mr. TAYLOR. Next is Bob Burrell, past president of the West Virginia Highlands Conservancy, accompanied by Bill Bristol.

STATEMENT OF BOB BURRELL, WEST VIRGINIA HIGHLANDS CONSERVANCY

Mr. BURRELL. My name is Bob Burrell, and I am chairman of the rivers committee and immediate past president of the West Virginia Highlands Conservancy, an organization striving to achieve protection of areas of great beauty, significance, and natural historic interest in the Mountain State. I am also appearing here as coauthor of "Wild Water West Virginia," a book that describes over 1,500 miles of the best of our State's numerous rivers and streams. In my travels on hundreds of miles of rivers throughout our State for over 12 years, I have not seen one other river capable of matching the overall scenic qualities and variety of the Shavers Fork of the Cheat River, under consideration here today under H.R. 1401.

It is a river that begins at an elevation over 4,700 ft., born within a wilderness and freshened by the highest rainfall in the State. Its first uniqueness is that it carves a trough and for many miles runs along the top of a long, narrow mountain. It is a river that passes through the incomparable Monongahela National Forest. It is a river where a very special 5-mile stretch has been reserved as a fish-for-fun section, where trophy-sized trout may be caught only with barbless hooks and all catches returned to the river. It is a river traversing miles of wilderness offering sustenance for a multitude of and sometimes rare species of wildlife. It is a river of waterfalls, rapids, and pools fed in the most part by innumerable clear, cold brooks. It is a river whose water has been selected by the U.S. Fish and Wildlife Service to nourish its Bowden National Fish Hatchery located adjacent to the river. It is a river selected by the U.S. Forest Service for special water influence zone planning and for locating one of its recreation areas nearby. Finally, as it approaches its destination to become the Cheat River at Parsons, W. Va., it widens through pastoral, flood plains. In over 80 miles of its length, it drains and bathes a rich variety of landscape with water that is cold and clear—usually.

Yet things of great beauty are often very delicate and the subject of other designs and intents. The Shavers Fork is in trouble. It is not the same river it was 10 years ago or even 5 years ago. Undesirable changes have occurred that could be reversed if quick action could be taken to protect the river. Its soft, unbuffered water is too delicate to withstand runoff from the strip mines high on its slopes. It cannot be asked to accept the drainage from deep mines as it is already in jeopardy from the acidic bilge of abandoned mines of a past, thoughtless age. Its ecology is too fragile to accept invasion of highways. It is a museum piece. A place to see, to touch, to sense, to contemplate, but not to abuse or exploit.

We feel that Shavers Fork is everybody's business to protect and one of the major benefits that H.R. 1401 would cause, would be to focus the attention of a myriad of Federal and State agencies to cooperate and together work for the insurement that future generations

will be able to enjoy what we have enjoyed. We believe that West Virginia should be honored to have at least one of its magnificent rivers included in the National Wild and Scenic Rivers Act and that no greater candidate exists than Shavers Fork, a truly scenic river.

Thank you for the privilege of offering these brief comments and I wish to have the statement made a part of the record.

Mr. TAYLOR. Does that complete your statement?

Mr. BURRELL. I have submitted some extra pages of material from the book which describe Shavers Fork on a mile by mile eye level view.

Mr. TAYLOR. Without objection, that will be turned over to counsel, and will be placed in the file.

Now, Mr. Bristor, do you have a statement?

STATEMENT OF WILLIAM BRISTOR, WEST VIRGINIA HIGHLANDS CONSERVANCY

Mr. BRISTOR. Yes, I do.

My name is William Bristor, of Baltimore, Md. I am a member of the Shavers Fork Committee of the West Virginia Highlands Conservancy.

My wife and I spend most of our time trout fishing.

Mr. TAYLOR. That's a good life.

Mr. BRISTOR. For years we have looked for a place in the East that had good fishing, in an area of natural beauty. We found good fishing in mediocre spots and we found mediocre fishing in beautiful spots. We could never get the two together.

Then we discovered Shavers Fork in the Monongahela National Forest of West Virginia, and its great fish-for-fun section. We had found our elephant burial ground, in an area of incomparable beauty. It was not uncommon to catch and release 100 trout in a day.

The area is covered with wild flowers of all types. We have seen deer, bear, otter, beaver, mink, ruffed grouse, wild turkey, fox, eagle, hawks, and numerous other critters, both furred and feathered.

One of the outdoor experts and environmental specialists of the Hearst papers that we introduced into the area, he now calls it the best trout fishing in the East set in an area of incredible beauty.

But for the last few years we have noticed a decline. At times the river has been heavy with silt. This spring, the West Virginia Department of Natural Resources had to delay stocking because of high acidity. We have made four trips to Shavers Fork this year. The first trip was a bust, as far as fishing was concerned, because the river was heavy with silt. The other three trips were limited because of poor stream conditions. The fishing was good, but only when the stream cleared.

The river, inside the National Forest boundaries, is protected by a recently signed 5-year moratorium on mining along the river watershed. But most of the problems come from private lands, upstream from the National Forest. The fishing is still great, but depends upon uncertain stream conditions. These uncertain conditions are due to mining along the watershed, outside the National Forest.

Because I have been very active in promoting the greatness of this river and the area, I get many calls from fishermen, inquiring about

the river. I have sent literally hundreds of fishermen into the area. For the last few years, many have reported back that the area was beautiful, but that they were unable to fish because of adverse stream conditions.

When you lose a river through neglect, it is lost for a generation, or perhaps for all times. This river is too great to lose. It is the best trout fishing scenic river available to the millions of the East. I have met along the river fishermen from New York, the District of Columbia, Maryland, Ohio, Kentucky, Virginia, New Jersey, and Pennsylvania. This is a river of great value to all Americans. It is a place to recharge human batteries.

I urge you to support H.R. 1401. This is the only way that this river can be saved for today and for the future.

Thank you for allowing me to present my opinions.

Mr. TAYLOR. And you too will be glad to know that the departmental witness yesterday testified and agreed with you that this river should be studied for inclusion in the Wild and Scenic River System.

Mr. BRISTOR. Thank you.

Mr. TAYLOR. Any questions of these witnesses?

Mr. KAZEN. Mr. Chairman.

Mr. TAYLOR. The gentleman from Texas.

Mr. BRISTOR. I would like to know, how far is that from Washington?

Mr. BRISTOR. It's a 5-hour drive from Baltimore, so it's probably maybe 4 hours from Washington.

Mr. KAZEN. Is there any place on that river that you can fish and keep your catch?

Mr. BRISTOR. Anywhere but the 5½ miles. There is about 30 miles of water full of trout, and you can fish anything other than the 5½ miles in the fish-for-fun section, you can keep. And in the fish-for-fun section, you can keep one trout a day over 18 inches.

Mr. BURRELL. Seventy-five miles of it would be keepable, 5 miles of the 80 has been reserved.

Mr. KAZEN. How is the fishing in the other section?

Mr. BRISTOR. Great, but the meat fishermen get them out pretty good.

Mr. KAZEN. That's all.

Mr. TAYLOR. Well, thank you for your testimony.

Doug Scott, of the Wilderness Society.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. TAYLOR. Without objection, a copy of your entire statement will be put in the record at this point.

[The statement follows:]

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

Mr. Chairman, I am Douglas W. Scott, Coordinator of Special Projects for the Wilderness Society. We appreciate this opportunity to appear today as you consider steps to update, improve and extend the program of the Wild and Scenic Rivers Act. This is the first broad review of this program since enactment of that landmark legislation in 1968, and represents an important opportunity for the Congress to inquire into the progress of the implementation of the Act and to make useful and desirable improvements in the Act itself.

As you know, The Wilderness Society is a national citizen conservation group. When we last testified before this Subcommittee on wild and scenic rivers legislation, on March 18, 1968, we had a membership of some 40,000 people nationwide. Today the Society has more than 80,000 members, and the five-year doubling of our ranks is one reflection, we believe, of the strong, growing and broadening public interest in conservation programs such as this.

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

Nonetheless, there is reason for optimism. The Congress has significantly toughened Federal water pollution controls, and we should see the benefits of that program as polluted rivers are reclaimed—perhaps to the point where rivers which hardly occur to us today may someday be made units of the National Wild and Scenic Rivers System. Most importantly, this Subcommittee and Committee played a key role in an historic reversal of policy and attitude toward our waterways, which were once thought of as only pathways for commerce, merely convenient flowages for our wastes. In the Wild and Scenic Rivers Act, you wrote a declaration of Congress "That the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

Mr. Chairman, The Wilderness Society enthusiastically endorses H.R. 4804 and related bills, which would make two important extensions in the Wild and Scenic Rivers Act—the extension of the interim protection for study rivers for an additional five years and the addition of some \$20 million to the authorization for land acquisition within designated wild, scenic and recreational rivers.

In addition, we welcome this Committee's attention to a number of Member's individual bills designed to bring additional rivers or river segments under the study program of the Wild and Scenic Rivers Act.

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

1. FULL EXTENSION OF INTERIM PROTECTION FOR STUDY RIVERS

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

We believe interim protection of all study rivers should extend until Congress has decided otherwise, and that development projects on the designated sections of rivers should be absolutely prohibited, not merely left to the discretion of the administering Secretary (particularly where the administering Secretary is subject to conflicts of interest because of his simultaneous responsibilities for direct river-development agencies). Thus, we recommend the following amendment language as a full substitute for the existing provisions of the first complete sentence in subsection 7(b) of the Act (that is, down through the end of subparagraph 7(b)(ii)):

"(b) *Until Congress determines otherwise*, the Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, power-

house, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a) of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any [water resources] project that would have a direct and adverse effect on the values for which such river might be designated."

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

2. INCREASE IN FLEXIBILITY IN ACQUISITION OF SCENIC EASEMENTS

As you know, the 1968 Act limits the total management area along a designated wild, scenic, or recreational river to, on the average, no more than 320 acres-per-mile (including both sides of the river), of which no more than 100 acres-per-mile may be acquired in fee. This 320 acres-per-mile restriction works out to a mere 1300 foot setback from the riverbank on each side, on the average. While this may often be sufficient, or even more than necessary in some cases, there is a danger of creating a restriction so inflexible as to, in fact, defeat the purposes of the Act by failing to fully protect the watershed, scenic vistas and recreational values of the designated rivers. We believe that, as a minimum improvement at this time, the Committee should extend the 320 acres-per-mile limitation on scenic easements to a more reasonable figure.

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

3. ADDITIONAL STUDY RIVERS

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

While it may have been appropriate for the Congress to begin this new program with a small selection of study rivers, that consideration must now, five years later, be balanced against the very real need to give this interim protection to additional eligible rivers and river segments. In this way, this Committee can assure that these rivers receive balance consideration and will not be subject to the kind of one-sided development planning that has been a too-typical fate of some many fine rivers needlessly.

The American Rivers Conservation Council and other conservation groups will, in the course of these hearings, propose a number of additional rivers for study. We support the position of ARCC on this aspect of the matter, having observed the care of their research into these rivers and their full coordination with local organizations and citizens fully familiar with each river and its local situation.

We do wish to endorse the inclusion of those proposed new study rivers recommended by members of Congress through the introduction of individual bills. We include not only the bills specifically under consideration, but those more recently sponsored by Rep. Tom Boncalo, which would list the Clark's Fork River and the Green River in Wyoming.

In addition, Mr. Chairman, we wish to support those additional rivers recommended by the American Rivers Conservation Council, and we would appreciate being able to supply additional information on some of these rivers to the Committee as we are able to assemble it.

Thank you.

STATEMENT OF DOUGLAS W. SCOTT, WILDERNESS SOCIETY

Mr. SCOTT. Thank you, very much, Mr. Chairman.

I am Douglas Scott, coordinator of the special projects for the Wilderness Society. We appreciate this opportunity to appear today and to consider with you steps to update, improve, and extend the program of the Wild and Scenic Rivers Act.

Since 1968, when this committee was instrumental in enacting this Wild and Scenic Rivers Act, the Congress has taken a number of important steps to achieve the cause of purifying our rivers. The recent amendments to the Water Pollution Control Act hold out the hope that we may reclaim some rivers, perhaps indeed to the point where rivers which hardly occurred to us today may some day be made units of the National Wild and Scenic River System by this committee.

This is much like the concept of reclaiming areas in the Eastern United States, what do deserve and merit preservation under the Federal Wilderness System.

Mr. Chairman, the Wilderness Society enthusiastically endorses Mr. Saylor's bill, H.R. 4864, and related measures, which would make important extensions in the Wild and Scenic Rivers Act. We also endorse those bills which are before the committee, on your docket today, introduced by individual members for the purpose of including additional rivers in the study category.

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

First, we would recommend full extension of interim protection that is granted for study rivers. As you know, that protection currently will extend for only a 5-year period, and it's proposed to be extended for only a 5-year period.

Mr. TAYLOR. Excuse me. I don't believe you were here yesterday when we discussed that idea.

I can see one advantage of eliminating the extension, that permits unreasonable delays by the administrators in the Interior Department and Agriculture Department. If they have unlimited extensions, they might figure in terms of 12 years to bring this study around, where it is now less than 5 years. We are trying to speed them up.

Mr. SCOTT. Mr. Chairman, I think an important distinction, and I appreciate that and we share in your views that the program needs to be considerably speeded up. And this is not unlike the experience we have had over the last 9 years with the Wilderness Act, where a great deal of foot dragging occurs, and much work needs to be done before this committee as you know. But I think the distinction—

Mr. TAYLOR. I'm sure we share your desire that the moratorium continue until the studies are completed and Congress takes action.

Mr. SCOTT. I think we might make it a useful distinction, Mr. Chairman, as the Wilderness Act does, between a deadline for the completion of studies and the granting of interim protection. The Wilder-

ness Act protects areas, as the courts have determined, until Congress acts on them. But it still puts a 10-year deadline on the President, and as you may recall several years ago, it was this committee and particularly now Senator McClure who raised that point very strongly and helped speed up the process under the Wilderness Act.

We think that perpetual protection until the Congress has determined otherwise is essential to protect the jurisdiction and interests of this committee. You place yourself otherwise in the circumstance where you may just be in the throes of considering a bill for a particular study, or the study may be delayed, and unless you can again and again extend the 5-year limitation, you will find yourself almost caught in a position of automatically deciding to develop the river simply by losing the control this committee ought to have.

In our view, this committee has the full and complete and appropriate jurisdiction over the question of preserving the wild and scenic and recreational values of all of America's rivers. That cannot be entrusted to other committees whose primary interest and jurisdiction and experience is in the development of rivers. And we think this committee ought to hold onto its jurisdiction by the expedient process of granting perpetual protection until such time as it has determined otherwise. And we feel very strongly that this would be a very helpful step in the right direction.

I also should point out that we have recommended some language in the body of my testimony that would accomplish this purpose, by amending section 7(b) of the Wild and Scenic Rivers Act.

And also in that same recommended amendment, we propose that you drop the words "water resources" of which at the moment limits the control to water resources projects. And extend this interim protection to all manner of federally aided or assisted projects, such as highways, transmission lines, and other items that might not be defined as water resources projects, but are just as deadly to these wild values of the river.

We have also recommended that you remove the discretionary authority of the administering Secretary to ascertain whether a particular project is or is not posing a threat to the river values. You have a very serious conflict situation here with the Secretary of the Interior simultaneously administering the Bureau of Reclamation, simultaneously issuing strip mining leases in the West, and at the same time that he should be looking out for the protection of the rivers.

We think that whether a particular Federal action is or is not a threat to a wild river should be a matter for the consideration of Congress and the courts, and not at the discretion of the Secretary.

The second matter on this legislation, Mr. Chairman, we wish to recommend that you increase the flexibility in the potential acquisition of scenic easements to no more than 320 acres per river mile, something like a 1,300-foot setback on either side of the river, on the average.

While this limitation may be sufficient, or even more than necessary in some cases, there is a danger of creating a restriction so inflexible as to in fact defeat the purposes of the act by failing to fully protect the watershed, scenic vistas, and recreational values of the designated rivers. We believe that, as a minimum improvement at this

time, the committee should extend the 320 acres per mile limitation on scenic easements to a more reasonable figure, perhaps double.

At the same time, we would strongly urge that you include in your committee report language that would clarify the situation for the administrators and the public, to specify that when the administrators bring in a recommendation on a new wild, scenic, and recreational river, they do not need to feel themselves limited by the 320 acre per mile limitation. That in fact, if the circumstances warrant it, they should feel free to come before his committee and say, we need the whole watershed, we need 600 acres per mile, we need to go back half a mile from the river, or whatever it happens to be.

As you know, Mr. Taylor, this committee has designated a number of special rivers, the Buffalo National River in Arkansas, the Ozark National River, where it found it necessary to go to a much wider protective zone. And we would worry that administrators might feel that the apparent law set a limit that they could not recommend beyond. We've heard that kind of a limit discussed today by a Member of the Congress before this committee. As though it were written in the stars. And I think some language in the committee's report would clear up that problem.

Finally, we wish to endorse the concept of adding greatly to the list of study rivers. In your committee report in 1968, you listed the principles of the bill. And one of those was to be selective and modest in the original listing of the 27 study rivers. And you said at that time that this was not because the committee believed that there were no other streams than those listed in the bill that should deserve protection, but because it is desirable to gain operating experience before embarking on a more extensive list.

Well, we have 5 years operating experience, not all of it entirely satisfactory in terms of the pace, but we think it is time to recognize that balanced with the need to go slow in this project is the important need to give this interim protection to additional rivers.

I will not list specific ones, but we do endorse those that have been placed before the committee by Members of Congress, including, may I say, the four bills that have been sponsored by Mr. Roncalio, all of which we think are excellent.

Perhaps it is unnecessary to say, Mr. Chairman, that this is not the time to argue or be considering the removal of any river from the study list—as has been proposed in a number of cases. And we do defer to the listing of rivers that has been presented, and will be amplified by the American Rivers Conservation Council, which has gone into this matter very thoroughly.

Thank you.

Mr. TAYLOR. I suggested that the controversy concerning the Oklawaha should be dealt with in a separate bill and not be put in any omnibus bill that we might develop. What is your reaction to that?

Mr. SCOTT. I'm a little hesitant to say anything specific on that, Mr. Chairman, because I don't know the local circumstances. And I gather they are extremely inflamed.

I do think that you have a very good point in expressing the importance of getting this legislation on the President's desk in advance of the cutoff in October. And if that were endangered, then I believe that that type of consideration should have a great weight.

Mr. TAYLOR. Well, that time period would be in danger of expiring if this controversial issue caused the defeat of the legislation.

Mr. SCORR. May I make one additional point, Mr. Chairman, that I failed to make in my presentation?

I've had some discussions the last couple of days with conservationists from the State of Oregon. As you may know, in 1970 the State of Oregon, by means of a petition of the voters of the State, directly adopted a State Scenic Waterways Act, the first successful initiative in that State in 20 some years.

Subsequently six rivers in Oregon have been designated as wild and scenic waterways under the provisions of that Act. One of those is the Rhode River, the same portion that Congress had already designated under the Federal law. The other five rivers in Oregon merit inclusion in the national system, importantly because they largely flow through Federal lands. And while the State can designate the river itself for protection, it needs a commitment from the Federal Government for its assistance and cooperation in the administration of forest service lands that are involved.

Sad to say, Governor Tom McCall of Oregon, more than 2 years ago wrote to the Secretary of the Interior requesting that these five rivers be designated by the vehicle of the act for inclusion in the national system to gain this kind of commitment for Federal cooperation.

I have not yet seen the correspondence, so I can't be specific on the reasons. But I am told that the Secretary turned the Governor of Oregon down flat, for less than adequate reasons.

We would request the committee to look into this matter. I understand the Governor will be writing to you about this, and the rivers in question are the Illinois River, the DeShoots River, the entire Minum River, the south fork of the Owlhee River, and the main stem of the John Day River, most of these being in eastern Oregon.

The State has already shown its good faith and interest in the preservation of these stream segments, and it is highly disappointing to us that apparently the Secretary has been less than responsive to the overwhelming expression of interest in Oregon.

Mr. TAYLOR. I would also suggest that this matter be brought to the attention of the Congressmen representing those areas.

Mr. SCORR. I talked with the staff of Mr. Ullman, and he is deeply interested in this, and I imagine you will be hearing from him as well.

Mr. TAYLOR. Well, we included all of the bills which had been introduced which provide for river studies, in addition to the departmental recommendations concerning this program. At the time we scheduled this hearing, we didn't have any bills on the rivers that you mentioned.

Mr. SCORR. Yes, Mr. Chairman, on that point I wouldn't want to say that all of the bills that have been introduced, the eight or nine for specific new study rivers are strictly the result of a random process. But that doesn't really reflect the kind of careful planning that might be done after seeing which additional rivers actually merit this protection and study.

I know that organizations who have a particular interest in this subject have been to other Members of Congress and contacted local

groups around the country to say, are there other rivers. But as for example, with Mr. Roncalio, he has introduced his four bills subsequent to the announcement of these hearings. And we would hope that you would make it known to the Members of Congress, in whatever way might be most efficient, that there is time to consider other additional study rivers. Because we may not be doing this again for a while. And this interim protection really is quite important.

Mr. TAYLOR. Any questions of Mr. Scott?

[No response.]

Mr. TAYLOR. Thank you for your testimony.

Mr. SCOTT. Thank you.

Mr. TAYLOR. Lynwood Roberts, Jacksonville, Fla., Sixth County Canal Association. And Henry Toland, Florida Ports and Water Resources Association.

STATEMENT OF LYNWOOD ROBERTS, PRESIDENT, CROSS COUNTIES CANAL ASSOCIATION

Mr. ROBERTS. Mr. Chairman, members of the committee, I am Councilman Lynwood Roberts of Jacksonville, Fla., and I also serve as president of the Cross Counties Canal Association.

The association consists of the six counties through which the canal is located. I am here today to express my views and the views of our association in support of Congressman Chappell's bill and in opposition to Congressman Burke's bill.

There are many reasons why Congressman Chappell's bill should be supported. One of those you have already heard. I do not want to be repetitious, so I will omit a great portion of my prepared text.

One of the reasons why Congressman Chappell's bill should be supported that has not been brought out so far, in my opinion, is a moral obligation from the local, Federal and State governments that has not been completed. The canal—

First of all, let me say that we in northeast Florida are very proud of our rivers and wildlife. The canal project was started with the full force of the Federal and State laws working together, as is proper in our Federal system of government. The present status of the canal leaves our citizens in northeast Florida wondering what happened to the process of law.

This matter is presently pending before the Federal courts, and at the same time we find the efforts indirectly attempting to further thwart the process of law.

As you know, this project has been studied at length, and numerous reports have been made by governmental agencies. You also are aware that many reports have been prepared by various organizations adverse to this project. It is very important that you should keep in mind the fact that none of the governmental reports prepared over the long course of this project have been adverse to the canal project.

Let me invite the proponents of Congressman Burke's bill to join with us in asking that a thorough and complete inquiry be made into all aspects of this controversy. In this regard, I believe that you should consider the fact that we have within our technical and financial ability the means to not only complete the barge canal, but also to reserve large remaining portions of the Oklawaha River. Thus, the people could enjoy not only the economic and recreational advan-

tages of a completed waterways project, but at the same time they could enjoy the beautiful and natural environment of the Oklawaha area.

Gentlemen, Mr. Chappell's bill is the best of both. It serves the purpose of both. This is the kind of balancing that represents good government, the good government that represents the welfare of the people that pay the bill. I urge your consideration for such a balance and not to allow the opponents to the canal to use the scenic and wild rivers program as an end-run to accomplish its defeat of the canal outside of the normal process of law.

Mr. Chairman, I might also like to say, here today and yesterday I heard numerous reports about northeast Florida. They came from people throughout the United States, and very few of those in opposition or none that I know of were from the Jacksonville and the six counties that are involved area.

I am amazed that we have people thousands of miles away that have never visited this area that expound so freely on what is best for north Florida, the areas that I am in daily contact with and represent on an hourly to hourly basis.

I can assure you the county commissions of all six counties 100-percent support the completion of the project that was promised to our people. Promised to the extent that the people of north Florida paid ever long taxes mounting to approximately \$12 million on the local level for this completion. And now we find that just by a stroke of the pen the entire project has been denied. And the justification for it leaves us wondering.

Thank you.

Mr. TAYLOR. Thank you, Mr. Roberts. Are there any questions?

[No response.]

Mr. TAYLOR. Now, Mr. Toland, we would be glad to hear from you at this time.

STATEMENT OF HENRY TOLAND, FLORIDA PORTS AND WATER RESOURCES ASSOCIATION

Mr. TOLAND. I am Henry Toland, I live in Tampa, Fla., am a native of Florida, and am here representing the Florida Ports and Water Resources Association.

Our interest is primarily transportation. We support the Cross Florida Barge Canal, we think it is the one single most important project that we have in Florida.

We think that the Burke bill, the effect of it will be to delay or to destroy that project. We think that the Chappell bill will protect those parts of the Oklawaha that would qualify for the scenic and wild rivers protection.

And so, we respectfully ask that you kill the Burke bill, and we support the Chappell bill.

Mr. TAYLOR. We thank you, Mr. Toland.

Are there any questions?

[No response.]

Mr. TAYLOR. We appreciate that.

Now, we have one more person mentioned here, and then I think Congressman Chappell has a few people. Willetta McCusker?

FROM THE FLOOR. Sir, my colleague here testified yesterday, and since I am only the property owner, I would have it go on record that I agree wholeheartedly with what he has already said. And let it go with that at this time.

If that is all right.

Mr. SEBELIUS. All right, that's fine.

All right, Mr. Chappell, you said you had a couple more people you wanted to present?

Mr. CHAPPELL. Mr. Chairman, we actually have already heard all except one gentleman, who somehow or another, his name did not get on the list.

Can we hear him briefly?

Mr. SEBELIUS. All right, that will be fine.

Mr. CHAPPELL. I would like to call Mr. D. D. Allen.

STATEMENT OF HON. D. D. ALLEN, MAYOR, INGLIS, FLA.

Mr. ALLEN. Mr. Chairman and gentlemen of the committee, my name is D. D. Allen, mayor of the town of Inglis, Fla. I am also chairman of the board of the Florida Canal Navigation District.

I respectfully come before this committee in opposition to the Burke bill, House bill No. 4469, making all of the Oklawaha River into a study river.

The Navigation District Board has, over the last 40 years, levied approximately \$10 million in taxes, the most of which has gone for the purchase of rights-of-way for the Cross Florida Canal.

My further opposition to the bill is because of the constricted flow of this river is a constant threat of flooding of the populated area of Silver Springs, during times of flood.

The six counties composing the Navigation District Board have a heavy investment in this land involved and this measure under consideration is virtually a seizure without due process, in effect. The sponsors of this bill do not live in the area and the subject river is completely out of their district.

The implementation of this measure would destroy Lake Oklawaha, a reservoir of approximately 18,000 acres of good sweet water, that has become the favorite recreational area of thousands of people.

Thank you.

Mr. CHAPPELL. Mr. Chairman, that completes ours, but I would like to make one word in summary.

That is, we have emphasis first on the statement which was put in the record by Mr. Giles, which clearly shows the intent, although the Interior and Government may be saying one thing before this committee, their actions speak louder than their words and the court action has been all the way to force the draw down of this river, of this lake, which would be extremely harmful.

I just would ask the committee to be very cognizant of the fact that the whole story was not told by them on this occasion, and their actions speak louder than their words.

I would like to say again that this is a highly controversial matter, and I support the chairman's view that this is highly controversial, take it out and consider it separately. Then let's go on with the main bill.

Then let us have proper hearings. If you are going to consider the act and be called upon to deactivate something, let's give it proper hearings and afford our people the opportunity to be heard. If, on the other hand, we have to take the proper segments and qualify them and then put them in there, I'm for that. I want to do that. I have been very much in favor of that.

But I don't want to see us do something here without having all of the facts before us. This is a backdoor tactic by those who even have trouble pronouncing the name Oklawaha.

Thank you.

Mr. TAYLOR. Well, we thank you for your testimony, Congressman Chappell.

And we thank the other witnesses who have come here and given us the benefit of their views concerning this very important legislation.

This ends the list of witnesses, and the House will be in session in about a minute or two.

So, the subcommittee stands adjourned.

[Thereupon, at 12 o'clock p.m., the hearing was adjourned.]

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APPENDIX

[EDITOR'S NOTE: Numerous letters and materials were submitted to the subcommittee which dealt with the wild and scenic rivers program. To the extent that they seem to present new information, they have been included in this appendix to the record.]

[Additional information concerning the North Fork of the American River.]

THE NORTH FORK ASSOCIATION,
Auburn, Calif., June 8, 1973.

HON. JAMES A. HALEY,
Chairman, House Interior and Insular Affairs Committee,
Washington, D.C.

DEAR MR. HALEY: We understand that the Interior Committee will hold hearings on Wild and Scenic Rivers legislation, including H.R. 4326, on June 12, 1973. The North Fork Association is a non-profit corporation consisting of 25 members who jointly own approximately 5,000 acres of North Fork of the American River watershed.

We own a five-mile long section of the North Fork commencing near Heath Springs in Section 16, Township 16 North, Range 14 East and running easterly to a point in Section 8, Township 16 North, Range 15 East. The Association has owned this land for many years. It has been our goal to preserve the acreage in its original state. It is an area of delicate ecological balance which is not conducive for use by large numbers of people.

We support the purpose of H.R. 4326 which would authorize an indepth study of the deep river canyon area of the North Fork running from Auburn Reservoir to the upper end of the Royal Gorge for potential addition to the National Wild and Scenic Rivers system.

The State of California has already included the North Fork from the Sierra crest to the Auburn Reservoir in its Wild and Scenic River system which in fact prevents the building of dams or any other type of blockage of the natural flow of the river.

It is our recommendation that the words on Line 7, Page 1 of H.R. 4326 be amended by deleting the word "Cedars" and substituting the following words, "point where Fallsade Creek enters it . . ." The reason we recommend this boundary is that it is the eastern boundary of the deep river canyon area. The river drops sharply for 3,500 feet from the crest of the Sierra to the pool of the river where Fallsade Creek enters at a 4,400 feet elevation. Beyond this point the drop is gradual and the ecology that of a deep river canyon. From this point eastward the River runs from the upper end of the Royal Gorge for a distance of three-quarters of a mile through an impassable solid rock narrow river canyon ending at Heath Springs. The upper end access to the proposed deep river canyon park area is by way of Fallsade Creek. The area from Heath Springs eastward to the crest of the Sierra is substantially in private ownership and is of a high Sierra character.

In fact, we are looking at two distinctly separate river sections both geographically and ecologically. Our recommended change of wording would clearly limit the study of a river park to the long deep river canyon.

In addition, the suggested amendment would clear up the confusion created by the use of the term "Cedars". The Cedars and the North Fork Association are one and the same. The "Cedars" also is used as a location of our camp on U.S.G.S. maps. If the term Cedars is used there would be confusion as to the location of the easterly boundary of the proposed park.

We urge that you recognize the essential difference in nature between these two sections of the river. We would be pleased to assist you in obtaining informa-

tion on the river above Wabena Creek to the crest of the Sierra. We ask that this letter be made part of the record of the hearing on H.R. 4326.

Sincerely yours,

WARREN LAWRENCE,
Board of Directors.

SIERRA CLUB, MOTHER LODE CHAPTER,
Sacramento, Calif., June 7, 1973.

HON. ROY TAYLOR,
*Chairman, Subcommittee on Parks and Recreation,
House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN TAYLOR: We urge you to give a do pass on Congressman Johnson's bill HR-4326. It is our opinion that the North Fork of the American River between the Cedars and the Colfax-Iowa Hill bridge qualifies for Wild River status. Last year the State of California adopted the North Fork of the American River into the State Wild Rivers system. We feel that the North Fork deserves to be studied for possible consideration.

Thank you for your consideration in this bill.

Sincerely,

CHRISTOPHER L. CARR,
Chairman, Placer County Conservation Committee.

(Additional Information Concerning the Cahaba River)

THE ALABAMA CONSERVANCY,
Birmingham, Ala., June 18, 1973.

HON. ROY A. TAYLOR,
*Chairman, Subcommittee on National Parks and Recreation,
House Office Building, Washington, D.C.*

DEAR MR. TAYLOR: I respectfully urge that the Subcommittee on National Parks and Recreation of the House Interior Committee give favorable consideration to H.R. 2307, to study the Cahaba River in Alabama for possible inclusion in the National Wild and Scenic Rivers System.

It would not be possible to tell you in one short letter of the many unique qualities of this most beautiful stream that make it so eminently qualified for such status. Suffice it to say that the Cahaba possesses outstanding scenic, recreational, geological, fish and wildlife, botanical, historical, archeological and other scientific and cultural values of great present and future benefit to the people.

The Cahaba flows through the center of the state, partially in the rugged hills and valleys of the Appalachian Province and partially through the Inner Coastal Plains. It is unsuitable for intensive industrial development and its fluctuating flow makes it undesirable for power generation. It has consequently remained in a natural state, the only remaining major free flowing stream among our numerous Alabama rivers.

The Cahaba has always meant a great deal to all central Alabamians. There is a tremendous popular sentiment for preserving this valued stream, but steps need to be taken immediately because of the immense pressures for development along the river especially in the Jefferson-Shelby County area. Favorable action by your Subcommittee on H.R. 2307 would add impetus to much needed (and already introduced) local legislation directed towards protection of this priceless natural resource.

Alabama has been so abundantly blessed with its fresh water river system—the largest of any comparable area in the United States—and so relatively lightly populated, that the people have not felt the need to legislatively protect these streams and their banks. The awakening realization of what has already been lost and the real necessity for constructive protective measures is now being felt, and the initial efforts are directed towards the Cahaba because, as I hear so many say, "If you can't preserve the Cahaba River, you can't save anything in Alabama".

I do fervently hope that your Subcommittee will act favorably on the Cahaba River's proposed consideration for the National Wild and Scenic River System.

It could mark the beginning of a new era in Alabama—an era in which Alabamians take action to preserve that which they have always held dear.

Thank you very much.

Sincerely,

Mrs. LANDSAT C. SMITH,
Clean Water Chairman.

STATEMENT OF MARY I. BURKS, EXECUTIVE SECRETARY OF THE ALABAMA CONSERVANCY

The beautiful Cahaba River is prized by an ever growing army of Alabamians who are determined to see it saved for their use and for their descendants. As the last large free flowing stream in the state with no major impoundments, the Cahaba is unique in many respects.

It serves the largest concentration of people in the state, the six-county metropolitan area of Birmingham, containing 767,230 people in Jefferson, Walker and Shelby and St. Clair Counties. The Cahaba drainage basin covers approximately 1870 miles in eight counties.

At least 60 per cent of Alabama's 3.4 million people live within a 100-mile radius of some portion of the Cahaba. Cities and towns easily accessible to the river include Birmingham, Bessemer, and all other towns in Jefferson County, Columbiana, Centerville, and Selma. Within a 100-mile radius are Tuscaloosa, Gadsden, Anniston, and Montgomery.

FEASIBILITY STUDY

The Alabama Conservancy, a major state conservation organization representing around 10,000 people has urged preservation of the Cahaba River for the past four years. A study leading to the inclusion of the Cahaba in the National Wild and Scenic Rivers System is the best way to insure protection of this much-loved waterway.

One of only two intrastate streams in Alabama, the Cahaba has escaped much of the degradation which plagues rivers over the United States. However, the pressures of population in the near future make it imperative to act on the Cahaba now. The Conservancy urges that the Bureau of Outdoor Recreation begin a study of the Cahaba as soon as possible to determine those segments which qualify and the classification under which they properly fall.

To facilitate this study the Alabama Conservancy will undertake to assist BOR in every way possible. We have had considerable experience in this field in the Bankhead National Forest where the Wilderness Committee of the Conservancy undertook a feasibility study in cooperation with the United States Forest Service.

Three bills are pending before the Alabama Legislature to protect the water quality and integrity of the Cahaba. Representative Ben Erdreich plans to introduce a bill to create an Alabama Scenic Rivers System including the Cahaba, and also a Resolution in both Houses of the Legislature urging the passage of H.R. 2307.

RECREATIONAL QUALITY

Many Alabamians believe that the Cahaba is the most scenically attractive, historically significant, and biologically reproductive river in the state. The Cahaba is often the central or sole recreation resource in the rural areas of the counties through which the river flows. Families live along the Cahaba; fish, swim and boat in it, hunt and hike along its shores. Enjoying the Cahaba is a way of life handed down through the years, and these people strongly resist any change which degrades the quality of their river.

The shores and islands of the Cahaba abound in great trees, flowering shrubs, ferns and hosts of wildflowers. Mountain laurel lines the cliff tops and wild azaleas perfume the air. The beautiful white spider lily, *Hymenocallis coronaria*, grows in great profusion in both riffles and shallows, especially in the area of Lily Shoals, Boothton Ford and the Piper Bridge. The Department of the Interior has investigated Lily Shoals for designation as a National Natural Landmark.

The Cahaba serves as a refuge for many species of fishes now extinct or seriously depleted in other Alabama waters. A total of 123 of the 148 species of fresh water fishes found in Alabama are native to the Cahaba. Several species are found only there and a number are endangered. It has long been a favorite river for Alabama's fishermen.

HUNTING LANDS

Much of the Cahaba is bordered by timber producing lands where hunting is excellent. Deer and turkey are abundant. The Department of Conservation manages two areas totalling 65,000 acres.

The river flows through several very different geological strata which create contrasting scenery and habitats along the way and encourage the growth of a wide variety of plants and animals.

The Cahaba is rich in Indian relics, and the first permanent capital of the state was established on its banks in 1819. There are several sites along the Cahaba worthy of designation as National Historical Landmarks.

An excellent discussion of the Cahaba with a map of the drainage basin appeared in the *Alabama Statewide Comprehensive Outdoor Recreation Plan*, Volume 11, "Potential Wild and Scenic Rivers Program for Alabama," October 1971. This Chapter accompanies this statement for inclusion in the hearing record.

The Alabama Conservancy hopes for an early favorable report on H.R. 2307 introduced by Representative Walter Flowers and protecting one of Alabama's priceless natural treasures.

[Telegram]

BIRMINGHAM, ALA., June 20, 1973.

Hon. ROY A. TAYLOR,
Chairman of the Subcommittee on National Parks and Recreation, U.S. House of Representatives, Washington, D.C.:

I strongly urge your support of House bill H.R. 2307. Passage of this bill is vital to protecting our beautiful Cahaba River environment by making it a potential addition to the National Wild and Scenic Rivers System.

A study of Cahaba River is essential for future preservation of this beautiful and scenic river area. Your help is greatly appreciated.

GEORGE G. SEIBELS, Jr.,
Mayor, city of Birmingham, Ala.

STATEMENT OF MR. PAT H. SIMS, CONSERVATION CHAIRMAN, SIERRA CLUB,
TUSCALOOSA, ALA., GROUP

Mr. Chairman, the Tuscaloosa, Alabama group of the Sierra Club urges a favorable report and prompt passage of H.R. 2307, a bill providing funds for study of the Cahaba River in Alabama for possible inclusion in the Wild and Scenic River system. Members of our group use the Cahaba extensively for canoeing and other recreational activities, and are vitally interested in the preservation of this wild stream.

The Cahaba is the only major free-flowing stream in Alabama. For much of its length the river flows through or near the Birmingham metropolitan area. This fact indicates both the need for immediate inclusion in the system and the great benefits which will result.

The wild state of the Cahaba is threatened by a growing number of construction projects and water diversion schemes resulting from urban sprawl. The need for quick action to protect the river from this uncontrolled growth is clear. By the same token, the wild Cahaba is within a few miles of over one million Alabamians. As a result, the benefits envisioned by those who fostered the Wild and Scenic River system—preservation of free-flowing rivers for the enjoyment of large numbers of citizens—could nowhere be more easily achieved.

Much of the botanical and zoological study necessary before the inclusion of a river in the system has already been done on the Cahaba by members of our group and other interested Alabamians. They would of course be happy to share these studies, and undertake other required investigations, in order to reduce the cost of the Cahaba's inclusion. Whatever the cost, the Cahaba merits inclusion in the system, and hopefully passage of H.R. 2307 will be a major step toward that goal.

Thank you.

BIRMINGHAM, ALA., June 8, 1973.

HON. JAMES A. HALEY,
*Chairman, Interior and Insular Affairs,
 House Office Building, Washington, D.C.*

DEAR MR. HALEY: In reference to H.R. 2307 introduced by Walter Flowers and to be heard on June 11th and 12th, we of the Birmingham Canoe Club would like to express a strong sentiment in favor of including portions of the Cahaba river in Alabama as a part of the Wild and Scenic Rivers Act. This river, in certain stretches, could easily have a wild river designation and many more miles of it could be classed as a scenic river under the term set forth in this act.

We would also like to highly recommend that four other rivers in Alabama be considered for wild or scenic classification. These are: the Locust Fork of the Warrior River, particularly that section extending from Royal, Alabama to Highway 160; Little River in DeKalb and Cherokee County and within the boundaries of the Canyon Division of DeSoto State Park; West Fork of the Sipsey in the Bankhead Forest, and finally Hatchet Creek.

Thank you for your assistance in this matter.

Sincerely yours,

JOHN H. FOSHEE,
President, Birmingham Canoe Club.

(Additional Information Concerning the Oklawaha River)

STATEMENT OF MARJORIE H. CARR, PRESIDENT, FLORIDA DEFENDERS OF THE ENVIRONMENT

Florida Defenders of the Environment, Inc. is a non-profit organization with headquarters at 35 North Main Street, Gainesville, Florida. FDE is a volunteer coalition of about 300 specialists—scientists, economists, lawyers, land-planners and concerned citizens—dedicated to the protection of environmental quality in Florida through the preparation of special reports based on reliable information. One of the major projects of FDE has been to prevent the damage and/or destruction of the Florida environment by construction of the now defunct Cross-Florida Barge Canal project. In pursuing this goal FDE specialists studied the Oklawaha regional ecosystem and, in March 1970, published a 117 page report, "Environmental Impact of the Cross-Florida Barge Canal with special emphasis on the Oklawaha Regional Ecosystem."

Among the recommendations resulting from our report are the following: (1) restoration of the section of the Oklawaha Valley damaged by canal construction (the river proper in this region has not been channelized—just drowned); (2) inclusion of the canal-right-of-way lands in the Oklawaha Valley in the adjacent Ocala National Forest; and (3) designation of the Oklawaha River Valley from the Dead River Swamp area downstream to the St. John's River as a National Wild and Scenic River.

Florida citizens have worked hard for many long years in the effort to set aside the river as part of our natural heritage. An article, "The Oklawaha River Wilderness," published in the Florida Naturalist in August, 1965 (copy attached to this statement), describes the characteristics and values of this Florida asset and conservationists as early as 1964 adopted Save the Oklawaha as their slogan. Some of the Florida conservation organizations that have been engaged in the struggle to save the river over the past eight years are: Florida Audubon Society, Florida Wildlife Federation, Florida Chapter of the Sierra Club, Florida Division of the Izaak Walton League of America, and the Florida Federation of Garden Clubs.

Ten years ago, 1963, the Oklawaha River was included as one of 63 rivers of America recommended for wild river status by a Joint Wild Rivers Study Team of the United States Department of Agriculture and the United States Department of the Interior. The Oklawaha is part of the national natural treasure. That it is recognized as such is indicated by the fact that the following national organizations banded together to form the *National Coalition to Save the Oklawaha*; Sierra Club, National Parks Association, National Audubon Society, Trout Unlimited, Friends of the Earth, Environmental Defense Fund, Citizens Committee on Natural Resources, Izaak Walton League of America, The Wilderness Society, and National Wildlife Federation.

A majority of the elected officials of the State of Florida are in favor of saving the Oklawaha. This was indicated by a poll of candidates, taken in

1970, that revealed that 81% were in favor of a moratorium on barge canal construction. More recently—August 1972—The Governor and Cabinet of the State of Florida adopted a resolution that indicates that *the Canal must be rerouted around the Oklawaha Valley before the State will consider a resumption of Canal construction.* Governor Reubin Askew (May 1973) interprets this resolution as *"a recognition on the part of the State that the Oklawaha Valley is beautiful and unique and worthy of preservation"*.

When President Nixon halted the barge canal, in January 1971, he said, "A natural treasure is involved in the case of the Barge Canal—the Oklawaha River—a uniquely beautiful, semi-tropical stream, one of a very few of its kind in the United States, which would be destroyed by construction of the Canal."

Obviously, the decision at several levels of government has already been made—that *there is to be no barge canal in the Oklawaha Valley.* The barge canal is simply not an issue here.

What is at issue now is to determine the best use for *all* of the lower Oklawaha River Valley adjacent to the Ocala National Forest. This is what HR 4469, sponsored by Congressman Burke, would begin—a study to determine if indeed the Oklawaha River Valley should be included in the system of National Wild and Scenic Rivers.

Florida Defenders of the Environment urges the Subcommittee on National Parks and Recreation to strongly support HR 4469.

(The attached article, "The Oklawaha River Wilderness," from the Florida Naturalist, August 1965, has been placed in the committee files.)

FLORIDA DEFENDERS OF THE ENVIRONMENT, INC.,
Gainesville, Fla., June 12, 1973.

To: Members of the National Parks and Recreation Subcommittee, Committee on Interior and Insular Affairs.

Re H.R. 4469, introduced by Representative J. Herbert Burke.

DEAR CHAIRMAN TAYLOR: We thought that you would be interested in the enclosed material describing the position of the Governor and Cabinet of the State of Florida concerning the value of preserving the Oklawaha River Valley.

Florida citizens have worked for many long years in the effort to preserve this beautiful sub-tropical river. Your support of H.R. 4469 will be greatly appreciated.

Most sincerely,

MARJORIE H. CARR, *President.*

(EDITOR'S NOTE: The resolution forwarded with the correspondence was included in the record at p. 101 and the newspaper articles will be found in the committee files.)

STATE OF FLORIDA, OFFICE OF THE GOVERNOR,
Tallahassee, Fla., May 23, 1973.

Mrs. MARJORIE H. CARR,
President, Florida Defenders of the Environment, Inc.,
Gainesville, Fla.

DEAR MRS. CARR: This is to respond to your recent letter about the Cross Florida Barge Canal.

At this time there is no official State position on the Oklawaha River Valley as such. There is an official position on the Barge Canal which indicates the Canal must be rerouted around the Oklawaha Valley before the State will consider supporting a resumption of Canal construction. I think this shows a recognition on the part of the State that the Oklawaha Valley is beautiful and unique and worthy of preservation. (A copy of the State position is enclosed.)

As to continued participation and litigation by the Canal Authority and the Federal Government's proposal to repay the State and Counties for their previous expenditures, I do not believe that at this time the Federal Government's proposal is firm; it is still only a proposal and there is no executive or congressional action to guarantee it. If the Federal Government acts to indemnify the State and Counties, we would seriously consider ending the litigation by the Canal Authority.

I appreciate your continuing concern in this matter and this opportunity to comment.

With kind regards,
Sincerely,

REUBIN O'D. ASKEW, *Governor.*

ALACHUA AUDUBON SOCIETY,
Gainesville, Fla., June 19, 1973.

Representative ROY TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE TAYLOR: I am writing on behalf of more than 600 members of Alachua Audubon Society to express our very strongest support for H.R. 4469, introduced by Rep. J. Herbert Burke, "to provide for study of a certain segment of the Oklawaha River for potential addition to the national wild and scenic rivers system."

Alachua Audubon has been working for the preservation of the Oklawaha River, a unique sub-tropical river wilderness, for nearly ten years. We consider the Oklawaha Valley a priceless natural resource, not only for our region and state, but of the United States. The 57 miles of the river which would be studied under this bill are still wild and beautiful, and would certainly qualify as additions to our wild and scenic rivers system.

We hope that favorable action will be taken soon by your subcommittee and committee, and by the House on H.R. 4469.

Sincerely yours,

Mrs. C. IAN HOOD, *President.*

(Additional information concerning the Shavers Fork of the
Cheat River)

TROUT UNLIMITED, MOUNTAINEER CHAPTER,
Fairmont, W. Va., June 12, 1973.

Hon. ROY TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, Longworth Building, Washington, D.C.

DEAR CONGRESSMAN TAYLOR: The Mountaineer Chapter of Trout Unlimited has asked me to convey to you their strong support of H.R. 1401. Shaver's Fork of the Cheat River is the only large stream in this area where one can enjoy quality trout fishing in a wilderness setting. To many of the professional people in this area Shaver's Fork is an invaluable resource for relaxation; an area where one can forget the press of every day work. In fact, its proximity to the more heavily populated areas in Northern West Virginia acts as a favorable influence in having top quality professional people locate in this part of Appalachia rather than going to higher paying jobs elsewhere.

The members of our organization can testify to the wild nature of this area—we saw a black bear there at midday several weeks ago. I need not remind you that this is a rare phenomenon today and does not occur in nonwilderness areas.

Unfortunately, Shaver's Fork is threatened with destruction by coal mining. The pH of the stream is slightly acid at the present time due to natural acidity of soils and to old mines in the area. The mining interests state that they will treat the water but this has not occurred without "accidents" in the past. One large acid spill could ruin the stream as well as the Federal Fish Hatchery at Bowden. When the mine ceases operation, the water still comes out. There is no effective way to seal off acid mine drainage—efforts by the Environmental Protection Agency in sealing abandoned mines several years ago resulted in a 50% decrease in drainage at best. Thus, even if the water is 100% effectively treated during operation (a dubious supposition), when operation ceases so will the stream cease as a viable biologic entity.

In summary, Shaver's Fork is an invaluable, *renewable* natural resource used by all the people in this area. It benefits people who do not even use it by helping attract quality people to the area. We feel that it would be unthinkable to destroy it. Fast, effective action as called for in H.R. 1401 is necessary, and we strongly urge you to give favorable consideration to H.R. 1401.

Thank you.

Sincerely yours,

E. F. HYDE, M.D., *President.*

MAY 30, 1973.

Hon. ROY TAYLOR,
Chairman, Subcommittee on Natural Parks and Recreation, Longworth Building, Washington, D.C.

DEAR MR. TAYLOR: It has come to my attention that three underground mines are to become operational in the near future: (1) T & J Coal Company mine near Glady, a tributary of Shaver's Fork, (2) Satin Sewell Coal Company mine on Shaver's Fork, and (3) Mower Lumber Company mine on Shaver's Fork.

Shaver's Fork together with the North Fork of the South Branch of the Potomac River are the two most heavily fished and stocked trout streams in the State of West Virginia, which is a State noted for its trout fishing facilities. Shaver's Fork also furnishes water to the Federal Trout Hatchery at Bowden, West Virginia, which is an important supplier for trout stocking and which has a present value of approximately \$4,000,000. The water in this stream is at a delicate balance to aquatic life at the present time, and the *unavoidable* acid drainage which will result from the above three proposed operations most probably will destroy such aquatic life and render the Bowden Hatchery useless. While there is a mining moratorium in the national forest land through which a part of Shaver's Fork runs, the above mining operations will be on private ground, and probably mark the beginning of other mine operations. The inroads of a substantial part of coal operations in West Virginia has already deteriorated streams in this State not only in view of aquatic life but also in view of the purity of water in general, for swimming, drinking, etc. In a State which is so heavily dependent upon its natural beauty and stimulation of the economy through the activities of outdoorsmen, it is particularly important that the above mining operations be prohibited. I understand that the only method to prevent this is to designate Shaver's Fork as a wild and scenic river, which I understand Representative Ken Hechler (D-W.Va.) has proposed by H.R. 1401.

The undersigned individuals are not radical environmentalists but are persons who have and will fish this stream in the future and hope that the Bowden Hatchery will continue to supply hundreds of thousands of trout to our State waters as well as to that of adjoining States. We strongly appreciate the shortcomings of the alleged fuel shortage and, therefore, write this letter advisedly. *Again Shaver's Fork is one of the two most important trout streams in the entire State of West Virginia.*

Consequently, any consideration that can be given to the passage of H.R. 1401 or like legislation would be greatly appreciated by many thousands of West Virginians.

Thank you.

Very truly yours,

B. G. SAMPSON, Jr.
 ROBERT G. JAMES.
 JOSEPH D. WOODWARD.
 R. PAUL HUTCHINSON.
 C. V. CRITCHFIELD.

STATEMENT OF BRUCE SUNDQUIST, MONROEVILLE, PA.

I am Bruce Sundquist. I reside at 210 College Park Drive, Monroeville, Pa. 15146. I wish to speak in favor of H.R. 1401, a bill to establish a study of the Shavers Fork of the Cheat River for possible protection as a Wild- or Scenic River. My qualifications to speak on the subject are the following:

(1) I am editor of the last three editions of a "Canoeing Guide to Western Pennsylvania and Northern West Virginia".

(2) I am the editor of all three editions of a "Hiking Guide to Western Pennsylvania and Northern West Virginia".

(3) I am the editor of a "Hiking Guide to the Monongahela National Forest and Vicinity".

(4) I am on the Board of Directors of the West Virginia Highlands Conservancy as a representative of the Pittsburgh Council, American Youth Hostels, Inc.

(5) I have, for the past 12 years, hiked, backpacked, canoed, and rafted extensively in the Shavers Fork Drainage and surrounding area.

West Virginia contains a considerable portion of the most outstanding white-water streams in the east from the point of view of scenic and natural values and wild and undeveloped character. Yet there is, to my knowledge, not a single mile

of any of these streams that has sufficient protection to reasonably insure that the present natural and scenic values will be passed on to even the next generation. Strip mining and deep mining are increasing rapidly, converting more and more streams into troughs of acid and sludge. Plans for new dams are heard frequently each year. Summer home developments are destroying much of the appeal of many miles of West Virginia streams annually. I have seen advanced plans for developments in the Cheat River drainage that leave practically no room for wild, scenic, free-flowing streams—despite the fact that the Cheat River drainage is regarded as one of West Virginia's highest, wildest, and most scenic river systems.

In recent years the value of the beauty and natural appeal of West Virginia's river systems has become most apparent. Canoeing, especially white-water canoeing, is one of the fastest-growing sports in the U.S. Commercial rafting groups (and private rafting groups) are being developed rapidly in response to skyrocketing demand for raft trips. Commercial rafting tours in West Virginia now draw customers from all over the eastern U.S., particularly from areas such as Philadelphia, Washington D.C., Pittsburgh, and Ohio. There are few streams outside those in the West Virginia Highlands that can offer these people the fun, excitement, and outstanding natural beauty that they have come to expect in West Virginia's Highlands. Only recently I found myself rafting Cheat Canyon with five busloads of people from Washington, D.C. and Philadelphia.

The annual white-water canoeing races held recently in the Petersburg area drew so many spectators and participants that the entire 15-mile long area became a massive traffic jam. It is clear that white-water canoe races and rafting tours could provide West Virginia with another major spring-time tourist attraction.

Most canoeists and fishermen that I know and who frequent West Virginia's Highlands regard the Shavers Fork as one of the most scenic, if not the most scenic streams of all the streams in the Highlands. Certainly its popularity with fishermen and canoeists gives ample support to this opinion. A mere glance at a roadmap will show that the Shavers Fork's wild and undeveloped character is particularly noteworthy. The Shavers Fork Drainage contains such outstanding natural attractions as the High Falls of the Cheat, Gaudineer Knob (the last patch of virgin forest in West Virginia), and Cheat Mountain (the largest bear breeding area in West Va.).

Certainly if the Shavers Fork cannot be protected there is little reason to believe that any other West Virginia stream can be. And if no stream in West Virginia is found suitable for Wild- or Scenic River status, where else in the East will we find alternatives as suitable?

The will of the people to protect the last few shreds of America's defacto wild and scenic rivers was embodied in the Wild and Scenic Rivers Act of 1968. The extreme need for, and the extreme shortage of, suitable rivers for the Act's protection here in the East is unquestioned. For this subcommittee to deny even a study of the Shavers Fork for possible protection by the act would assert a clear intent to thwart the spirit and intent of the Wild and Scenic Rivers Act.

(Additional information concerning the Lower Wisconsin River)

[Telegram]

SIERRA CLUB,
Madison, Wis., June 20, 1973.

Hon. ROY TAYLOR,
Chairman, House Subcommittee on Parks and Recreation, House Office Building,
Washington, D.C.

The Sierra Club, along with its John Muir Chapter, supports H.R. 5410 to add the Lower Wisconsin River to the category of study rivers in the National Wild and Scenic Rivers System. The Lower Wisconsin is broad and filled with islands, creating a feeling of remoteness, even though the river lies within easy driving distance of the cities of Madison and Milwaukee. Its gentleness makes it an ideal river for family canoeing groups or for learners. We urge the Interior Committee to act favorably on the bill, and request that this telegram be added to the hearing record.

WILLIAM BEVERLY,
Rivers Chairman.

FRIENDS OF THE EARTH,
Madison, Wis., June 7, 1973.

Hon. ROY TAYLOR,
Chairman, Subcommittee on Parks and Recreation, Committee on Interior and
Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN TAYLOR: The Madison Branch of Friends of the Earth would like to add its support for H.R. 5419, which would designate the Lower Wisconsin River for potential addition to the National Wild and Scenic Rivers System. We would like to call particular attention to the river bluffs, which are largely unspoiled at present and form an important part of the view from the river, even though in many places they are separated from the river by farmlands, villages, and cities. We urge that the planning zone for the Lower Wisconsin River include the entire valley, from bluff-top to bluff-top.

Sincerely yours,

JOHN B. SUTHERLAND, *Chairman.*

MADISON, WIS., June 6, 1973.

Congressman ROY TAYLOR,
Chairman, National Parks and Recreation Subcommittee, House Interior Com-
mittee, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN TAYLOR: I would like to support in the strongest terms possible legislation now being considered by your committee to authorize studies for inclusion of the Wisconsin River in the National Wild and Scenic Rivers System.

I know this stretch of the Wisconsin River extremely well; I have canoed it dozens of times and I have hiked along many parts of it hundreds of times.

I list these reasons for support:

1. Most of this stretch of the Wisconsin River is unspoiled wilderness now. It is amazing to find how little of it has been disturbed. Yet the threats for disturbing this wilderness are heard daily.

2. It is an area of extreme beauty: sandy islands, sandy beaches, wooded shores and river bottoms filled with wild flowers, high bluffs with panoramic views of the river and surrounding valley.

3. From a biological point of view it is an area of great interest and diversity. For example, the sand dunes along many parts of this stretch are inhabited by desert creatures such as prickly-pear cactus and desert lizards. In the woods are pileated woodpeckers and other rare birds.

4. It is close to urban areas, for example only 20 or 25 miles from Madison. The urban areas are spreading fast and will soon overtake any remaining wilderness. Furthermore, it is important to maintain wilderness near large cities so that people can have a place to escape for re-creating themselves.

5. It is not an economically important or useful area.

Congressman, words can hardly express the beauty of this place. It is so important to preserve some of these spots so that my children and yours can enjoy them too.

Sincerely yours,

JULIUS ADLER.

(Additional information concerning the Manistee and Au Sable
Rivers)

STATEMENT OF MR. A. GENE GAZLAY, DIRECTOR OF THE MICHIGAN DEPARTMENT
OF NATURAL RESOURCES

I do not need to dwell on the background or superb qualities of the Au Sable and Manistee rivers. Suffice it to say, they have occupied a significant place in the history of northern Michigan, and are perhaps, the best known and most popular rivers in the State. The already-heavy recreational use pressure on both rivers is increasing, and it was considered significant enough in 1971 to call for state efforts to promulgate regulations directed at controlling the manner of using these rivers and the numbers of users. The regulations were designed to ameliorate or resolve conflicts of use and to prevent degradation of the river and river environment.

Many factors are acting to depreciate the natural character of these rivers. The major ones we see are increasing construction of cabins and homes along their bank, subdivision activity, waste disposal, river over-use by canoeists, fishing pressure, conflicts between recreationists, trespass on private property by recreationists, litter, vandalism and rowdy behavior, and streambank erosion. Finally, property taxation acts to intensify many of these problems since taxes are unfortunately geared to the most profitable use of river frontage, which inexorably results in residential or commercial development.

We recommend that the entire length of these rivers, including the principal tributaries, be included in the study proposals. Study of the river systems should reveal the most critical problems which must be solved, aid in evaluating the most desirable methods of attacking the problems, and develop priorities for their solution.

For these reasons, we welcome the study of the Manistee and Au Sable rivers for possible designation under the National Wild and Scenic Rivers program. We hope that the protection afforded through such designation will insure the integrity of these precious natural areas for both the present generation and future generations.

(Additional Letters and Statements of General Interest)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1973.

HON. ROY A. TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, House Committee on Interior and Insular Affairs, Longworth House Office Building, Washington, D.C.

DEAR CHAIRMAN TAYLOR: The enclosed statement from the St. Joe Valley Association has been sent to me with a request that it be entered in the official record of your recent hearings concerning extension of the moratorium and funding of the Wild and Scenic Rivers Act.

At a later date, I will be submitting my own statement for the Subcommittee's information concerning the difficulties developing along the St. Joe in regard to its presence in the study section of the Act.

Thank you for your time and attention.

Yours for a free society,

STEVE SYMMS,
Member of Congress.

Enclosure.

ST. JOE VALLEY ASSOCIATION,
St. Maries, Idaho, June 5, 1973.

DEAR CONGRESSMAN STEVE D. SYMMS: It's our understanding that the Parks and Recreation Subcommittee of the House Interior Committee is to consider on June 11-12 a proposal to extend the moratorium on development in areas which are under study or designated to be studied for potential inclusion in the Wild and Scenic Rivers Act.

The Bill, HR-4864, calls for the moratorium to be extended another five years and also asks for an additional \$20,000,000 to conduct the studies, according to our sources of information. That amount is over and above the \$17,000,000 already appropriated for the current five year study.

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

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

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

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

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

which also provides a living. The proposal included in HR-4864 runs counter to both those ideas.

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

Thank you.

Sincerely,

DOLLY HARTMAN, *President.*

TENNESSEE CITIZENS FOR WILDERNESS PLANNING,
Oak Ridge, Tenn. June 4, 1973.

HON. ROY A. TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN TAYLOR: Please enter the following into the record of the hearings on H.R. 4864.

Our statewide organization strongly urges support of H.R. 4864, which would extend the moratorium provision for rivers contained in the study category of the National Wild and Scenic Rivers Act.

In our state of Tennessee the rivers are in this study category, namely the Obed with tributaries and the Buffalo. Although the field task force studies on the Obed are now complete, all of the subsequent steps necessary for addition of this river to the system still remain to be taken. As far as the Buffalo is concerned, not even the task force study is complete (though in progress). It is therefore obvious that procedures on both rivers will be incomplete when the moratorium expires.

Since the government bureaus concerned with the studies have apparently been unable to speed up the process, in spite of the expenditure of a good deal of efforts or funds, and since it is quite obvious to us that there findings will declare the rivers to be most worthy of inclusion in the system, it seems essential that the period of protection be extended.

We also strongly endorse addition of rivers to the study category, through enactment of the following bills: H.R. 184 & 1679; H.R. 1401, H.R. 2807, H.R. 2848, H.R. 4826, H.R. 5419, and H.R. 4469 & 5444 (not H.R. 5678). Other rivers may be suggested before the hearing record closes.

Sincerely yours,

WILLIAM L. RUSSELL, *President.*

SAVE OUR RIVERS COMMITTEE,
Salt Lake City, Utah, June 5, 1973.

HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION,
Committee on Interior and Insular Affairs,
Washington, D.C.

GENTLEMEN: I wish to submit the attached statement as testimony before your committee as you consider possible inclusions for study under the Wild and Scenic Rivers Act. I have personally visited all of the rivers discussed and I have studied the Act. There is no doubt in my mind that each of the rivers discussed qualifies for protection under the Act.

Unfortunately, I will be unable to be in Washington to present my testimony in person. Please include my written statement in the record of the hearing.

Very truly yours,

J. B. DEWELL.

Attachment.

TESTIMONY OF J. B. DEWELL

There are so many rivers in Utah which qualify for protection under the Wild and Scenic Rivers Act that we scarcely know where to begin. However, I comment briefly on some of the more important sections of Utah rivers that need and qualify for protection under the Act. All of the rivers on which I will comment are extensively used for recreational purposes.

SAN RAFAEL—ALL NORTH OF I-70 HIGHWAY

The San Rafael begins just below the town of Castle Dale. It cuts through the San Rafael Swell, forming one of the most spectacular canyons in Utah.

Below the San Rafael Swell the river is crossed by I-70 highway. The San Rafael then flows into the Green River.

Below the town of Castle Dale, the river enters the upper San Rafael Gorge at North Salt Wash. This canyon becomes outstanding as it passes under the Wedge Overlook (a scenic overlook maintained by BLM). This section of the river is ideally suited for canoeists, kayakers, and users of other small boats. The rapids are not difficult and the scenery is outstanding.

Farther down the river enters a broader canyon under Window Blind Peak where it is crossed by a maintained dirt and gravel road. BLM maintains an improved campground at the road crossing. This campground is well situated as a base for those using the river for boating or hiking.

The section of the San Rafael between North Salt Wash and the campground easily qualifies as a scenic river. It is free flowing. It is accessible only occasionally and then only by off-the-road vehicles. The shoreline is primitive. The only structures in evidence are a few fences to control livestock and one or two primitive cabins located back some distance from the river. The water quality is typical of desert streams in that it is somewhat alkaline and does carry considerable silt, during the spring. The water is of good quality for recreational purposes.

After the river leaves the road crossing, it wanders in a shallow inner canyon backed by higher outer canyon walls. This section, like the one above the campground, is well suited for canoes or other small boats. The rapids are not difficult and the land is of wilderness quality.

About 12 miles downstream from the campground the river enters a gorge called the Black Box. The rapids can be boated by those wanting a truly wild river experience. The river is rapid, the waterfalls must be portaged. The canyon is hiked by those desiring a wilderness experience. The Black Box is truly Zion Canyon done in wilderness.

The Black Box can be divided into two sections. The upper section ends in a beautiful gorge enclosed by high walls coming virtually down into a placid ribbon of water only 20 feet wide. One must look straight up to see the blue desert sky from this cool, narrow canyon.

The canyon becomes wider again at Mexican Bend where the river makes almost a full circle around Mexican Mountain. After winding its way around this mountain, the river enters the lower section of the Black Box. The Lower Box consists of a lower inner canyon wall backed by a high outer canyon. The inner canyon is very narrow in places. At Sid's Leap the tops of the inner canyon walls are only approximately 15 feet apart. It is said that some members of the Hole-in-the-Rock Gang taught their horses to jump across the canyon at Sid's Leap, thereby eluding the posse. It seems that all available posse members were reluctant to follow such a course. This fine canyon terminates at Tidwell Draw just above the crossing of Interstate Highway 70.

The section of the river between the campground and Tidwell Draw is uncommonly well suited for designation as a wild river. The river is completely free flowing. There are no dams, diversions or other structures in the canyon. In only two or three places can the river be approached by Jeep. There are no roads near the river. The shoreline is completely primitive with no evidence of man. This section includes approximately 85 miles of river.

There are no mining or other commercial activities except grazing within sight of the river.

1969 was a fairly typical water year in the San Rafael area. The following table shows the mean water flows by months during 1969 at the gauge station located just below the interstate highway.

Month (1969) :	Mean flow (CFS)
January	52.3
February	52.4
March	140
April	211
May	613
June	542
July	125
August	146
September	108
October	87.7
November	45.4
December	88.8

COLORADO RIVER

It is imperative that Westwater Canyon be included as an addition to the Wild and Scenic Rivers System. Since this matter is now before Congress, I will present no data here. However, the importance of this canyon cannot be over-emphasized.

From the confluence with the Dolores to the head of Cataract, the Colorado qualifies as a recreational river. This reach of the river is now used for boating in rafts, kayaks and canoes as well as by power boats.

Cataract Canyon now has some protection since it is in the National Park. This canyon should be administered as a wild river. Powered boats should be allowed to continue to use the section from the confluence of the Green to the lower end of Westwater Canyon.

DOLORES RIVER—UTAH SECTION

This section of the Dolores, along with the section that is under study in Colorado, should be included in the Wild and Scenic River System. The reach in Utah qualifies as a scenic waterway. The canyon scenery is of fine quality. It is a fine fishery, a nesting place for Canadian geese and other waterfowl. It is inhabited by blue heron and many other species of birds and animals. The quality of the water is relatively unpolluted.

ESCALANTE—TOWN OF ESCALANTE TO LAKE POWELL

The Escalante has been the subject of considerable study and I am certain that I can contribute nothing new. The Escalante is a fine canyon and should be preserved under the Wild and Scenic Rivers Act.

GREEN RIVER

1. *Flaming Gorge Dam to the southwestern boundary of Dinosaur National Monument.*—This section of the Green qualifies as a wild river. It contains one of the best trout fisheries in Utah. It contains some of the most scenic canyons in Utah. Wild life is abundant and varied. Its canyons are inhabited by deer, antelope and mountain sheep. Bald and golden eagles make their homes above the side canyons. The area is of extreme archeological and geological importance.

2. *Southwestern boundary of Dinosaur National Monument to the confluence with the San Rafael.*—The administration of the above reach of the Green is complicated by the presence of Indian lands. This reach of the river easily qualifies as a scenic river. The Desolation Canyon section qualifies as a wild river except to the extent that the Indian lands would interfere with the administration as a wild river. In any case, this section of the Green needs and qualifies for some level of protection under the Wild and Scenic Rivers Act.

3. *The confluence with the San Rafael to the Colorado.*—This section of the Green should be classified a wild river. However, powered boats should be allowed to continue to use this section of the river.

AMERICAN CANOE ASSOCIATION,
COLORADO WHITE RIVER ASSOCIATION,
Denver, Colo., June 9, 1973.

HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION,
Committee on Interior and Insular Affairs,
Washington, D.C.

GENTLEMEN: I am writing to represent the 200 members of the Colorado White Water Association in favor of H.R. 4864 which would extend the moratorium on FPC licenses for dams on rivers worthy of protection under the Wild Rivers Act.

Since the enactment of the Wild Rivers Bill in 1968, the Congress, the governmental agencies involved, and we, the members of the public, have been derelict in our duty to study and evaluate the free flowing rivers and streams in our country. It is of the utmost importance that we rectify this inadequacy. It is the opinion of our club that many more rivers are worthy of consideration under the Act.

In accordance with this belief, we spent considerable time in selecting rivers that have outstanding characteristics and should be studied. These rivers have

unusual scenic, historical, biological, and recreational features and possibilities. Many of our members have traversed these rivers. (See enclosed list).

Our members are deeply concerned with the inflation that is gripping the country. It is generally agreed that much of the problem results from too much governmental spending. Many of the proposed water projects in Colorado and in other areas of the country are not justifiable from an economic standpoint. The interest rates are far too low and the cost/benefit ratios are questionable. When public money is spent on this type of water project, it wastes not only the money but it destroys an irreplaceable natural asset, a free flowing stream.

I, in behalf of the Colorado White Water Association, would like to thank you for the kind consideration of our thoughts, and request that this letter be made part of the hearing record.

Sincerely yours,

DON RAVENHILL,
Conservation Chairman.

**COLORADO WHITE WATER ASSOCIATION LIST OF RIVERS FOR INCLUSION IN THE STUDY
CATEGORY UNDER THE WILD RIVERS ACT**

Dolores River—The entire river.
Yampa River—Deerlodge Park to the Green River.
Green River—Brown's Park to Split Mountain, the entire river.
Animas River—Silverton to Durango.
Piney River—The entire river.
Arkansas River—Leadville to Florence.
White River—North and South Forks.
Colorado River—The entire River in Colorado, Utah, and Arizona.
Rio Grande—The entire river in Colorado and New Mexico.
The San Juan—The entire river.

**THE IZAAK WALTON LEAGUE OF AMERICA,
INDIANA DIVISION,
Huntertown, Ind., June 6, 1973.**

Re Additions to the study group of the National Wild and Scenic Rivers System.

Hon. ROY TAYLOR,
*House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN TAYLOR: It is our understanding that the Interior Subcommittee on Parks is now taking testimony on additional streams and rivers that might be considered for study under provisions of the 1968 National Wild and Scenic Rivers Act.

We respectfully submit the following recommendations for inclusion of Indiana streams in the additional group meriting study, and hopefully inclusion in the system. While the urgency of time precludes detailed technical support for these recommendations, we can assure you of our long-standing direct knowledge of these streams, and of our long standing interest in their preservation.

I would also want to observe that we are adequately aware of the criteria and history of the Act, and indeed played a highly active role in support of the original legislation adopted in 1968. With this background, we are entirely confident of the quality of the recommendations, and of their eminent worthiness for serious study:

Big Pine Creek, Warren County.
Clifty Creek, Bartholomew County.
Big Blue River, Harrison County.
Fourteen-Mile Creek, Clark County.
Sugar Creek, Montgomery County.
Little Calumet River, Porter County.
Cedar Creek, Allen County (already being studied as part of the Maumee).
Wildcat Creek, Tippecanoe County.
Big Walnut Creek, Putnam County.
Tippecanoe River, Kosciusko County.
Wabash River, from the Ohio River upstream.

Most of these streams flow through more than one county, but we are citing only one to provide general location. We may wish to supplement this list in later communications after further consultation with our 51 chapters throughout the

state, but the 11 streams above—or appropriate segments thereof—would almost certainly meet the standards of the Act.

Thank you.

Sincerely yours,

THOMAS E. DUSTIN,
Executive Secretary.

P.S.—By way of additional recent information, it may be of interest to the Subcommittee that the 1973 session of the Indiana General Assembly enacted—and the Governor signed into law—a state scenic rivers act. The law does not in and of itself name any streams, but sets forth criteria for consideration by the Indiana Natural Resources Commission for three classes: Natural, Scenic and Recreational, with successively relaxed standards regarding water quality, esthetics, encroachments, etc., from Natural to Recreational. We believe many of the streams herein cited will be favorably viewed by the Commission for possible preservation, and that their inclusion in an augmented study group under the Federal law will be highly complementary to the state's program.

TEHIPITE CHAPTER, SIERRA CLUB,
Fresno, Calif., June 15, 1973.

HON. ROY TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, House Committee on Interior and Insular Affairs, Washington, D.C.

DEAR MR. TAYLOR: The Tehipite Chapter of the Sierra Club urges that you consider the inclusion of portions of the Kings River into a Wild and Scenic Rivers bill. The Kings River is the largest free-flowing river in central and southern California. The Kings River canyon is one of the deepest in the United States.

The portion of the river that should be included is the Kings River above Pine Flat Reservoir, except for the North Fork. The Kings River from Garnet Dike to the confluence of the Middle and South Forks (about nine miles), and all of the Middle Fork of the Kings River is in a wild and natural state. From Garnet Dike downstream to a bridge over the Kings (about seven miles) there are dirt roads on one, or both sides of the river. The remaining 1½ miles of the river to Pine Flat Reservoir is bordered by a paved county road. California State Highway 180 runs along the South Fork of the Kings River up to the Kings Canyon National park boundary.

The Kings River canyon is one mile deep at its deepest point; on the north side of the canyon there is an 8,000 foot drop from the top of 10,051 foot Spanish Mountain down to the river. The north sides of the canyon appear dry and desolate; the southern slopes are very brushy and include some patches of yucca. For about four miles along the canyon bottom in all three directions from where the Kings River forks there is very little vegetation other than brush. Below this there is the typical lower-elevation deciduous river-bottom vegetation including cottonwood, oak and poison oak. Above this on the forks there is more alpine type vegetation such as the alder. There are conifer forests along the less rugged ridge crests and the deep side canyons, including some giant Sequoia in the more level high elevation areas to the south. There are several spectacular waterfalls that come out of these side canyons that run during most of the year. A variety of wildlife use the area. Bald eagle nesting sites and California Condor have been spotted in the area.

The Kings River gets heavy use from fishermen. It is one of only sixteen stretches of rivers or creeks to be designated by the California Department of Fish and Game for management as a wild trout fishery. The Kings River downstream from Garnet Dike also receives much use from kayakers and white-water canoers. A majority of the United States white-water Olympic team practiced there last year.

The Kings River is presently one of the most wild and scenic rivers in the United States. It would be a shame if it were not at least considered for inclusion into the National system. The photo on our letterhead was taken along the Middle Fork of the Kings River just inside what is now Kings Canyon National Park.

Sincerely,

NOBMAN HILL,
Chairman, Conservation Committee.

SIERRA CLUB, NEW JERSEY CHAPTER,
Princeton, N.J., June 15, 1973.

HOUSE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION,
Committee on Interior and Insular Affairs,
Washington, D.C.

GENTLEMEN: Please include this letter as part of the official record on H.R. 4864, to extend the dam licensing moratorium, and on the addition of rivers to the study category for inclusion in the Wild and Scenic Rivers System.

The New Jersey Chapter of the Sierra Club urges you to add the Mullica River and its tributaries, the Wading and Bass Rivers, to the study category—Wild and Scenic Rivers System.

The Mullica River is located within the Pine Barrens region of southern New Jersey. It is the largest river lying entirely within the boundaries of N.J. Its headwaters are in the western part of the state and it flows eastward in a winding course for about 40 miles to Great Bay.

In 1967 the Academy of Natural Sciences of Philadelphia prepared a report for the National Park Service: *Pine Barrens of New Jersey—A Study of Significance*. Within the study area prescribed by the NPS, the report recommended that the Wading River ecosystem be given "recognition as nationally significant."

In 1970, the Secretary of the Interior included the Mullica as 1 of the 47 rivers of exceptional high quality as required by Sec. 5-D of the Wild and Scenic Rivers Act. He singled out the entire river, including the tributaries, Wading and Bass Rivers.

N.J.'s legislature has declared that the Mullica and its tributaries possess "outstandingly remarkable scenic, recreational, geologic, fish, wildlife, historic, and cultural values." N.J.'s Department of Environmental Protection is completing its study of the Mullica for the specific purpose of having it included within the Wild and Scenic Rivers System. Having the Mullica listed in the national study category will help protect it until statutory protection is a fact.

We also urge that the Committee extend the moratorium on dam licensing until all appropriate studies have been completed, rather than setting another specific time limit.

Thank you for your consideration.

Sincerely yours,

DIANE T. GRAVES,
Conservation Chairman.

APPALACHIAN MOUNTAIN CLUB,
Boston, Mass., June 23, 1973.

HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Subcommittee on Parks and Recreation,
Longworth House Office Building,
Washington, D.C.

The Appalachian Mountain Club, an outdoor recreation organization of 17,000 members living mainly in the Northeast, has recently learned that hearings on proposed legislation in connection with the Wild and Scenic River Act of 1968 were held June 11 and 12 before your Committee. While we understand no bills involving rivers in the northeast were under consideration at this hearing we would like to take the opportunity which hearings bring for public participation to call to your attention seven northeast rivers, or parts of rivers, which seem to us worthy of protection such as afforded by the 1968 Act. At present all seven are free-flowing, and substantially wild and undeveloped. The Northeast has few such streams left, so that those still remaining are of particular concern to all Americans.

We of the Appalachian Mountain Club know these rivers from a very practical viewpoint. The Club conducts an active canoeing program, sponsoring frequent canoe trips down New England, New York and other streams for members and their friends. All seven rivers are well known to our canoeists. Moreover, the Club publishes a 600 page New England Canoeing Guide, revised in 1971. Five of the rivers we are mentioning here are described in this guide, receiving high scenic, as well as canoe interest ratings. We would be glad to make copies of this Guide available to the Committee. The other two rivers listed below are in New York State, not covered in the Guide but well known to our New York Chapter canoeing members.

We realize there are many ways to afford rivers such as these seven the protection they must have if they are to remain in their present wild state. We are studying the various means—local, state and federal—by which such protection can be assured here in the Northeast. Some streams are already partially protected; others are not. Identification of essential wild quality would seem a vital first step in all such protection processes, and it is with this in mind we submit this preliminary statement to you. We would like to add to the list in future statements as study reveals additional qualifying rivers.

Mrs. ABIGAIL AVERY,
Conservation Committee.

Enclosure.

PRELIMINARY LIST OF WILD RIVERS IN THE NORTHEAST SUBMITTED BY THE
APPALACHIAN MOUNTAIN CLUB

A. St. John River—Maine. From Fifth St. John Pond to Dickey. About 125 miles.

This is believed to be the longest stretch of wilderness river in New England. While there are a few private logging roads that reach the river it is essentially very wild.

B. Dead River system—Maine, Somerset County. Main stream—From Grand Falls to the logging bridge below Poplar Hill Falls. About 16 miles. Spencer Stream—From Baker Pond to junction with Dead River. About 16 miles. Little Spencer Stream—From Spencer Lake to junction with Dead River. About 10 miles.

This is beautiful mountain country. The main stream contains the longest stretch of continuous heavy rapids in New England.

C. Machias River—Maine, Washington County. Main stream—From junction with West Branch to Whitneyville, About 38 miles. West Branch—From outlet of Lower Sabao Lake to junction above. About eight miles.

Although there is considerable logging activity in this country this wild river is crossed by only one road.

D. St. Croix River—Maine. From Vanceboro to Kellyland. About 33 miles.

This section of river forms part of the boundary between Maine and New Brunswick. There are many rapids.

E. Saco River—New Hampshire, Maine. From Crawford Notch to Swans Falls. About 39 miles.

Although there are many access points, making "recreational" the only realistic classification for this stretch of free flowing river, the mountain views are outstanding.

F. Sacondago River—West Branch—New York. From its source to junction with main river at Wells. About 39 miles.

Although there are some access points, this is a very scenic stretch.

G. Upper Hudson River—New York. Main stream—From Route 28N crossing to junction with Boreas River. About 24 miles. Boreas River—From Route 28N crossing to junction above. About 10 miles. Cedar River—From Route 28N crossing to junction above.

This is the least developed major river system in the Adirondacks, and the best white water stretch in New York. There are no road crossings.

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

Hon. ROY TAYLOR,
Chairman, Subcommittee on National Parks and Recreation, House Interior and Insular Affairs Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE TAYLOR: Although New Mexico is an arid state, we have some of the finest potential units of the National Wild & Scenic Rivers System within our borders. The first component of the System, the Rio Grande Gorge, is also in New Mexico.

New Mexico's two Congressmen, both members of the Interior Committee, Reps. Runnels and Lujan, have recently introduced H.R. 8735 which would designate three of our finest and wildest rivers, the Gila, San Francisco, and Chama Rivers, as study rivers under Section 5(a) of the Wild & Scenic Rivers Act of 1968.

These three rivers are nationally significant from standpoints of primitive-ness, scenic beauty, scientific value, wildlife habitat, fishing, and whitewater boating. They are imminently qualified for inclusion in the National Wild & Scenic Rivers System.

I hope that your Subcommittee will soon be able to hold hearings on H.R. 8735 as well as on other bills dealing with additional rivers for the System. We are compiling information sheets on the three New Mexico rivers for Congressmen Lujan and Runnels and will send you a copy.

Thank you for all your fine efforts on behalf of America's remaining free-flowing water resource.

Sincerely,

DAVID FOREMAN, *Director.*

NATURAL RESOURCES COUNCIL OF MAINE,
July 11, 1973.

Hon. ROY A. TAYLOR,
Chairman, House Subcommittee on National Parks and Recreation, Committee on Interior and Insular Affairs, Washington, D.C.

DEAR REPRESENTATIVE TAYLOR: We recently learned that your subcommittee is considering additional rivers to be included in the Wild and Scenic Rivers Act, Section 58, Public Law 90-542, which is being considered in H.R. 4864.

As you may know, the State of Maine contains the greatest concentration of fresh water lakes, major rivers, and wild and scenic rivers in the entire eastern United States. Our organization, the Natural Resources Council, is Maine's largest private environmental organization and our Rivers Committee has given serious consideration to a variety of rivers which would be eligible for designation as a wild and scenic river. Therefore, we wish to suggest that your subcommittee give serious consideration to the following rivers in Maine to be included under H.R. 4864:

Dead River—Chain of Ponds to W. Forks.

Kennebec River—Indian Pond to W. Forks.

Machias River—5th Machias Lake to Machias.

Androscoggin River—Richardson Lake to Umbagog.

St. John River—St. Francis down.

Thank you very much for your consideration and we hope that these suggestions are not too late to be considered.

Best regards,

CLIFFORD-H. GOODALL,
Staff Attorney and Acting Executive Secretary.