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**APPROVED**  
DEC 31 1975

ACTION

*signed*  
12/31/75

Last day: January 2

THE WHITE HOUSE  
WASHINGTON

December 31, 1975

*Posted*  
*1/1*  
*To Archives*  
*1/2*

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *[Signature]*  
SUBJECT: S. 322 - Hells Canyon National  
Recreation Area, Oregon and Idaho

Attached for your consideration is S. 322, sponsored by Senator Church and three others, which would establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho and would authorize appropriations of not more than \$10,000,000 for land acquisition, \$10,000,000 for development and \$1,500,000 for archeological site protection.

A detailed discussion of the background and the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

The Federal Power Commission recommends disapproval of this bill on the grounds that they should not be prohibited from making the final determination concerning the development of a hydroelectric project on the Middle Snake River which would be prohibited if this area is designated a recreation area. Frank Zarb has no objection to the bill being approved and indicates that the amount of energy that would be produced at this site "after a decade of litigation" would be insignificant.

Max Friedersdorf recommends that you sign the enrolled bill and indicates that strong support for this bill's approval has been expressed by Senators McClure, Packwood, Hatfield and Congressman Ullman. Max also indicates that Representatives Symms and Hansen both oppose the bill but would probably not criticize your action. OMB, Counsel's Office (Lazarus) and I recommend that you sign the enrolled bill.



RECOMMENDATION

That you sign S. 322 at Tab B.

Approve MEF

Disapprove \_\_\_\_\_  
(Prepare veto message)



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

DEC 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 322 - Hells Canyon National  
Recreation Area, Oregon and Idaho  
Sponsors - Sen. Church (D) Idaho and 3 others

Last Day for Action

January 2, 1976 - Friday

Purpose

Establishes the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and authorizes appropriations of not more than \$10,000,000, \$10,000,000 and \$1,500,000, respectively, for land acquisition, development, and archeological site protection.

Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval (Informally)
Environmental Protection Agency	Approval
Department of the Army	No objection
Federal Energy Administration	No objection
Department of Commerce	No objection
Federal Power Commission	Disapproval

Discussion

The Middle Snake River forms the boundary between Idaho on the east and Oregon and Washington on the west -- it is an area with exceptional scenic and recreational values. For some 100 miles below Hells Canyon Dam, the river is a magnificent free-flowing stream consisting of alternate deep pools and white-water rapids. Sheer rock faces and stretches lined with great boulders interspersed by occasional sandbars characterize its



shorelines. The canyon which encloses the river is one of the deepest in the United States. The river area is of striking beauty, and it provides outstanding recreational opportunities with high quality fishing, challenging water courses and numerous campsites.

S. 322 would establish the Hells Canyon National Recreation Area comprising about 662,000 acres (includes 32,000 acres of private lands) to be developed, administered, and protected by the Secretary of Agriculture. Within the recreation area, the enrolled bill would: (a) designate a 194,000-acre Hells Canyon Wilderness; (b) require the study of three other areas totalling some 110,000 acres for wilderness potential; and (c) establish as components of the National Wild and Scenic Rivers Systems (NWSRS) 68 miles of the Middle Snake River and all of the Rapid River (32 miles). The 33-mile segment of the Middle Snake River immediately downstream from the recreation area would be studied for potential addition to the NWSRS and the Asotin Dam (Army Corps of Engineers) now authorized for placement at the end of the study river segment would be deauthorized.

S. 322 would prohibit the Federal Power Commission from licensing the construction of any new dam, water conduit, reservoir, powerhouse, transmission line or other projects within the recreation area. Similarly, no Federal agency could assist in the construction of any water resource facility within the recreation area when the Secretary determines that adverse water resource effects are possible.

Within 5 years of enactment, S. 322 would require the Secretary to develop and submit to Congress a comprehensive management plan for the recreation area. During this period, multiple use activities such as selective timber harvesting and mining could continue at current levels and in existing locations. However, subject to valid existing rights, all Federal lands and/or minerals within the recreation area would be withdrawn from location, entry, and patent under the United States mining laws and from disposition under all mineral leasing laws.

The Secretary would be authorized to acquire lands or interests in lands by donation, purchase, or exchange. Generally, an owner's consent would be required, although limited condemnation authority is provided and mineral interests could be acquired without an owner's consent. In promulgating rules and regulations for the recreation area, the Secretary could include standards for the use and development of privately owned property within the area.

S. 322 authorizes appropriations of not more than:  
(a) \$10,000,000 for land acquisition; (b) \$10,000,000 for the development of recreational facilities; and,  
(c) \$1,500,000 for the inventory, identification, development, and protection of certain historic and archeological sites associated with the study river segment.

The key issue associated with the development of this legislation has been the question of whether or not the Middle Snake River should remain in its free-flowing form versus being developed for its considerable hydroelectric potential. A secondary and related issue involves the degree to which the lands surrounding and protecting the river gorge (predominately Federally owned) should be preserved in a relatively undeveloped condition versus being subject to the full range of multiple use management.

The above issues were intensively examined within the Executive Branch in the early summer of 1974. The resulting Administration position was to recommend that the Middle Snake River be protected as a free-flowing river by designating the 68 mile segment immediately below the Hells Canyon Dam as a component of the National Wild and Scenic River System (as provided for in the enrolled bill). Notwithstanding the Federal Power Commission's strong objections, this decision was reached largely because the Federal Energy Administration believed that the environmental values of a free-flowing river were more important than the hydroelectric power production which could be obtained by damming up the river.

In connection with the power assessment discussed above, it should be noted that the power production associated with the hydroelectric option reviewed last year was equivalent to 18,000,000 barrels of oil annually.

Subsequently, in an apparent effort to overcome strong environmental opposition, the power interests scaled-down their proposal for developing the Middle Snake River to a level equivalent to 11,000,000 barrels of oil annually. At either level, the opportunity costs associated with maintaining a free-flowing river are significant. According to power industry estimates, a coal burning electric generating facility producing power at a level comparable to the scaled-down option would reportedly increase capital costs some \$500 million more than would the case of the hydroelectric approach.

Furthermore, as a fallback position, the Administration supported a limited recreation area which was designed to minimize the costs if Congress insisted on such an approach. Briefly, the Administration proposal included: (a) the river designation described above (excludes the Rapid River); (b) a national recreation area of some 540,000 acres (21,000 privately owned); (c) wilderness study, but no instant wilderness; and, (d) withdrawal of mining and mineral leasing as provided for in S. 322, but with discretionary authority for mineral leasing if such disposition would not have significant adverse effects on the administration of the recreation area.

#### Agency Views

FPC recommends veto of S. 322 on the grounds that it should not be prohibited from making the final determination concerning hydroelectric development of the Middle Snake River.

On the other hand, while the remaining agencies are concerned that the enrolled bill does not conform to the Administration proposal in several ways, none of them support the FPC veto recommendation. Several agencies were particularly concerned about the mineral withdrawal feature of the bill, and in this regard Agriculture's enrolled bill letter notes that:

"... in both the House and Senate hearings the question of mineral withdrawal was discussed in detail. Based on a strong case presented by the mining industry, an area with known potential for mineral development with numerous mining claims and patented lands, the Red Ledge Area, was deleted from the recreation area. We continue to believe that the area should not have been withdrawn from mineral activities until the resource values being foregone had been more completely evaluated."

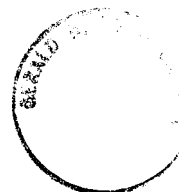


However, in conclusion, Agriculture's enrolled bill letter states that:

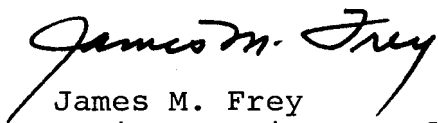
"Even though we have concerns with certain provisions of S. 322, we recommend that the President approve the enactment. This recommendation is based on (1) our support of the wild and scenic river designation, (2) the fact that management objectives for the recreation area and wilderness, with the exception of mineral resource objectives, do not vary a great deal from present management objectives for the National Forest areas involved, and (3) S. 322 represents some degree of compromise between our recommendations and the original Senate proposal."

On balance, this Office recommends approval of the enrolled bill. Our recommendation is based on the fact that the key objective of S. 322 -- protection of the free-flowing Middle Snake River -- has been consistently supported by the Administration. With respect to the secondary issue concerning the type of protection for the surrounding lands, we fully agree with the agencies that Congress has gone beyond what is necessary and appropriate, especially with respect to the large size of the recreation area, the instant wilderness designation, and the mineral withdrawal provision. However, because the first two features would not significantly alter present Forest Service management objectives in the area, and because Congress eliminated from S. 322 the area holding the greatest potential for mineral development, we believe these secondary issues are not sufficient to warrant veto.

In addition, two points should be made with respect to the budget impact of the enrolled bill. First, even with the archeological site protection authorization, the cost for administering and developing the recreation area will not be significantly greater than that proposed by the Administration. Second, although the private acreage included under S. 322 is about 50 percent greater than the Administration approach, this can be controlled within the authorization ceiling and Forest Service priorities for such land acquisition under the Land and Water Conservation Fund.



Finally, we note that Interior is recommending the release of a signing statement similar to the one you issued when approving the Flat Tops Wilderness bill (S. 267) earlier this month -- it would ask Congress to make better resource trade-off decisions with respect to such areas in the future. We recommend against this because we believe it would be duplicative and unnecessary in light of the recent statement on the Flat Tops Wilderness.



James M. Frey  
Assistant Director for  
Legislative Reference

Enclosures

FEDERAL ENERGY ADMINISTRATION  
WASHINGTON, D.C. 20461

MEMORANDUM FOR: James M. Frey  
Assistant Director for Legislative  
Reference  
Office of Management and Budget

FROM: Michael F. Butler - *Michael F. Butler*  
General Counsel

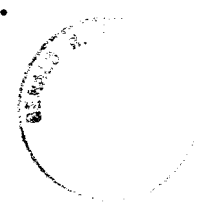
SUBJECT: Enrolled Bill S.322

This is in response to your request for the Federal Energy Administration's views on enrolled bill S.322, establishing the Hells Canyon National Recreation Area.

The bill would establish a Hells Canyon National Recreation Area in the States of Oregon and Idaho. It would provide for immediate designation and inclusion of certain lands in the National Wilderness Preservation System, and would provide for the study of additional lands for possible inclusion in the National System. S.322 would also designate the Snake River from Hells Canyon Dam to Asotin, Washington as a component of the Wild and Scenic Rivers System. The Asotin Dam authorized under the Flood Control Act of 1962, would be deauthorized.

The Secretary of Agriculture would be authorized to administer the recreation area and would have limited authority to acquire lands and interests in lands. Finally, the Federal lands within the recreation area would be withdrawn from mineral location, entry, and patent.

The central controversy which S.322 presents is one between energy development and environmental preservation. This bill would prohibit in the Hells Canyon area the development of additional hydroelectric generating capacity. In return, it would preserve for future generations one of the last major wild and free-flowing areas in North America. The choice is particularly difficult in light of the need to increase our energy supplies from domestic sources.



Hydroelectric development has a number of advantages over other forms of electric energy, the most significant being: (1) less adverse environmental impacts than other presently available methods for generating large quantities of electric power and (2) lower economic costs to consumers than that provided by fossil fuel or nuclear plant electric power. FEA, recognizes, however, that energy development and the advantages offered by hydroelectric development in this area must be carefully balanced and coordinated with this Nation's interest in protecting and preserving the environment.

The uniqueness of the Hells Canyon area can best be maintained through the designation of this portion of the Snake River as a wild and scenic river. FEA, therefore, supports the prohibition of the proposed hydroelectric project in this particular area. The prohibition of hydroelectric development, however, necessitates the substitution of other forms of electric energy, such as nuclear and coal, in order to adequately meet future needs in the Pacific Northwest.

An additional concern raised by S.322 deals with the unnecessarily extensive designation of lands within the wilderness system. Most of the land which would be included in this recreation area is federally owned and as such, is already part of the national forest system. It can be adequately managed under this authority. Furthermore, this broad designation forecloses development of mineral potential without adequate preliminary studies as to the extent and nature of the mineral deposits in this area.

While we question the extensive designation of the national recreation area provided by S.322, we also recognize that these particular holdings are not extensive in the context of total Federal land holdings. Accordingly, in light of the unique characteristics of the area, we have no objection to enactment of S.322.

FEDERAL POWER COMMISSION  
WASHINGTON, D.C. 20426

H.R. 30 and H.R. 1630,  
To establish the Hells Canyon  
National Recreation Area.

APR 10 1975

Honorable James A. Haley  
Chairman  
Committee on Interior and Insular Affairs  
House of Representatives  
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your letter of February 24, 1975, requesting the Commission's comments on H.R. 30 and H.R. 1630, identical bills, "To establish the Hells Canyon National Recreation Area in the States of Oregon, Idaho, and Washington, and for other purposes."

These bills would create a national recreation area encompassing approximately 670,000 acres in the Hells Canyon region, identified in the bills, and also designate 101 miles of the Snake River as described in such bills for Wild and Scenic River status.

Sections 4(a) of the bills provides that:

Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: Provided, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used.



in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

Since the above language preserves the jurisdiction of the Federal Power Commission with respect to projects already constructed or under construction, its enactment would not affect the Commission's continued jurisdiction over the dam, powerhouse, and the major portion of the Hells Canyon Reservoir of the Hells Canyon Project (No. 1971) which are situated within the proposed recreation area and now being operated pursuant to an FPC license issued August 4, 1955 (14 F.P.C. 55).

In addition to the Hells Canyon Project, there are two proposed or potential water power developments within the region protected by the bills. At Mile 172.5 of the Middle Snake River, is the potential China Gardens dam. At present, no one has proposed construction on this site. The second proposed water power development is the High Mountain Sheep dam at Mile 189.2 of the Snake River. The Pacific Northwest Power Company has filed an application with the Federal Power Commission for a project license (No. 2243 and No. 2273). By order issued June 27, 1973, the Commission reopened the proceedings in this case to receive in evidence a final environmental impact statement. A draft environmental impact statement is now pending. The three alternative sites for the proposed High Mountain Sheep dam are the Mountain Sheep dam at Mile 192.5, the Appaloosa dam at Mile 197.6, and the Pleasant Valley dam at Mile 213. Since no construction has yet begun, enactment of H.R. 30 or H.R. 1630 would preclude the Federal Power Commission from granting a license for the High Mountain Sheep dam.

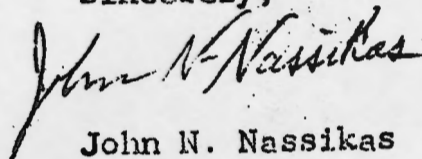
Under Section 4(e) of the Federal Power Act, the Congress delegated to the Federal Power Commission the authority "to issue licenses ... for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works...."

Honorable James A. Haley - 3 -

The Commission requests that future licensing of the High Mountain Sheep project not be precluded by legislation, but rather that we be permitted to exercise our primary authority for evaluating the power needs of the Pacific Northwest. Such an evaluation is particularly relevant at this time, since a power shortage does exist in the Pacific Northwest region.

The Office of Management and Budget advises that while it has no objection to the submission of this report, the views set out herein do not necessarily reflect the views of the Administration.

Sincerely,

A handwritten signature in cursive script that reads "John N. Nassikas". The signature is written in dark ink and is positioned above the printed name and title.

John N. Nassikas  
Chairman



DEPARTMENT OF THE ARMY

WASHINGTON, D.C. 20310

23 DEC 1975

Honorable James T. Lynn

Director, Office of Management of Budget

Dear Mr. Lynn:

This is in reply to your request for the views of the Department of the Army on enrolled enactment S. 322, 94th Congress, an Act "To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

The Department of the Army does not object to approval of the enrolled enactment.

The act establishes the segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with certain of its tributary and adjacent land areas, as the Hells Canyon National Recreation Area to be generally restricted to use and study in accordance with its recreation and ecological values.

Approval of this enactment will affect studies of possible alternative uses of Pacific Northwest waters which the Corps of Engineers is presently participating in. Moreover, section 5(b) of the act specifically deauthorizes the Federal project for Asotin Dam, Snake River, Idaho and Washington authorized for construction by the Corps of Engineers in Section 203 of the Flood Control Act of 1962 (P.L. 87-874).

The Department of the Army has previously reported the circumstances of these studies and the Asotin project (which has not been constructed and has been placed in a deferred category due to wide spread opposition) to your office and the 93d Congress in connection with previous proposals for similar preservation of the Hells Canyon area. We further reported at that time, and continue to adhere to the position, that we do not oppose the concept of establishing Hells Canyon as a





national recreation area although we believe such action might be made in a more informed manner after completion of the aforementioned studies.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin R. Hoffmann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Martin R. Hoffmann  
Secretary of the Army



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

December 23, 1975

Honorable James T. Lynn  
Director, Office of Management  
and Budget

Dear Mr. Lynn:

In reply to the request of your office, the following report is submitted on the enrolled enactment S. 322, "To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

S. 322 would establish a Hells Canyon National Recreation Area of approximately 662,000 acres to be administered by the Secretary of Agriculture. Within the recreation area, S. 322 would designate 68 miles of the Middle Snake River and the Rapid River as components of the National Wild and Scenic Rivers System. It also would designate a 194,000-acre Hells Canyon Wilderness with an additional 110,000 acres designated as wilderness study areas. An additional 33 miles of the Middle Snake River downstream from the recreation area would be designated for potential addition to the National Wild and Scenic Rivers System. The Asotin Dam would be deauthorized. Federal lands within the recreation area would be withdrawn from mineral location, entry, and patent and from mineral leasing.

The Department of Agriculture recommends that the President approve the enactment.

Legislation pertaining to the Hells Canyon area has been the subject of extensive debate in the last three Congresses. The controversy has primarily centered on whether the 68 miles of the Middle Snake River below Hells Canyon Dam should be protected as a component of the National Wild and Scenic Rivers System or whether it should be impounded for hydroelectric and other purposes. Although we recognize that the river has a substantial potential for power development, we believe its outstanding scenic, ecologic, and recreation values merit its inclusion in the National Wild and Scenic Rivers System. In both the 93rd and 94th Congresses, we reported to the Congress in support of wild and scenic river designation.

S. 322 goes beyond our recommendation for wild and scenic river designation in a number of important ways; however, it does represent some improvement over earlier versions of the legislation. We would have preferred that the area not be designated as a national recreation area and that the area be limited to the lands most directly influencing the river. The proposed 662,000-acre

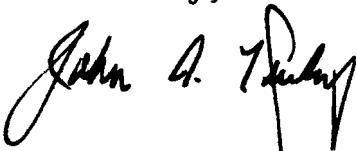
national recreation area as contained in S. 322 far exceeds our recommendation of a 21,760-acre river corridor, and it is larger than a suggested 540,000-acre recreation area. The proposal is, however, down from an earlier Senate proposal of 834,000 acres. We also strongly urged that no wilderness be designated until the characteristics of the area for wilderness could be evaluated and until a detailed review of all resource values could be completed. We were successful in that S. 322 limits the wilderness designation to an area which we believe generally meets the definition of wilderness. S. 322 also provides for study of additional areas as to their suitability or nonsuitability for wilderness designation.

We recommended that the area not be withdrawn from mineral location, entry, and patent and from mineral leasing until an evaluation of the mineral potential had been completed. This evaluation is currently being carried out for portions of the area and would not have been completed for the entire area for several years. In both the House and Senate hearings the question of mineral withdrawal was discussed in detail. Based on a strong case presented by the mining industry, an area with known potential for mineral development with numerous mining claims and patented lands, the Red Ledge Area, was deleted from the recreation area. We continue to believe that the area should not have been withdrawn from mineral activities until the resource values being foregone had been more completely evaluated.

S. 322 also contains detailed direction for management of the recreation area and restrictions and qualifications on the Secretary's authority to acquire lands or interests in lands. We would have preferred that these provisions not be included in the enactment, and that the Secretary be allowed to manage the area under the authorities now applicable to the National Forests.

Even though we have concerns with certain provisions of S. 322, we recommend that the President approve the enactment. This recommendation is based on (1) our support of the wild and scenic river designation, (2) the fact that management objectives for the recreation area and wilderness, with the exception of mineral resource objectives, do not vary a great deal from present management objectives for the National Forest areas involved, and (3) S. 322 represents some degree of compromise between our recommendations and the original Senate proposal.

Sincerely,



JOHN A. KNEBEL

**Under Secretary**

FEDERAL POWER COMMISSION  
WASHINGTON, D.C. 20426

ENROLLED BILL, S. 322 - 94th Congress  
To establish the Hells Canyon National  
Recreation Area in the States of Oregon  
and Idaho, and for other purposes.

DEC 23 1975

Honorable James T. Lynn  
Director, Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Ms. Martha Ramsey  
Legislative Reference Division  
Room 7201, New Executive Office Building

Dear Mr. Lynn:

This is in response to your request of December 22, 1975, for the views and recommendations of the Federal Power Commission on S. 322, an enrolled bill, "To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

The Federal Power Commission previously commented on the proposed Hells Canyon National Recreation Area Act and recommended against its enactment. A copy of the FPC report on H.R. 30 and H.R. 1630 to the Committee on Interior and Insular Affairs of April 10, 1975 is enclosed. The amendments to the legislation since our April 10, 1975, report do not change the concern expressed then by the Commission.



Honorable James T. Lynn - 2 -

Under Section 4(e) of the Federal Power Act, the Congress delegated to the Federal Power Commission the authority "to issue licenses. . . for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works. . ." These provisions delegate to the Federal Power Commission the primary authority for evaluating the power needs of the nation. We believe that a proper balance of energy needs against competing and recreational and environmental needs can be achieved through established procedures of this agency. Especially in light of the existing power shortage in the Pacific Northwest Region, the exercise of this authority by the FPC should not be foreclosed by this legislation.

In view of what we consider to be an overriding need for energy, we recommend that the President not approve the enrolled bill, and thereby foreclose the opportunity of this nation to use these potential sites at some future time.

Sincerely yours,

A handwritten signature in cursive script, reading "Richard L. Dunham". The signature is written in dark ink and is positioned above the printed name and title.

Richard L. Dunham  
Chairman

Enclosure:  
Report on H.R. 30 and H.R. 1630



**THE UNDER SECRETARY OF COMMERCE**  
Washington, D.C. 20230

DEC 24 1975

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning S. 322, an enrolled enactment

"To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

This Department has no objection to approval by the President of S. 322. However, we do have the following comments regarding the bill.

We understand that a mineral survey of the area proposed for inclusion in the Wild and Scenic Rivers System is being conducted jointly by the Bureau of Mines and the U.S. Geological Survey, but has not been completed. We also understand that (1) substantial mineral deposits have been found within, and adjacent to, the area proposed for inclusion; and (2) the survey can be completed after the 1976 survey season has been completed. We deem it essential that the survey be completed and the results evaluated for the proposed area, even though it is incorporated into the Wild and Scenic Rivers System.

Enactment of this legislation is not expected to involve the expenditure of any funds by this Department.

Sincerely,

A handwritten signature in cursive script that reads "James A. Baker III".  
James A. Baker, III

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

**DEC 24 1975**

OFFICE OF THE  
ADMINISTRATOR

Dear Mr. Lynn:

This is in response to your request of December 23, 1975, for our views on enrolled bill S. 322, "To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

The Environmental Protection Agency supports the bill and recommends that the President be urged to approve it.

The enrolled bill would create a National Recreation Area (NRA) which includes lands and waters made subject to the Wilderness and Wild and Scenic Rivers Acts, in an area bounding the Snake River where it flows between Idaho and Oregon to its intersection with the Washington State boundary. The bill would specify that the affected portions of the Snake River and a tributary, the Rapid River, are to remain unchanged from their present state, but would protect valid water uses upstream from the NRA boundaries.

The Asotin Dam in Asotin, Washington would be deauthorized.

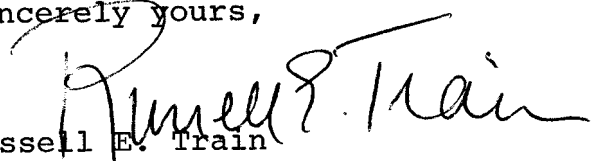
Provisions governing land acquisition and management are provided; and the applicability of other laws, including mining and mineral leasing laws, is also addressed.

We particularly support those provisions which protect the present free-flowing state of the waters of the NRA. It is essential to protect them, for water quality as well as aesthetic reasons. The Snake River is presently excessively dammed; additional damming of the remaining free-flowing portions would destroy what little ability the River presently has to restore itself.

The aesthetic values of Hell's Canyon and the other parts of the NRA are in many ways unique, encompassing biological, archaeological, paleontological, recreational, and wilderness values. The opportunities to protect such values are diminishing, while the need for them is increasing. The bill allows for enjoying our natural resources without destroying them, an important national recreational use concept.

For the foregoing reasons, we strongly urge that the President sign the enrolled bill into law.

Sincerely yours,



Russell E. Train  
Administrator

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, D. C. 20503





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

DEC 24 1975

Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill S. 322, "To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes."

We recommend that the President approve the enrolled bill.

As enrolled, S. 322 would establish the Hells Canyon National Recreation Area,--approximately 662,000 acres,--around the Snake River along the Idaho-Oregon border. Within the NRA, approximately 194,000 acres would be designated as wilderness, while three additional areas, totalling about 110,000 acres would be studied for possible inclusion in the National Wilderness Preservation System. The bill would amend the Wild and Scenic Rivers Act by designating a 68 mile segment of the Snake River in Idaho and Oregon and a 31 mile segment of the Rapid River in Idaho as components of the Wild and Scenic Rivers System, and would designate a 33 mile segment of the Snake River for study as to possible inclusion in that system. Administration under S. 322 would be in the Secretary of Agriculture (hereinafter the Secretary). This area is primarily within the jurisdiction of the U.S. Forest Service, although approximately 52,000 acres of private land are included in the bill. Some of the land abutting the lower segment of the Snake River is under the jurisdiction of the Bureau of Land Management.

The enrolled bill would prohibit the Federal Power Commission from assisting or licensing any new projects within the NRA, except those projects already constructed or under construction. Further, Federal agencies would be prohibited from assisting any water project in the NRA which is determined by the Secretary to have a direct and adverse impact upon the area.

Under S. 322, the Asotin Dam, authorized under the provisions of the Flood Control Act of 1962, would be deauthorized. All Federal lands within the NRA would be withdrawn from the application of the U.S. mining and mineral leasing laws.



S. 322 authorizes \$10 million for land acquisition, \$10 million for facilities development and \$1.5 million for protection of historic sites within the NRA.

The Snake River in Hells Canyon flows through one of the deepest gorges in North America in an area of high scenic values. This Department has long been aware of the outstanding scenic values of the Middle Snake, particularly above its confluence with the Imnaha River. The river is enclosed in a magnificent canyon which is more than a mile deep at some locations. This Department's Bureau of Outdoor Recreation has identified the free-flowing stretch of the Snake River as providing excellent recreational opportunities.

Further, the Snake and its tributaries are famous for their anadromous fish runs. The Middle Snake below Hells Canyon Dam, including its major tributaries--the Clearwater, Salmon, and lesser streams like the Brande Ronde and Imnaha--now produce about 50% of the young spring and summer chinook salmon and steelheads that support the sport and commercial fishery of the Columbia River Basin above Bonneville Dam. These runs are declining.

The Middle Snake, including the segment between the mouth of the Salmon River and Hells Canyon Dam, is also home to the giant white sturgeon, the largest of America's fresh-water river fish. The segment of the Snake between the mouth of the Salmon River and Hells Canyon Dam, is the most famous small-mouth bass stream in the West.

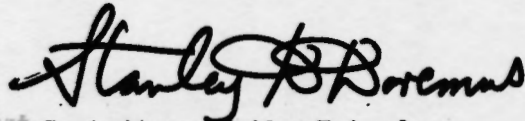
The Snake River has substantial potential for hydroelectric power development, and the Federal Power Commission currently has before it several alternative proposals for the construction of power facilities in Hells Canyon. Construction of the proposed Mountain Sheep Dam could bar from the Upper Snake about 65% of the fall chinook which spawn in that stretch of the river between the proposed dam site and Hells Canyon Dam. The possible destruction of habitat caused by construction of the Mountain Sheep Dam could eliminate half of the sturgeon from the Middle Snake River. There might also be a marked decline in the small-mouth bass population in the area to be inundated by this dam. Further, the outstanding combination of values of the Snake and its surroundings make the river nationally significant.

While we strongly support the preservation of the Hells Canyon area and its outstanding values, we have two problems with the enrolled bill.

First, S. 322 would designate approximately 194,000 acres within the NRA as wilderness. Management of an area as wilderness restricts or prohibits other uses of the same area. A detailed review of all such uses and the resource values should be completed before an area is designated as wilderness, and such a detailed review has not been undertaken in this instance.

Second, the enrolled bill would withdraw immediately all lands within the NRA including the wilderness area from the mining and mineral leasing laws. Under the Wilderness Act of 1964 lands in Forest Service wilderness are to be kept open to prospecting and entry under the mining laws until December 31, 1983. The three-year mineral study of this area initiated by the Bureau of Mines and U.S. Geological Survey at the request of the U.S. Forest Service is only two-thirds completed. The study to date has shown that four areas within the NRA have mineral potential. Field work will be completed in the summer of 1976 and the report should be completed in the summer of 1977. Before making a withdrawal of this magnitude Congress should have had the benefit of the completed mineral study in order to determine the impact of the withdrawal on the area's mineral resources. At the time he signs this bill, we recommend that the President, consistent with his position on the Flat Tops Wilderness, Colorado, qualify his endorsement by calling attention to this Congressional lack of information.

Sincerely yours,



Deputy Assistant Secretary of the Interior

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D.C. 20503



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

DATE: 1-5-76

TO: Bob Linder

FROM: Frey

Attached are the CEQ views letters on S. 322 and H.R. 3474, for inclusion in the appropriate enrolled bill files.

**OMB FORM 38**  
REV AUG 73

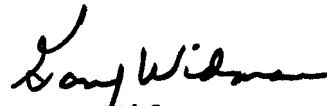
**EXECUTIVE OFFICE OF THE PRESIDENT**  
**COUNCIL ON ENVIRONMENTAL QUALITY**  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

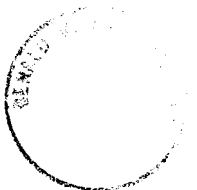
December 23, 1975

MEMORANDUM FOR JAMES M. FREY  
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: S 322 Enrolled - To establish the Hells Canyon  
National Recreation Area in the State of  
Oregon and Idaho and for other purposes

The Council recommends that the President sign the  
above enrolled bill.

  
Gary Widman  
General Counsel



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

DEC 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 322 - Hells Canyon National  
Recreation Area, Oregon and Idaho  
Sponsors - Sen. Church (D) Idaho and 3 others

Last Day for Action

January 2, 1976 - Friday

Purpose

Establishes the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and authorizes appropriations of not more than \$10,000,000, \$10,000,000 and \$1,500,000, respectively, for land acquisition, development, and archeological site protection.


Agency Recommendations

Office of Management and Budget	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval (Informally)
Environmental Protection Agency	Approval
Department of the Army	No objection
Federal Energy Administration	No objection
Department of Commerce	No objection
Federal Power Commission	Disapproval

Discussion

The Middle Snake River forms the boundary between Idaho on the east and Oregon and Washington on the west -- it is an area with exceptional scenic and recreational values. For some 100 miles below Hells Canyon Dam, the river is a magnificent free-flowing stream consisting of alternate deep pools and white-water rapids. Sheer rock faces and stretches lined with great boulders interspersed by occasional sandbars characterize its

To  
J. Casper  
12-29-75  
109.M.



shorelines. The canyon which encloses the river is one of the deepest in the United States. The river area is of striking beauty, and it provides outstanding recreational opportunities with high quality fishing, challenging water courses and numerous campsites.

S. 322 would establish the Hells Canyon National Recreation Area comprising about 662,000 acres (includes 32,000 acres of private lands) to be developed, administered, and protected by the Secretary of Agriculture. Within the recreation area, the enrolled bill would: (a) designate a 194,000-acre Hells Canyon Wilderness; (b) require the study of three other areas totalling some 110,000 acres for wilderness potential; and (c) establish as components of the National Wild and Scenic Rivers Systems (NWSRS) 68 miles of the Middle Snake River and all of the Rapid River (32 miles). The 33-mile segment of the Middle Snake River immediately downstream from the recreation area would be studied for potential addition to the NWSRS and the Asotin Dam (Army Corps of Engineers) now authorized for placement at the end of the study river segment would be deauthorized.

S. 322 would prohibit the Federal Power Commission from licensing the construction of any new dam, water conduit, reservoir, powerhouse, transmission line or other projects within the recreation area. Similarly, no Federal agency could assist in the construction of any water resource facility within the recreation area when the Secretary determines that adverse water resource effects are possible.

Within 5 years of enactment, S. 322 would require the Secretary to develop and submit to Congress a comprehensive management plan for the recreation area. During this period, multiple use activities such as selective timber harvesting and mining could continue at current levels and in existing locations. However, subject to valid existing rights, all Federal lands and/or minerals within the recreation area would be withdrawn from location, entry, and patent under the United States mining laws and from disposition under all mineral leasing laws.

The Secretary would be authorized to acquire lands or interests in lands by donation, purchase, or exchange. Generally, an owner's consent would be required, although limited condemnation authority is provided and mineral interests could be acquired without an owner's consent. In promulgating rules and regulations for the recreation area, the Secretary could include standards for the use and development of privately owned property within the area.

S. 322 authorizes appropriations of not more than:  
(a) \$10,000,000 for land acquisition; (b) \$10,000,000 for the development of recreational facilities; and,  
(c) \$1,500,000 for the inventory, identification, development, and protection of certain historic and archeological sites associated with the study river segment.

The key issue associated with the development of this legislation has been the question of whether or not the Middle Snake River should remain in its free-flowing form versus being developed for its considerable hydroelectric potential. A secondary and related issue involves the degree to which the lands surrounding and protecting the river gorge (predominately Federally owned) should be preserved in a relatively undeveloped condition versus being subject to the full range of multiple use management.

The above issues were intensively examined within the Executive Branch in the early summer of 1974. The resulting Administration position was to recommend that the Middle Snake River be protected as a free-flowing river by designating the 68 mile segment immediately below the Hells Canyon Dam as a component of the National Wild and Scenic River System (as provided for in the enrolled bill). Notwithstanding the Federal Power Commission's strong objections, this decision was reached largely because the Federal Energy Administration believed that the environmental values of a free-flowing river were more important than the hydroelectric power production which could be obtained by damming up the river.

In connection with the power assessment discussed above, it should be noted that the power production associated with the hydroelectric option reviewed last year was equivalent to 18,000,000 barrels of oil annually.



Subsequently, in an apparent effort to overcome strong environmental opposition, the power interests scaled-down their proposal for developing the Middle Snake River to a level equivalent to 11,000,000 barrels of oil annually. At either level, the opportunity costs associated with maintaining a free-flowing river are significant. According to power industry estimates, a coal burning electric generating facility producing power at a level comparable to the scaled-down option would reportedly increase capital costs some \$500 million more than would the case of the hydroelectric approach.

Furthermore, as a fallback position, the Administration supported a limited recreation area which was designed to minimize the costs if Congress insisted on such an approach. Briefly, the Administration proposal included: (a) the river designation described above (excludes the Rapid River); (b) a national recreation area of some 540,000 acres (21,000 privately owned); (c) wilderness study, but no instant wilderness; and, (d) withdrawal of mining and mineral leasing as provided for in S. 322, but with discretionary authority for mineral leasing if such disposition would not have significant adverse effects on the administration of the recreation area.

#### Agency Views

FPC recommends veto of S. 322 on the grounds that it should not be prohibited from making the final determination concerning hydroelectric development of the Middle Snake River.

On the other hand, while the remaining agencies are concerned that the enrolled bill does not conform to the Administration proposal in several ways, none of them support the FPC veto recommendation. Several agencies were particularly concerned about the mineral withdrawal feature of the bill, and in this regard Agriculture's enrolled bill letter notes that:

"... in both the House and Senate hearings the question of mineral withdrawal was discussed in detail. Based on a strong case presented by the mining industry, an area with known potential for mineral development with numerous mining claims and patented lands, the Red Ledge Area, was deleted from the recreation area. We continue to believe that the area should not have been withdrawn from mineral activities until the resource values being foregone had been more completely evaluated."

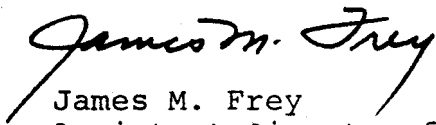
However, in conclusion, Agriculture's enrolled bill letter states that:

"Even though we have concerns with certain provisions of S. 322, we recommend that the President approve the enactment. This recommendation is based on (1) our support of the wild and scenic river designation, (2) the fact that management objectives for the recreation area and wilderness, with the exception of mineral resource objectives, do not vary a great deal from present management objectives for the National Forest areas involved, and (3) S. 322 represents some degree of compromise between our recommendations and the original Senate proposal."

On balance, this Office recommends approval of the enrolled bill. Our recommendation is based on the fact that the key objective of S. 322 -- protection of the free-flowing Middle Snake River -- has been consistently supported by the Administration. With respect to the secondary issue concerning the type of protection for the surrounding lands, we fully agree with the agencies that Congress has gone beyond what is necessary and appropriate, especially with respect to the large size of the recreation area, the instant wilderness designation, and the mineral withdrawal provision. However, because the first two features would not significantly alter present Forest Service management objectives in the area, and because Congress eliminated from S. 322 the area holding the greatest potential for mineral development, we believe these secondary issues are not sufficient to warrant veto.

In addition, two points should be made with respect to the budget impact of the enrolled bill. First, even with the archeological site protection authorization, the cost for administering and developing the recreation area will not be significantly greater than that proposed by the Administration. Second, although the private acreage included under S. 322 is about 50 percent greater than the Administration approach, this can be controlled within the authorization ceiling and Forest Service priorities for such land acquisition under the Land and Water Conservation Fund.

Finally, we note that Interior is recommending the release of a signing statement similar to the one you issued when approving the Flat Tops Wilderness bill (S. 267) earlier this month -- it would ask Congress to make better resource trade-off decisions with respect to such areas in the future. We recommend against this because we believe it would be duplicative and unnecessary in light of the recent statement on the Flat Tops Wilderness.



James M. Frey  
Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1538

Date: December 29

Time: 1000am

FOR ACTION: George Humphrey *nuc*  
Paul Leach *pl*  
Max Friedersdorf *mf*  
Ken Lazarus *kl*

cc (for information): Jack Marsh  
Jim Cavanaugh  
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 600pm

SUBJECT:

S. 322 - Hells Canyon National Recreation Area

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Pls Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1538

Date: December 29

Time: 1000am

FOR ACTION: George Humphreys  
Paul Leach  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Warren Hendriks

FROM THE STAFF SECRETARY

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DUE: Date: December 30

Time: 600pm

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SUBJECT:

S. 322 - Hells Canyon National Recreation Area

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 12/30/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1538

Date: December 29

Time: 1000am

FOR ACTION: George Humphreys  
Paul Leach  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Warren Hendriks

FROM THE STAFF SECRETARY

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DUE: Date: December 30

Time: 600pm

---

SUBJECT:

S. 322 - Hells Canyon National Recreation Area

ACTION REQUESTED:

- |   |   |
|---|---|
| <input type="checkbox"/> For Necessary Action         | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief     | <input type="checkbox"/> Draft Reply              |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks            |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Dec. 30 -  
no comments - HWH/pt*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

WASHINGTON

December 30, 1975

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: S.322 - Hells Canyon National Recreation Area

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Very strong interest in this bill has been expressed by our Friends, Senators McClure, Packwood and Hatfield. Chairman Ullman also favors.

Representatives Symms and Hansen, both Republicans, oppose the bill.

Attachments

## ESTABLISHING THE HELLS CANYON NATIONAL RECREATION AREA IN THE STATES OF IDAHO, OREGON, AND WASHINGTON

MAY 22, 1975.—Ordered to be printed

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

### REPORT

[To accompany S. 322]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 322) the Hells Canyon National Recreation Area Act, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

On page 2, line 11, strike "July 1974" and insert in lieu thereof "May 1975".

On page 3, strike section 3(a), lines 10 through 22, and insert in lieu thereof the following:

SEC. 3(a). Subsection 3(a) of the Wild and Scenic Rivers Act (83 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

"(11) RAPID RIVER, IDAHO.—The segment from the headwaters of the main stem to the national forest boundary and the segment from the headwaters of the west fork to the confluence with the main stem, as a wild river: *Provided*, That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments.

"(12) SNAKE, OREGON AND IDAHO.—The segment from Canyon Dam downstream to Pittsburg Landing, as a wild river; the segment from Pittsburg Landing to Dough Creek, as a scenic river; and the segment from Dough Creek downstream to the town of Asotin, Washington, as a recreational



river: *Provided*, That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments."

On page 4, line 21, strike the word "uniform".

On page 6, lines 1 through 4, strike the following:

"No provision of the Wild and Scenic Rivers Act (82 Stat. 906), nor of this Act, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict," and insert in lieu thereof:

"No provision of this Act, nor any other provision of law nor any guidelines, rules, or regulations issued thereunder, shall in any way limit, restrict,"

On page 10, line 9, add a new subsection (f) as follows:

"Such activities as are compatible with the purposes of this Act including, but not limited to, timber harvesting by selective cutting, mining and grazing may continue during development of the comprehensive plan at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in the development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas."

On page 14, line 10, add a subsection (e) as follows:

"standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and development as are compatible with the provisions of this Act."

On page 15, line 9, after the word "farming" add the words "timber harvesting,".

On page 16, lines 4 through 17, strike subsection (c) in its entirety and reletter the following subsections accordingly.

#### PURPOSE OF BILL

The purpose of S. 322, as amended, is to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington. The bill contemplates a recreation area along the Snake River from Hells Canyon Dam (Idaho) to Asotin, Washington, of one hundred and four-tenths miles, together with portions of certain of its tributaries and adjacent lands and including portions of the Rapid River in Idaho. Approximately twenty-five miles of the Snake River would be classified as "recreational", forty-five miles as "scenic" and thirty miles as "wild" under the Wild and Scenic Rivers Act (82 Stat. 906).

The Recreation Area will be comprised of approximately 671,206 acres and will also include within that area a Hells Canyon Wilderness Area of approximately 193,840 acres.

The bill also deauthorizes the Asotin Dam, which was authorized under the provisions of the Flood Control Act of 1962 (76 Stat. 1173). No flow requirements are permitted by the bill.

#### BACKGROUND

Between the existing Hells Canyon dam and Asotin, Washington, the Snake River runs through the deepest gorge on the North American continent. Three major tributaries enter the Snake within this 110-mile reach, the Imnaha, Salmon, and Grande Ronde Rivers. Topographic relief in the area varies from peaks above 9,000 feet above sea level to less than 800 feet along the Snake River at Asotin. The canyon is more than a mile deep at some locations.

The narrow rocky gorge and rapid fall of the stream which contribute to the scenic value of the area also provide a number of sites for hydroelectric dams, and the Snake River-Hells Canyon controversy has been before the Congress and in the courts for many years.

Studies of this reach of the Snake River have been undertaken intermittently since the early 1900's for recreational, navigation, and multiple-purpose development.

In 1964 the Federal Power Commission granted the Pacific Northwest Power Co. a license to build the High Mountain Sheep project. The license was appealed to the U.S. Court of Appeals, which affirmed the FPC decision in 1966. The matter then went to the Supreme Court, and in a decision on June 5, 1967, the Court remanded the project to the Federal Power Commission for further consideration.

In 1970 the Senate passed legislation, which was sponsored by Senators Frank Church and Len Jordan of Idaho, to suspend the authority of the FPC to grant licenses or permits for the construction of hydroelectric power projects on the reach of the Snake River contained in S. 322. The legislation was re-introduced during the 92d Congress and again passed the Senate with no action in the House.

#### SECTION-BY-SECTION ANALYSIS

Section 1(a) defines the purpose of the Act which is to preserve the Hells Canyon area, portions of the Snake River and Rapid River in Idaho, including certain tributaries and adjacent lands, by establishing a Hells Canyon National Recreation Area.

Section 1(b) describes the boundaries of the Hells Canyon National Recreation Area, including Hells Canyon Wilderness Areas, components to the Wild and Scenic River System, and certain wilderness study areas, located in the State of Oregon.

The Committee intends by creation of a national recreation area to develop a specific form of management for the area involved. While certain portions of the Hells Canyon National Recreation Area are also included within the National Wilderness System and the Wild and Scenic Rivers System, this Act is not intended to set a precedent for inclusion of future areas into either the Wilderness System or the Wild and Scenic Rivers System. Special exceptions to the Wilderness Act and the Wild and Scenic Rivers Act have been made in this Act in order to structure a comprehensive management plan which includes wild, scenic, and recreational rivers, wilderness areas and recreation areas.

Section 2(a) establishes, by reference to an official map, the Hells Canyon Wilderness Areas which are designated as wilderness and thereby incorporated into the Wilderness System.

Section 2(b) requires that the wilderness areas, designated by this Act, shall be administered under provisions of this Act or the Wilderness Act, whichever is the more restrictive. Section 9(b) and section 11 of this Act apply to the wilderness areas designated herein and where appropriate are meant to be specific exceptions to the Wilderness Act.

The Secretary is also directed to make boundary revisions to the wilderness areas which border lands adjacent to and designated part of those segments of the Snake River incorporated into the Wild and Scenic Rivers System where such revision would be required by a boundary adjustment pursuant to subsection 3(b).

Section 3(a) amends the Wild and Scenic Rivers Act (83 Stat. 906) by adding to the Wild and Scenic Rivers System portions of the Snake River and the Rapid River.

The Rapid River, from the headwaters of the main fork to the present national forest boundary (20.3 river miles) and from the headwaters of the west fork to its confluence with the main stem of the Rapid River (10.5 river miles) is designated a wild river, The Snake River, from Hells Canyon Dam downstream to Pittsburg Landing (32.4 river miles) is designated a wild river; from Pittsburg Landing to Dough Creek (43.8 river miles) is designated a scenic river; and, from Dough Creek to Asotin, Washington (25.1 river miles) is designated a recreational river.

Section 3(b) provides that those segments of the Snake River and the Rapid River designated under this Act shall be administered under provisions of the Wild and Scenic Rivers Act. The Secretary is required to establish a corridor along the river segments involved.

The Committee by reiterating the corridor requirement expects that the Secretary will establish river corridors which generally do not include varying amounts of land groupings per river mile, causing irregular boundaries. This provision is necessitated due to the wilderness areas which abut the river on both sides.

The Secretary is not to undertake or permit to be undertaken any activity on public lands in the Rapid River drainage which would impair the water quality of those portions of the Rapid River designated as wild river. The Committee intends, therefore, that such activities as may take place in the drainage area shall be in consonance with the objectives sought by the Committee in maintaining the water quality of the Rapid River. The Rapid River Salmon Hatchery, located in the Rapid River drainage area, is meant to sustain the anadromous fishery in the Snake, Salmon and Clearwater drainages. The success of this hatchery is due, in large part, to the water quality of the Rapid River and associated watershed resources. The entire drainage area shall, thus, be managed to protect the water quality of this river. In developing management policies for this watershed, the Secretary should consider, as an example, the severe watershed degradation done in the adjoining Indian Creek drainage as a result of existing resource management practices. The Committee intends that such degradation should not occur in the Rapid River drainage which would thereby impair the water quality of the Rapid River itself.

The Secretary is authorized to make such minor boundary changes in the corridors of the rivers as he deems necessary to provide for such facilities and structures for public use as are permitted under the Wild and Scenic Rivers Act. By setting back the wilderness boundaries from the banks of the Snake River and establishing a corridor of land adjacent to the river which is included within the Wild and Scenic River designation, the Committee believes that the Secretary shall clearly be allowed to permit such permanent structures along the banks of the Snake River as he deems necessary to support public use.

Section 4(a) provides that the Federal Power Commission shall not license the construction of any dam or other work project within the national recreation area. However, such projects as are already constructed or under construction on the date of enactment of this Act and within the recreation area shall not be affected by provisions of this subsection.

Section 4(b) prohibits any department or agency of the United States from assisting in any way in the construction of any water resource facility within the recreation area which would have an adverse effect on the values for which the waters within the recreation area are to be protected. The Committee intends that the limitation on Federal government assistance shall apply only within the recreation area.

Section 5 deauthorizes Asotin Dam.

Section 6(a) provides that no provision of law shall limit, restrict or conflict with the present or future upstream water uses. The Committee intends, by this language, to protect and preserve the present and future rights of the water users upstream in the State of Idaho.

Section 6(b) prohibits the establishment of any minimum flow requirements through that portion of the Snake River included within the Wild and Scenic Rivers system.

Section 7(a) directs that the Secretary shall administer the recreation area for public outdoor recreation and in a manner compatible with the following objectives:

- (1) to maintain and protect the free-flowing nature of rivers within the recreation area,
- (2) to conserve the scenic, wilderness, cultural, scientific and other values contributing to the public benefit.
- (3) to preserve features and peculiarities believed to be biologically unique,
- (4) to protect and maintain fish and wildlife habitat,
- (5) to protect and interpret archeological and paleontologic sites,
- (6) to preserve and restore certain historic sites associated with the economic and social history of the region,
- (7) to manage, utilize and dispose of federally owned natural resources, including timber harvesting by selective cutting, mining and grazing and other such uses as are compatible with the Act. Where unusual situations exist, for example; in cases of fire, insect, disease, or wind damaged timber, clearcutting is permitted to be practiced where its use would mitigate the situation. This is intended to be the exception rather than the rule.

The provisions of this subsection shall be superseded in those areas of the recreation area otherwise provided for under sections 2 and 3

and 10 of this Act dealing with wilderness designation (section 2), wild, scenic and recreational river designation (section 3), and promulgation of regulations for certain activities within the recreation area (section 10).

Section 8(a) prescribes that within five years from the date of enactment of this Act the Secretary develop a comprehensive management plan for the recreation area.

Section 8(b) provides that in developing a comprehensive management plan as provided under subsection 8(a), the Secretary is directed to give special attention to the historic, archeological and paleontological resources of the area; to inventory such resources; and, where appropriate to recommend such areas for listing in the National Register of Historic Places. The Secretary's comprehensive plan is to include recommendations for future protection and controlled research use of all such resources.

Section 8(c) directs the Secretary, as part of his comprehensive planning process, to conduct a detailed study of the need for scenic roads and other means of transit into the recreation area. The Secretary is directed to give particular attention to the need for providing roads and other means of transit which would provide access to scenic views of and from the western rim of Hells Canyon. The Secretary is also required, in his study, to consider the alternative of upgrading existing roads. The Committee intends that the Secretary, in conducting this study, shall engage advanced engineering consultation, within or without the Department of Agriculture. Furthermore, all alternative means of transit, including mass transit, and alternative locations of routes should be fully considered so that such recommendations will be in consonance with the overall purposes of the recreation area.

Section 8(d) directs the Secretary to review certain areas within the recreation area in Oregon for suitability or non-suitability as wilderness. Within five years the Secretary is to complete his review and the President is to inform the Congress of such recommendation. Further, the Secretary is required to conduct such review in accordance with section 3(d) of the Wilderness Act and shall give 60 days public notice of any hearing on such study areas. The Secretary is not precluded from recommending other areas within the recreation area for inclusion within the wilderness system.

The Committee intends that the studies called for in this subsection and the road and transportation study called for in section 8(c) shall be conducted in close coordination because much of the same terrain is involved in both studies. Direction to study roads and other access alternatives is not intended in any way to prejudice full study and consideration of wilderness along the rim of the canyon, but neither is the wilderness study requirement intended to in any way prejudice full study of roads and other access alternatives to and along the rim. Rather, it is the objective of these provisions to assure that the Secretary, the public and the Congress will be provided the fullest and most objective study of all alternatives, so that ultimate development and wilderness designation decisions may be arrived at on the basis of the most thorough and informed consideration.

Section 8(e) directs the Secretary in preparing the comprehensive management plan to provide full public participation and to consider the views of all interested public and private bodies. Such interested

agencies, organizations and individuals could include, for example, the principal universities of the three states involved and the governmental and nongovernmental agencies and organizations concerned with historical ecological and land use studies. The Committee anticipates that the Secretary will fully consider the views and recommendations of these interested parties.

Section 8(f) provides that existing activities which are not incompatible with the purposes of the Act may continue during the development of the management plan which will consider allowing the use to continue. Specifically cited activities include: timber harvesting, mining, and grazing.

Section 9(a) provides that the Secretary is authorized to acquire lands or interests in land accomplish the purposes of this Act by donation, exchange or purchase from willing sellers with donated or appropriated funds.

Section 9(b) provides that the Secretary may acquire without the consent of the owner lands or interests in land only if two requirements are met. (1) The Secretary deems that all reasonable efforts to acquire such lands or interests in land by negotiation have failed; and (2) no more than 5 per centum of the total privately owned land within the recreation area shall have been acquired without the consent of the owner. Notwithstanding the 5 per centum limitation on land acquisition in the recreation area, the Secretary is authorized to acquire scenic easements in land without the consent of the owner. Furthermore, as provided in subsection 9(g) the 5 per centum limitation shall not apply to the acquisition of mineral interests. After regulations required by section 10 of this Act have been published, the Secretary may only acquire scenic easements in lands without the consent of the owner and then, only if such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations. The Committee intends by provisions of this subsection to limit the power of the Secretary to acquire lands or interests therein without the consent of the owner. The acquisition of scenic easements is intended to be a principal method by which conformance to the overall purposes of this Act is to be achieved; that is why no limitation, like that placed on the acquisition of land or other interests therein, save mineral interests, is imposed in the case of scenic easements.

Section 9(c) provides that lands or interests in land owned by the States of Oregon or Washington or a political subdivision may be acquired only by donation. Such land or interests in land owned by the State of Idaho may be acquired only by donation or exchange. Provisions of the Idaho Admissions Act prohibit the State of Idaho from donating any State school section lands. The Committee recognizes the difficulty thus created for the State of Idaho in light of the fact that the Committee has adopted a policy of requiring a State to donate lands which are utilized for the same recreation purposes as that anticipated by the Federal government. However, it is still the policy of the Committee to retain the requirement of donation of State lands under such circumstances.

Section 9(d) defines "scenic easement" to mean the right to control the use of land to protect esthetic values but not to preclude farming or pastoral uses already existing.

Section 9(e) requires the Secretary to give prompt consideration to any offer made to sell private inholdings within the recreation area and to specifically consider any undue hardship to such property owner caused by an undue delay.

Section 9(f) provides that the Secretary may accept title to any non-Federal property in the recreation area and exchange for such property any federally owned property within the same State. Where values of such exchanged properties are not equal, such value may be equalized by the payment of cash from the party required to equalize the exchange.

Section 9(g) provides that the Secretary is authorized to acquire mineral interests in lands within the recreation area. Such acquired lands or mineral interest shall be withdrawn from further mineral entry.

Section 9(h) provides that lands under the jurisdiction of another agency may be transferred to the administrative jurisdiction of the Secretary.

Section 10(a) directs the Secretary to promulgate rules and regulations for the use and development of private lands within the recreation area. While regulations may differ from parcel to parcel, they shall be in furtherance of the purposes of this Act.

Section 10(b) directs the Secretary to promulgate standards and guidelines for the protection of historic, archaeological and paleontological resources in the recreation area as further defined in subsection 8(b) of this Act.

Section 10(c) directs the Secretary to promulgate such regulations as may be necessary to control the use of motorized and mechanical equipment for transportation over Federal lands within the recreation area. The Committee intends by this subsection to draw special attention to the need to take action to regulate the use of and protect the surface values of, the Federal lands in the recreation area, and thus directs that rules and regulations necessary to carry out this subsection shall be promulgated and issued by the Secretary.

Section 10(d) directs the Secretary to promulgate rules and regulations to control the use of motorized and nonmotorized river craft. However, the Committee specifically recognizes that the use of such motorized craft as jet boats are a valid use and thereby allowed within the recreation area.

Section 10(e) directs the Secretary to formulate standards for the management, utilization and disposal of natural resources and for the continuation of such existing uses as are compatible with the purposes of this Act.

Section 11 provides that all Federal lands located within the recreation area are withdrawn from all forms of mineral location, entry and patent notwithstanding subsection 4(d)(2) of the Wilderness Act but subject to valid existing rights.

Section 12 directs the Secretary to permit hunting and fishing within the boundaries of the recreation area in accordance with applicable federal and state laws, except that he may designate zones where and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration or public use and enjoyment.

Except in an emergency the Secretary must first consult with appropriate State fish and game departments regarding regulations under this section. The Committee intends by the language of this subsection to assure that the States involved will continue present jurisdiction over hunting and fishing.

Section 13 provides that ranching, grazing, farming, timber harvesting, and the associated occupation of lands and homes shall be considered valid uses of the recreation area.

Section 14 clarifies that nothing in this Act shall diminish, enlarge or modify the civil and/or criminal jurisdiction of the States involved over lands within the recreation area.

Section 15 provides that the Secretary may cooperate with other governmental bodies in the development and operation of facilities and services in the area which are in furtherance of the purposes of this Act.

Section 16(a) authorizes to be appropriated the sum of not more than \$10,000,000 for the acquisition of lands or interests in land within the recreation area.

Section 16(b) authorizes to be appropriated the sum of not more than \$10,000,000 for the development of certain recreation facilities.

Section 16(c) authorizes to be appropriated the sum of not more than \$1,500,000 for identification, development and protection of historical and archeological sites described in section 5 of this Act.

Section 17 provides where any provision of this Act may be declared invalid, such invalidation will not affect the validity of other provisions of this Act.

#### LEGISLATIVE HISTORY

In the 93rd Congress, the Parks and Recreation Subcommittee held extensive public field hearings on S. 2233, a bill similar to S. 322, in La Grande, Oregon, on December 6, 1973, and in Lewiston, Idaho, on December 14 and 15, 1973. There were also open hearings held by the Subcommittee in Washington, D.C., on April 23 and July 10, 1974.

The Parks and Recreation Subcommittee in open mark-up session on August 1, 1974, ordered S. 2233 favorably reported to the full committee with amendments and the full committee on September 11, 1974, ordered the bill, as amended, favorably reported to the Senate. S. 2233 passed the Senate on September 26, 1974.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in open mark-up session on May 14, 1975, with a quorum present, unanimously ordered S. 322, as amended, reported favorably to the Senate.

#### COST

It is estimated that the total cost of this project will be approximately \$21,500,000. This amount will be used for acquisition of lands, for the development of recreation facilities and a visitors' center, and for inventory, identification, development, and protection of historic and archeological sites.

## DEPARTMENTAL REPORTS

The reports of the Departments of the Interior and Agriculture and the Federal Power Commission on S. 2233 of the 93rd Congress and the report of the Department of Agriculture during this Congress are set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 9, 1974.

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

DEAR MR. CHAIRMAN: This supersedes our letter of April 22, 1974, concerning S. 657, a bill "To designate the Hells Canyon National Forest Parklands Area, and for other purposes", and S. 2233, a bill "To establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes." At that time we recommended that no bill regarding Hells Canyon be enacted but that review of a proposal circulated by the Department of Agriculture among other Federal agencies be conducted by the executive branch with a view toward subsequent submission to the Congress. This review has been completed, and the Department of Agriculture is transmitting a proposed bill to the Congress. We recommend that this proposed bill be enacted in lieu of either S. 657 or S. 2233.

The Agriculture bill would add a segment of the Snake River to section 3(a) of the Wild and Scenic Rivers Act, thereby designating that segment as a new wild and scenic river. The Secretary of Agriculture would be required to complete the formal processes of such designation, including establishment of detailed boundaries, within one year of the date of enactment. Both the Secretary of Agriculture and the Secretary of the Interior would be authorized to acquire the lands and interests in land concomitant with such designation and without regard to the Act's stipulation that Federal condemnation authority lapses once 50 percent of the acreage within a Federal wild and scenic river area is in Federal or State ownership. The bill would authorize the Secretary of Agriculture to regulate the amount and type of watercraft on the river.

We support the designation of this segment of the Snake River as a wild and scenic river. We believe that the river has been amply studied and that its wild and scenic values are well-known. We also consider such designation as an important vehicle for protection of the many kinds of fish which inhabit the river. Much of the land abutting the lower 25 miles of the river segment involved in this bill is under the jurisdiction of this Department and administered by the Bureau of Land Management. We look forward to resolving with the Department of Agriculture the best means of administering this land as part of the Snake wild and scenic river segment.

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,

NATHANIEL P. REED,  
Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., August 7, 1974.

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

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 657, a bill "To designate the Hells Canyon National Forest Parklands Area, and for other purposes," and on S. 2233, a bill "To establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes."

The Department of Agriculture agrees that the Middle Snake River and its immediate environs possess outstanding scenic, recreational, and other natural values and that the river should be preserved in a free-flowing condition for the benefit and enjoyment of present and future generations. We support statutory designation of the river as an expression of its special national values. We believe this can best be accomplished by designation of the river as a component of the National Wild and Scenic Rivers System. Consequently, we recommend that S. 657 and S. 2233 not be enacted and that our enclosed proposed substitute bill, which provides for the addition of the Snake River to the National Wild and Scenic Rivers Systems, be enacted.

S. 657 would establish a Hells Canyon National Forest Parklands Area of approximately 726,000 acres. The purposes of the area would be to provide public outdoor recreation use and enjoyment of the lands and waters. The parklands area would be administered by the Secretary of Agriculture. A portion of the parklands area would be designated for management without public roads, and would be studied for its suitability for preservation as wilderness. The segments of the Snake and Imnaha Rivers within the parklands area would be preserved as free-flowing. The Secretary would be directed to promulgate regulations setting standards for the use and development of privately owned property and would be authorized to acquire lands or interests in lands. Federal lands within the parklands area would be withdrawn from mineral location, entry, and patent, but subject to mineral leasing at the discretion of the Secretary of Agriculture.

S. 2233 would establish a Hells Canyon National Recreation Area of approximately 834,000 acres. The purposes of the area would be to preserve the natural beauty, historical, and archeological values and recreational and ecologic values and enhance public enjoyment of the area. S. 2233 would provide for immediate designation of certain lands for inclusion in the National Wilderness Preservation System, and it would provide for the study of additional lands for possible inclusion in the National System. It would designate 101 miles of the Snake River from Hells Canyon Dam to Asotin, Washington, as a component of the Wild and Scenic Rivers System. The Asotin Dam, authorized under provisions of the Flood Control Act of 1962, would be deauthorized. The recreation area would be administered by the Secretary of Agriculture. The Secretary would be directed to promulgate regulations setting standards for the use and development of privately owned property and would have limited authority to acquire lands and interests in lands. Federal lands within the recreation area would be withdrawn from mineral location, entry, and patent.

Our proposed substitute bill, which is included with this report, would amend the Wild and Scenic Rivers Act by designating the Snake River from Hells Canyon Dam downstream for 68 miles to the intersection of the river and an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian as a component of the National Wild and Scenic Rivers System to be administered by the Secretary of Agriculture. It would provide that within one year the detailed boundaries, river classes, and development plans would be established. It would authorize acquisition of lands and interests in lands without the limitation set forth in section 6(b) of the Act and would authorize to be appropriated such sums as may be necessary for the purposes of the river. It would also authorize the Secretary, in consultation with other involved State and Federal agencies, to control and regulate the amount and type of watercraft use on the river.

The Department of Agriculture is responsible for the management of most of the lands adjacent to the Middle Snake River as parts of the National Forests. For a number of years we have been involved in the evaluation of proposals which would impound portions of the Middle Snake River. We have also evaluated the river for its recreational, scenic, free-flowing, and other values. Most recently we studied the proposals which would establish a national recreation area, designate areas as wilderness, designate the river as a wild and scenic river, provide other special designation or provide for a combination of such designations.

The river has a substantial potential for power development; however, based on the many studies conducted on the various river values and our experience in the management of the area, we conclude that the river from Hells Canyon Dam downstream to the National Forest boundary should be protected in its free-flowing form and designated as a component of the National System.

We do not believe that it is necessary to designate the larger canyon area or other adjacent lands as a national recreation area or a national forest parklands. These lands are predominately in Federal ownership and are managed as part of the National Forests. The major scenic overlooks and access routes are under the jurisdiction of the Secretary of Agriculture. Management plans on these lands are in effect to protect and enhance the river and canyon values. We believe this management pattern is sufficient to meet public objectives for the area.

We anticipate some additional development of recreation facilities in the river area and on adjacent National Forest lands. However, we do not anticipate extensive development directed toward encouraging use of the area by large numbers of people as is characteristic of many national recreation areas.

A further description of the substitute bill, the reasons for our recommendation and additional recommendations pertaining to the establishment of a national recreation area are contained in the attached supplemental statement.

The estimated costs for a 5-year program under our proposal are \$1 million for land acquisition; \$2 million for development, and \$1.5 million for operation and maintenance.

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

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,

RICHARD A. ASHWORTH,  
Deputy Under Secretary.

A BILL To amend the Wild and Scenic Rivers Act by designating the Snake River, Oregon and Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

"(11) Snake, Oregon and Idaho.—The segment from Hells Canyon Dam downstream to the intersection of the river and an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (11). *Provided further*, That the Secretary of Agriculture and the Secretary of the Interior are authorized to acquire lands and interests in lands within the authorized boundaries of this river without the limitation set forth in section 6(b) of this Act: And *Provided further*, That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary. The Secretary, in consultation with other involved State and Federal agencies, is authorized to control and regulate the amount and type of watercraft use on the river."

USDA SUPPLEMENTAL STATEMENT ON LEGISLATION RELATING TO THE  
HELLS CANYON-MIDDLE SNAKE RIVER AREA

*Background*

The Middle Snake River below Hells Canyon Dam has for a long time been recognized as an area with exceptional scenic and recreation values. The river is a magnificent free-flowing stream consisting of alternate deep pools and white-water rapids. Its shorelines include a series of sheer rock faces dropping almost vertically into the river and stretches lined with great boulders interspersed by occasional sandbars. The river is enclosed in an awesome canyon which is one of the deepest in the United States. The river area is of striking beauty, and it provides outstanding recreational opportunities with high quality fishing, challenging water courses and numerous campsites. It is this combination of values that make the river nationally significant.

*River Designation*

We recommend the river reach from Hells Canyon Dam downstream 68 miles to the north boundary of the Wallowa-Whitman National Forest be designated as a component of the National Wild and Scenic Rivers System. This segment of the Snake River is free-flowing, contains spectacular portions of the canyon enclosure, and the lands adjacent to the river are predominately in Federal ownership. We do not include the river reach north of the National Forest boundary be-

cause this reach is not an integral part of the main canyon area, the lands adjacent to the river are predominately not in Federal ownership, and much of this reach would be impounded by the authorized Asotin Dam project.

#### *Wilderness Designation*

S. 2233 and S. 657 would designate certain areas as wilderness or areas to be managed without public roads. We urge that within the Hells Canyon-Middle Snake River area no wilderness be designated at this time. Management of an area as wilderness restricts management of the same area for other resource values. For this reason we believe a detailed review of all resource values should be completed before an area is designated as wilderness. Such a detailed review has not been undertaken for the areas within the Hells Canyon-Middle Snake River area. We have inventoried the roadless and undeveloped areas of National Forest lands within the area. These areas in conjunction with other National Forest lands are undergoing a detailed examination of their resource values. Based on this examination, alternative management patterns will be developed and displayed for public review and comment. In the undeveloped areas, wilderness management will be one of the alternatives examined. After thorough study, final plans will be formulated in accordance with the National Environmental Policy Act. This will include development of draft and final environmental statements which will be available for inter-agency and public review and comment prior to the implementation of plans.

#### *Administration*

We recommend that the river be administered by the Secretary of Agriculture. The major portion of lands adjacent to the river are parts of the Nezperce, Payette, and Wallowa-Whitman National Forests. The entire river is within the National Forest boundaries with the exception of the lower 25 miles on the Idaho side. In the area outside the National Forest boundary, the lands are in a mixture of private and public ownership with the Federal lands administered by the Bureau of Land Management, Department of the Interior. We would expect to work out the administration of this area cooperatively with the Secretary of the Interior.

#### *Land Acquisition*

We recommend that the Secretary of Agriculture and the Secretary of the Interior be authorized to acquire lands and interests in lands within the authorized boundaries of the river without the limitation set forth in subsection 6(b) of the Wild and Scenic Rivers Act (82 Stat. 907). This provision is necessary because even though approximately 90 percent of the river area is owned by the United States, it is likely that it will be desirable to acquire certain additional lands to improve access to the river or to provide for the development of necessary facilities to serve river users. We would expect to acquire scenic easements to protect the river values where present uses are compatible with river management objectives and ownership of full interest is not necessary.

#### *Control of Watercraft*

We recommend that the Secretary, in consultation with involved State and Federal agencies, be authorized to control and regulate the

amount and type of watercraft use on the river. At present a number of Federal and State agencies have concerns and responsibilities for control and regulation of watercraft use. We believe that it is important that the Secretary be given the authority to be a focal point for the coordination of these concerns and responsibilities. We would expect to exercise any restrictions on use only after careful consultation with public and private groups and agencies.

#### *Additional Recommendations Pertaining to a National Recreation Area*

If the Committee should choose to go beyond our recommendation to designate the Snake River as a component of the National Wild and Scenic Rivers System, we urge that the Committee adopt the following recommendations which we developed in our review of S. 657 and S. 2233.

#### *Size of Area*

We recommend that a national recreation area include only those lands directly influencing the Middle Snake River and associated canyon. The area we recommend is shown on a map enclosed with this report. It includes approximately 540,000 acres.

We do not recommend inclusion of the Upper Imnaha River drainage, lands east of the Snake River-Salmon River divide, lands and river segments downstream from the present National Forest boundary at the north end, or certain lands and river segments upstream from Hells Canyon Dam. The lands in the Upper Imnaha and lands east of the Snake River-Salmon River divide do not directly affect the Middle Snake River or Hells Canyon. These areas contain a substantial acreage of private land, and the National Forest is generally roaded and developed for general use. The Rapid River drainage, which is included as part of the lands east of the divide, is already managed for its special watershed values. The lands and river segments upstream from Hells Canyon Dam are not an integral part of the Hells Canyon area, the river segments are impounded, and the lands are predominately not in Federal ownership. The lands and river segment downstream from the National Forest boundary are not an integral part of the main canyon area and are predominately not in Federal ownership.

#### *Wilderness Designation*

As described earlier in our report, we do not favor designation of any areas as wilderness until a detailed review of all resource values is completed. We would not, however, object to being directed to review the undeveloped, unimproved portions of the area as to their suitability or nonsuitability for preservation as Wilderness as a provision of national recreation area legislation.

#### *River Protection*

Our primary concern regarding legislation affecting the Middle Snake River is that it provides the protection of the river as a free-flowing stream. We do not believe that it would be necessary to designate the Middle Snake River area as both a wild and scenic river and a national recreation area. If the national recreation area designation is selected, we favor the general approach set forth in section 5 of S. 657 which combines provisions applying to the recreation area and provisions providing river protection into a single legislative framework.

### *Acquisition Authority and Private Land Use Regulation*

Both S. 657 and S. 2233 would provide for the Secretary to promulgate regulations setting standards for the use and development of privately owned property. S. 2233 would recognize present ranching, grazing, farming and land occupancy as traditional and valid uses of the recreation area. S. 2233 would provide that after publication of private land use regulations no interests in privately owned lands could be acquired by condemnation unless such lands are being used or are in imminent danger of being used in a manner incompatible with the regulations, in which case the Secretary may acquire scenic easements. S. 2233 would also restrict acquisition of fee simple title by condemnation to a maximum of 5 per centum of the privately owned lands. This restriction would not apply to the acquisition of partial interests in land. S. 657 would not provide these restrictions on the Secretary's authority to acquire lands.

The amount of private land that would be included within the designated area varies substantially between proposals; S. 657 would include approximately 46,500 acres of private lands; S. 2233 would include approximately 89,200 acres of private lands; and the area we recommend would include approximately 21,100 acres of private land.

The Secretary of Agriculture now has basic authority to acquire lands necessary for public purposes within the exterior boundaries of the National Forests. This authority would be extended to the entire designated area in S. 657 by extending the National Forest boundaries. We favor the extension of this authority and recommend that the Nez Perce National Forest boundary be extended to include all the lands on the east side of the Snake River within the designated area.

A major portion of the private lands included within the area we recommend are being used for agricultural and related pastoral purposes. We anticipate that these uses could generally continue without conflicting with the purposes for which the recreation area would be managed. We would expect to use our authority to condemn lands sparingly. It is likely that we would use our authority to acquire partial interests in certain lands to assure that future uses would not conflict with the management of the recreation area.

Private lands would constitute a minor part of the area we recommend for designation. The nature of present uses on these lands is generally compatible with the purposes of the recreation area. Based on these conditions and because we have existing authority to acquire lands, we do not believe that promulgation of private land use standards would be necessary. Additionally, we look to State and local authorities to provide a land use planning and control framework for regulating private lands that will complement and support our management objectives for the recreation area.

### *Mineral Activity*

S. 657 and S. 2233 would provide for a withdrawal of the recreation area from the application of the 1872 Mining Law. S. 2233 would further provide withdrawal of the area from the application of the mineral leasing laws. S. 657 would provide for the application of a mineral leasing system to all minerals within the designated area. This mineral leasing system would be similar to that proposed in the Administration's Mineral Leasing Act. We believe that a mineral leasing

system which gives the Secretary discretionary authority to control mineral activity affecting the surface resources within the area is essential. We do not favor a complete withdrawal as would be provided by S. 2233. Before a total withdrawal is made, we believe studies should be undertaken which would identify the mineral values which would be foregone under the withdrawal. Mineral studies are being conducted but study reports will not be available until mid-1976. We recommend that the Secretary be authorized to allow mineral exploration and development under a leasing system, in those cases where such disposition would not have significant adverse effects on the administration of the recreation area.

### *Authority for Appropriations*

S. 657 would provide that monies appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein for the purposes of the Act. S. 2233 would authorize to be appropriated monies for improvement of roads, for acquisition of lands and interests in lands, for development of recreation facilities, and for inventory and protection of historic and archeological sites. With the exception of authority to use monies from the Land and Water Conservation Fund for acquisition of lands in the area added to the Nezperce National Forest, the Secretary has existing authorities under which monies can be appropriated for improvement of roads, for acquisition of lands, for development of facilities, for inventory and protection of resources, and for other purposes necessary to the management and protection of the National Forest. Since the Secretary has existing authority and since the authorization levels included in S. 2233 could at some future time act as a constraint on management of the area, we recommend that the legislation include only a general appropriations authority, in addition to the authority relating to the Land and Water Conservation as contained in S. 657.

FEDERAL POWER COMMISSION,  
Washington, D.C., April 3, 1974.

S. 657 (H.R. 2624) and S. 2233—To establish the Hells Canyon National Recreation Area.

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

DEAR MR. CHAIRMAN: This is in response to your letter of October 16, 1973, requesting the Commission's comments on S. 2233, to establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington and for other purposes. Since your hearings also include S. 657, to provide for the establishment of the Hells Canyon National Forest Parklands, we also report on that bill and its House counterpart, H.R. 2624.

S. 2233 provides for the establishment of the Hells Canyon National Recreation Area on the segment of the Snake River between Hells Canyon Dam in Idaho and Asotin, Washington. The bill would also establish the Hells Canyon Wilderness Area within the recreation area and the wilderness area would be incorporated in the national wilderness preservation system.



Section 4 of proposed S. 2233 would prohibit the Federal Power Commission from licensing "the construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project work under the Federal Power Act . . . within the recreation area, except that the provisions of the Federal Power Act shall continue to apply to any project and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act." Furthermore, under § 5, the Asotin Dam, authorized for federal construction under provisions of the Flood Control Act of 1962, is deauthorized.

S. 657 provides for the establishment of the Hells Canyon National Forest Parklands on approximately 726,400 acres in Idaho and Oregon, including lands on both sides of the Snake River upstream of the Oregon-Washington State line to a point near Homestead, Oregon. Proposed § 5(a)(1) of S. 657 provides that "The FPC shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the FPA . . . on or directly affecting the presently free flowing portions of the Snake and Imnaha Rivers within the Parkland area . . ."

Included within the protected area of both S. 2233 and S. 657 is the dam, powerhouse, and the major portion of the Hells Canyon Reservoir of the Hells Canyon Project (No. 1971) under FPC license granted August 4, 1955. Under S. 2233, the Federal Power Commission would continue to exercise jurisdiction over the Hells Canyon Project with full authority over relicensing at the termination of the current license period. S. 657, while prohibiting future licensing by the Federal Power Commission within the protected region, makes no provision for projects currently under license. To clarify S. 657, the bill should be amended so as to continue jurisdiction in the Federal Power Commission with regard to the Hells Canyon Project (No. 1971).

In addition to the Hells Canyon Project, there are two proposed or potential water power developments within the region protected by S. 2233 and S. 657. At Mile 172.5 of the Middle Snake River, is the potential China Gardens dam. At present, no one has proposed construction on this site. The second proposed water power development is the High Mountain Sheep dam at Mile 189.2 of the Snake River. The Pacific Northwest Power Company has filed an application with the Federal Power Commission for a project license (No. 2243 and No. 2273). By order issued June 27, 1973, the Commission reopened the proceedings in this case to receive in evidence a final environmental impact statement. The three alternative sites for the proposed High Mountain Sheep dam are the Mountain Sheep dam at Mile 192.5, the Appaloosa dam at Mile 197.6, and the Pleasant Valley dam at Mile 213. Since no construction has yet begun, enactment of either S. 2233 or S. 657 would preclude the Federal Power Commission from granting a license for the High Mountain Sheep dam.

Under § 4(e) of the Federal Power Act, the Congress delegated to the Federal Power Commission the authority "to issue licenses . . . for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works . . ." The Commission requests that future licensing of

the High Mountain Sheep project not be precluded by legislation, but rather that we be permitted to exercise our primary authority for evaluating the power needs of the Pacific Northwest. Such an evaluation is particularly relevant at this time, since a power shortage does exist in the Pacific Northwest region.

The Office of Management and Budget advises that while it has no objection to the submission of this report, the views set out herein do not necessarily reflect the views of the Administration.

Sincerely,

JOHN N. NASSIKAS,  
*Chairman.*

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., April 22, 1974.*

HON. HENRY M. JACKSON,

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 657, a bill "To designate the Hells Canyon National Forest Parklands Area, and for other purposes", and S. 2233, a bill "To establish the Hells Canyon National Recreation Area in the States of Idaho, Oregon, and Washington, and for other purposes."

We recommend that no bill be enacted at this time.

S. 657 would establish a Hells Canyon National Forest Parklands of some 726,400 acres in the states of Idaho and Oregon. To be administered by the Secretary of Agriculture in the manner of a national forest, the parklands would serve the purposes of providing public outdoor recreation benefits, conservation of values contributing to public enjoyment of the area, and utilization of resources (such as timber and grasslands) in a manner compatible with the other purposes. Certain roadless portions of the parklands would be subjected to review for possible inclusion in the National Wilderness Preservation System. Presently free flowing segments of the Snake and Imnaha Rivers within the parklands would be protected from impairment. The Secretary of Agriculture would set standards for these, subdivision, and development of private land within the area and could acquire private holdings to further the public interest. Federal lands within the parklands would be closed to mineral location, entry, and patent but open to mineral leasing at the discretion of the Secretary.

S. 2233 would establish a 100.4-mile segment of the Snake River between Hells Canyon Dam in Idaho and the town of Asotin, Washington, plus certain adjacent areas as a national recreation area to be administered by the Secretary of Agriculture. The same river segment would be incorporated into the National Wild and Scenic Rivers System, and portions of the recreation area in both Idaho and Washington would be incorporated into the National Wilderness Preservation System.

The Department of Agriculture has recently submitted a proposal dealing with the same subject matter to other concerned Federal agencies for their review. We have not had sufficient time to conduct such a review, nor, we understand, have the other agencies. In view of

the fact that the Department of Agriculture would under any proposal be the agency with primary jurisdiction over a recreation area in Hells Canyon, we believe it would be premature to enact a bill dealing with the area before that Department's recommendations have been reviewed in the executive branch and formally submitted to the Congress. Accordingly, we recommend that no bill be enacted at this time.

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,

NATHANIEL P. REED,  
*Assistant Secretary of the Interior.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., May 14, 1975.*

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

DEAR MR. CHAIRMAN: We would like to offer our views on S. 322, a bill entitled, "The Hells Canyon National Recreation Area Act."

The Department of Agriculture agrees that the Middle Snake River and its immediate environs possess outstanding scenic, recreational, and other natural values and that the river should be preserved in a free-flowing condition for the benefit and enjoyment of present and future generations. We support statutory designation of the river as an expression of its special national values. We believe this can best be accomplished by designation of the river as a component of the National Wild and Scenic Rivers System. Consequently, we recommend that S. 322 not be enacted and that our enclosed proposed substitute bill, which provides for the addition of the Snake River to the National Wild and Scenic Rivers System, be enacted.

S. 322 would establish a Hells Canyon National Recreation Area of approximately 692,000 acres. The purposes of the area would be to preserve the natural beauty and historical and archeological values and to enhance recreational and ecologic values and public enjoyment. S. 322 would provide for immediate designation of certain lands for inclusion in the National Wilderness Preservation System, and it would provide for the study of additional lands for possible inclusion in the National System. It would designate 101 miles of the Snake River from Hells Canyon Dam to Asotin, Washington, and the Rapid River as components of the National Wild and Scenic Rivers System. The Asotin Dam, authorized under provisions of the Flood Control Act of 1962, would be deauthorized. The Secretary would be directed to promulgate regulations setting standards for the use and development of privately owned property and would have limited authority to acquire lands and interests in lands. Federal lands within the recreation area would be withdrawn from mineral location, entry, and patent.

Our proposed substitute bill, which is included with this report, would amend the Wild and Scenic Rivers Act by designating the Snake River from Hells Canyon Dam downstream for 68 miles to the intersection of the river and an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian

as a component of the National Wild and Scenic Rivers System to be administered by the Secretary of Agriculture. It would provide that within one year the detailed boundaries, river classes, and development plans would be established. It would authorize acquisition of lands and interests in lands without the limitation set forth in section 6(b) of the Act and would authorize to be appropriated such sums as may be necessary for the purposes of the river. It would also authorize the Secretary, in consultation with other involved State and Federal agencies, to control and regulate the amount and type of watercraft use on the river.

The Department of Agriculture is responsible for the management of most of the lands adjacent to the Middle Snake River as parts of the National Forests. For a number of years we have been involved in the evaluation of proposals which would impound portions of the Middle Snake River. We have also evaluated the river for its recreational, scenic, free-flowing, and other values. Most recently we studied the proposals which would establish a national recreation area, designate areas as wilderness, designate the river as a wild and scenic river, provide other special designation or provide for a combination of such designations.

The river has a substantial potential for power development; however, based on the many studies conducted on the various river values and our experience in the management of the area, we conclude that the river from Hells Canyon Dam downstream to the National Forest boundary should be protected in its free-flowing form and designated as a component of the National System. Limiting the designation to the recommended 68 miles would maintain the potential for power development at the presently authorized Asotin site.

We do not believe that it is necessary to designate the larger canyon area or other adjacent lands as a national recreation area. These lands are predominately in Federal ownership and are managed as part of the National Forests. The major scenic overlooks and access routes are under the jurisdiction of the Secretary of Agriculture. Management plans on these lands are in effect to protect and enhance the river and canyon values. We believe this management pattern is sufficient to meet public objectives for the area.

In addition to our recommendation that special designation be limited to a 68 mile segment of the Snake River and that the area be designated as a wild and scenic river rather than a national recreation area, we object to a number of the major provisions of H.R. 30 including: (1) the extension of the river designation for 33 miles downstream and the inclusion of the Rapid River; (2) the designation of a uniform river corridor without detailed study to determine appropriate boundaries; (3) the designation of wilderness areas without detailed study and review; (4) the inclusion within the national recreation area of the Upper Imnaha River drainage and the associated major acreage of private lands; and (5) the withdrawal of the recreation area from the application of the mining and mineral leasing laws before studies have been completed to determine the extent of the mineral values.

A further description of the substitute bill, the reasons for our recommendation and additional recommendations pertaining to the establishment of a national recreation area are contained in the attached supplemental statement.

The estimated costs for a 5-year program under our proposal are \$1.0 million for land acquisition, \$2.0 million for development, and \$1.5 million for operation and maintenance.

We have been preparing an environmental statement on the proposed alternatives for management of the Middle Snake River area. However, since mineral studies will not be completed until 1976, and other land use studies are scheduled, it appears desirable to delay completion of the statement until the results of these studies are available. This is the procedure we propose to follow unless legislation formally classifying the area is enacted which would make completion of the statement unnecessary.

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

Sincerely,

J. PHIL CAMPBELL,  
*Acting Secretary.*

Enclosures.

A BILL To amend the Wild and Scenic Rivers Act by designating the Snake River, Oregon and Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:

"(11) SNAKE, OREGON AND IDAHO.—The segment from Hells Canyon Dam downstream to the intersection of the river and an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (11): *Provided further*, That the Secretary of Agriculture and the Secretary of the Interior are authorized to acquire lands and interests in lands within the authorized boundaries of this river without the limitation set forth in section 6(b) of this Act; And *Provided further*, That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary. The Secretary, in consultation with other involved State and Federal agencies, is authorized to control and regulate the amount and type of watercraft use on the river."

#### USDA SUPPLEMENTAL STATEMENT ON LEGISLATION RELATING TO THE HELLS CANYON-MIDDLE SNAKE RIVER AREA

#### COMMENTS PERTAINING TO OUR PROPOSED WILD AND SCENIC RIVER DESIGNATION

##### *Background*

The Middle Snake River below Hells Canyon Dam has for a long time been recognized as an area with exceptional scenic and recreation values. The river is a magnificent free-flowing stream consisting of alternate deep pools and white-water rapids. Its shorelines include a

series of sheer rock faces dropping almost vertically into the river and stretches lined with great boulders interspersed by occasional sandbars. The river is enclosed in an awesome canyon which is one of the deepest in the United States. The river area is of striking beauty, and it provides outstanding recreational opportunities with high quality fishing, challenging water courses and numerous campsites. It is this combination of values that make the river nationally significant.

##### *River Designation*

We recommend the river reach from Hells Canyon Dam downstream 68 miles to the north boundary of the Wallowa-Whitman National Forest be designated as a component of the National Wild and Scenic Rivers System. This segment of the Snake River is free-flowing, contains spectacular portions of the canyon enclosure, and the lands adjacent to the river are predominately in Federal ownership.

We object to the provisions of section 3 of S. 322 which would designate 101 miles of the Snake River as a component of the National Wild and Scenic Rivers System. The extension of the designation of the Snake River for an additional 33 miles beyond our proposal would create several problems. The additional river segment is bounded by lands primarily in private ownership. We have not had an opportunity to evaluate this river segment or the adjacent lands. Designation of this additional segment would also involve deauthorization of the Asotin Dam. Such an action should not be taken without a detailed river study. We recommend that the lower 33 miles of the Snake River not be designated as a component of the National System at this time. We would not object to its designation for potential addition under section 5(a) of the Wild and Scenic Rivers Act.

We also object to the designation of the Rapid River as a component of the National Wild and Scenic Rivers System. The Rapid River has not been the subject of study or the detailed review process specified in the Wild and Scenic Rivers Act. Except for the lower two miles the entire Rapid River is within the boundaries of the Payette and Nezperce National Forests. The river basin is predominately in Federal ownership and the lands are being managed to protect water quality. The free-flowing nature of the river is not being threatened by impoundment proposals. We conclude that the river should not be designated as a component of the National System without additional study and that there is no pressing need to designate the river for study at this time.

We also object to the provision in subsection 3(b) of S. 322 which provides in part "That the Secretary shall establish a uniform corridor along such segments. \* \* \*" We recommend that the provision of subsection 3(b) of the Wild and Scenic Rivers Act remain in effect which allows the averaging of the width of the river corridor. The averaging provision would allow for the balancing of the river corridor with any wilderness study. The result would be a boundary between the river corridor and other lands based on a study of land suitability and proposed management requirements. We would prefer that all of the provisions of subsection 3(b) of the Wild and Scenic Rivers Act be applicable to these river segments allowing the administering agency to establish detailed boundaries, river classes and development plans within one year from the date of the Act.

### *Administration*

We recommend that the river be administered by the Secretary of Agriculture. The major portion of lands adjacent to the river are parts of the Nezperce, Payette, and Wallowa-Whitman National Forests. The entire river is within the National Forest boundaries with the exception of the lower 25 miles on the Idaho side. In the area outside the National Forest boundary, the lands are in a mixture of private and public ownership with the Federal lands administered by the Bureau of Land Management, Department of the Interior. We would expect to work out the administration of this area cooperatively with the Secretary of the Interior.

### *Land Acquisition*

We recommend that the Secretary of Agriculture and the Secretary of the Interior be authorized to acquire lands and interests in lands within the authorized boundaries of the river without the limitation set forth in subsection 6(b) of the Wild and Scenic Rivers Act (82 Stat. 907). This provision is necessary because even though approximately 90 percent of the river area is owned by the United States, it is likely that it will be desirable to acquire certain additional lands to improve access to the river or to provide for the development of necessary facilities to serve river users. We would expect to acquire scenic easements to protect the river values where present uses are compatible with river management objectives and ownership of full interest is not necessary.

### *Control of Watercraft*

We recommend that the Secretary, in consultation with involved State and Federal agencies, be authorized to control and regulate the amount and type of watercraft use on the river. At present a number of Federal and State agencies have concerns and responsibilities for control and regulation of watercraft use. We believe that it is important that the Secretary be given the authority to be a focal point for the coordination of these concerns and responsibilities. We would expect to exercise any restrictions on use only after careful consultation with public and private groups and agencies.

### ADDITIONAL RECOMMENDATIONS PERTAINING TO A NATIONAL RECREATION AREA

If the Committee should choose to go beyond our recommendation to designate the Snake River as a component of the National Wild and Scenic Rivers System, we urge that the Committee adopt the following recommendations which we developed in our review of S. 322.

### *Size of Area*

We recommend that a national recreation area include only those lands directly influencing the Middle Snake River and associated canyon. The area we recommend is shown on a map enclosed with this report. It includes approximately 540,000 acres.

We do not recommend inclusion of the Upper Imnaha River drainage, lands and river segments downstream from the present National Forest boundary at the north end, lands and river segments in the Rapid River drainage, or the North Pine Creek drainage and

adjacent private and public lands in the area upstream from Hells Canyon Dam. The lands in the Upper Imnaha and Rapid River drainages do not directly affect the Middle Snake River on Hells Canyon. The Upper Imnaha area contains a substantial acreage of private land, and the National Forest is generally roaded and developed for general use. The Rapid River drainage is already managed for its special watershed values. The lands and river segment downstream from the National Forest boundary are not an integral part of the main canyon area and are predominately not in Federal ownership. The area we recommend does include two small additions on the north end on the Idaho side to place the boundary on the National Forest boundary or the hydrologic divide and an addition on the south end of the Idaho side which is a part of the Hells Canyon-Seven Devils Scenic Area.

### *Wilderness Designation*

We strongly object to the provisions of section 2 of S. 322 which would immediately designate approximately 254,000 acres as wilderness. Although a portion of this area has been inventoried as being generally undeveloped Federal lands, other parts of the area contain roads, private lands, timber harvest areas, and a variety of man-made features. None of the area has been subjected to the detailed review, mineral examination, and public hearings required for other areas prior to designation as wilderness. We strongly believe that these study and review processes should be completed before any area is designated as wilderness.

S. 322 also designates two areas for review as to their suitability or nonsuitability for preservation as wilderness. Although we are in the process of examining all the roadless and undeveloped areas with consideration of wilderness as a management alternative, we do not object to the specific direction which provides for a wilderness review, and we would not object to direction to study additional roadless and undeveloped areas within the proposed recreation area.

### *Acquisition Authority and Private Land Use Regulation*

S. 322 would provide for the Secretary to promulgate regulations setting standards for the use and development of privately-owned property. It would recognize present ranching, grazing, farming and land occupancy as traditional and valid uses of the recreation area. It would provide that after publication of private land use regulations no interests in privately-owned lands could be acquired by condemnation unless such lands are being used or are in imminent danger of being used in a manner incompatible with the regulations, in which case the Secretary may acquire scenic easements. S. 322 would also restrict acquisition of fee simple title by condemnation to a maximum of 5 per centum of privately-owned lands. This restriction would not apply to the acquisition of partial interests in land.

The amount of private land that would be included within the designated area varies substantially between our proposal and the area proposed in S. 322. S. 322 would include approximately 48,000 acres of private lands while the area we recommend would include approximately 21,100 acres of private land.

The Secretary of Agriculture now has basic authority to acquire lands necessary for public purposes within the exterior boundaries of

the National Forests. National Forest boundaries now encompass most of the proposed national recreation area. We would favor extending these boundaries to include the entire area contained in our recommended national recreation area boundary.

A major portion of the private lands included within the area we recommend are being used for agricultural and related pastoral purposes. We anticipate that these uses could generally continue without conflicting with the purposes for which the recreation area would be managed. We would expect to use our authority to condemn lands sparingly. It is likely that we would use our authority to acquire partial interests in certain lands to assure that future uses would not conflict with the management of the recreation area.

Private lands would constitute a minor part of the area we recommend for designation. The nature of present uses on these lands is generally compatible with the purposes of the recreation area. Based on these conditions and because we generally have existing authority to acquire lands, we do not believe that promulgation of private land use standards would be necessary. Additionally, we look to State and local authorities to provide a land use planning and control framework regulating private lands that will complement and support our management objectives for the recreation area.

#### *Mineral Activity*

S. 322 would provide for a withdrawal of the recreation area from the application of the 1872 Mining Law and from the application of the mineral leasing laws. We do not favor the complete withdrawal of the area from application of the mining and mineral leasing laws. We believe that a mineral leasing system which gives the Secretary discretionary authority to control mineral activity affecting the surface resources within the area is essential. Before a total withdrawal is made, we believe studies should be undertaken which would identify the mineral values which would be foregone under the withdrawal. Mineral studies are being conducted, but study reports will not be available until mid-1976. We recommend that the Secretary be authorized to allow mineral exploration and development under a leasing system, in those cases where such disposition would not have significant adverse effects on the administration of the recreation area. The following amended section 11 would provide the necessary authority for a mineral leasing system:

"Sec. 11. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may issue permits or leases for the removal of the nonleasable minerals from lands or interests in lands within the recreation area, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the recreation area: *Provided*, That any lease respecting such minerals in the recrea-

tion area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

"All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands within the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act."

#### *Authority for Appropriations*

S. 322 would authorize not more than \$60,000,000 for improvement of certain specific roads, \$10,000,000 for acquisition of lands and interests in lands, \$10,000,000 for development of recreation facilities, and \$1,500,000 inventory, identification, development, and protection of historic and archeological sites. The Secretary generally has existing authorities under which monies can be appropriated for acquisition of lands, for development of facilities, for inventory and protection of resources, and for other purposes necessary to the management and protection of the National Forest. Since the Secretary has existing authority and since the authorization levels included in S. 322 could at some future time act as a constraint on management of the area, we recommend that the legislation include only a general appropriations authority.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 322, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

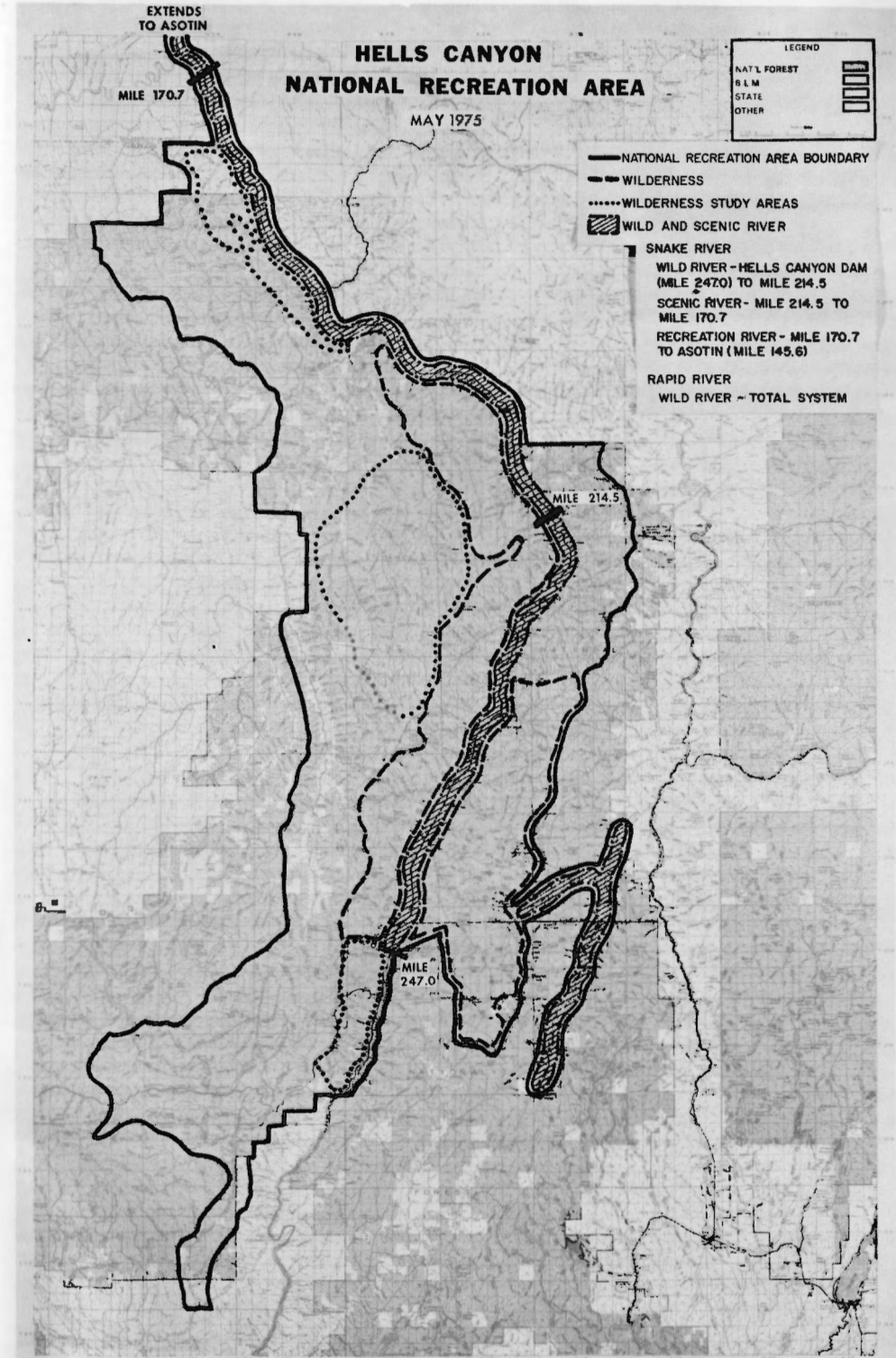
ACT OF OCTOBER 2, 1968, AS AMENDED (82 STAT. 906; 16 U.S.C. 1274)

\* \* \* \* \*  
 SEC. 3(a) \* \* \*  
 \* \* \* \* \*

(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA.—The Segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled 'Proposed Wild and Scenic Chattooga River and Corridor Boundary', dated August 1973; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (10): *Provided further*, That for the purposes of this river, there are authorized to be appropriated not more than \$2,000,000 for the acquisition of lands and interests in lands and not more than \$809,000 for development."

(11) *Rapid River, Idaho.*—The segment from the headwaters of the main stem to the national forest boundary and the segment from the headwaters of the west fork to the confluence with the main stem, as a wild river: Provided, That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments.

(12) *Snake, Oregon and Idaho.*—The segment from Canyon Dam downstream to Pittsburgh Landing, as a wild river; the segment from Pittsburgh Landing to Dough Creek, as a scenic river; and the segment from Dough Creek downstream to the town of Asotin, Washington, as a recreational river: Provided, That the relevant provisions of the Hells Canyon National Recreation Area Act shall be applicable to these river segments.



ESTABLISHING THE HELLS CANYON NATIONAL RECREATION AREA IN THE STATES OF OREGON, IDAHO, AND WASHINGTON, AND FOR OTHER PURPOSES

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OCTOBER 31, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany H.R. 30]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 30) to establish the Hells Canyon National Recreation Area in the States of Oregon, Idaho, and Washington, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That (a) to assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

(b) The Hells Canyon National Recreation Area (hereinafter referred to as the "recreation area"), which includes the Hells Canyon Wilderness (hereinafter referred to as the "wilderness"), the components of the Wild and Scenic Rivers System designated in section 3 of this Act, and the wilderness study areas designated in subsections 8(d) of this Act, shall comprise the lands and waters generally depicted on the map entitled "Hells Canyon National Recreation Area" dated September 1975, which shall be on file and available for public inspection in the office of the Chief, Forest Service, United States Department of

Agriculture. The Secretary of Agriculture (hereinafter referred to as "the Secretary"), shall, as soon as practicable, but by no later than 18 months after the date of enactment of this Act, publish a detailed boundary description of the recreation area, the wilderness study areas designated in subsection 8(d) of this Act, and the wilderness established in section 2 of this Act in the Federal Register.

SEC. 2. (a) The lands depicted as the "Hells Canyon Wilderness" on the map referred to in subsection 1(b) of this Act are hereby designated as wilderness.

(b) The wilderness designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act or in accordance with the provisions of the Wilderness Act (78 Stat. 890), whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act. The provisions of section 9(b) and section 11 of this Act shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

SEC. 3. (a) Subsection 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

"(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

(12) Snake, Idaho and Oregon.—The segment from Hells Canyon Dam downstream to Pittsburg Landing, as a wild river; and the segment from Pittsburg Landing downstream to an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian, as a scenic river."

(b) The segments of the Snake River and the Rapid River designated as wild or scenic river areas by this Act shall be administered by the Secretary in accordance with the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), as amended, and the Secretary shall establish detailed boundaries therefor in accordance with subsection 3(b) of that Act: *Provide*, That the Secretary may not undertake or permit to be undertaken any activities on adjacent public lands which would impair the water quality of the Rapid River segment.

SEC. 4. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided*, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

(b) No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

SEC. 5. (a) Section 5(a) of the Act of October 2, 1968 (82 Stat. 906), as amended, is further amended by adding the following new paragraph:

"(57) Snake, Washington, Oregon and Idaho: the segment from an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian, downstream to the town of Asotin, Washington."

(b) The Asotin Dam, authorized under the provisions of the Flood Control Act of 1962 (76 Stat. 1173), is hereby deauthorized.

SEC. 6. (a) No provision of the Wild and Scenic Rivers Act (82 Stat. 906), nor of this Act, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or nonconsumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

(b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), of this Act, or any guidelines, rules, or regulations adopted pursuant thereto.

SEC. 7. Except as otherwise provided in sections 2 and 3 of this Act, and subject to the provisions of section 10 of this Act, the Secretary shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation in a manner compatible with the following objectives.

(1) the maintenance and protection of the free-flowing nature of the rivers within the recreation area:

(2) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit;

(3) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith;

(4) protection and maintenance of fish and wildlife habitat;

(5) protection of archeological and paleontologic sites and interpretation of these sites for the public benefit and knowledge insofar as it is compatible with protection;

(6) preservation and restoration of historic sites associated with and typifying the economic and social history of the region and the American West; and

(7) such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

SEC. 8. (a) Within five years from the date of enactment of this Act the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a comprehensive management plan for the recreation area which shall provide for a broad range of land uses and recreation opportunities.

(b) In the development of such plan, the Secretary shall consider the historic, archeological, and paleontological resources within the recreation area which offer significant opportunities for anthropological research. The Secretary shall inventory such resources and may recommend such areas as he deems suitable for listing in the National Register of Historic Places. The Secretary's comprehensive plan shall include recommendations for future protection and controlled research use of all such resources.

(c) The Secretary shall, as a part of his comprehensive planning process, conduct a detailed study of the need for, and alternative routes of, scenic roads and other means of transit to and within the recreation area. In conducting such study the Secretary shall consider the alternative of upgrading existing roads and shall, in particular, study the need for and alternative routes of roads or other means of transit providing access to scenic views of and from the western rim of Hells Canyon.

(d) The Secretary shall review, as to their suitability or unsuitability for preservation as wilderness, the areas generally depicted on the map referred to in section 1 of this Act as the "Lord Flat-Somers Point Plateau Wilderness Study Area", and the "West Side Reservoir Face Wilderness Study Area", and the "Mountain Sheep Wilderness Study Area" and report his findings to the President. The Secretary shall complete his review and the President shall, within five years from the date of enactment of this Act, advise the United States Senate and House of Representatives of his recommendations with respect to the designation of lands within such area as wilderness. In conducting his review the Secretary shall comply with the provisions of section 3(d) of the Wilderness Act and shall give public notice at least sixty days in advance of any hearing or other public meeting concerning the wilderness study area. The Secretary shall administer all Federal lands within the study areas so as not to preclude their possible future designation by the Congress as wilderness. Nothing contained herein shall limit the President in proposing, as part of this recommendation to Congress, the designation as wilderness of any additional area within the recreation area which is predominately of wilderness value.



(e) In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations, and individuals including but not limited to, the Nez Perce Tribe of Indians, and the States of Idaho, Oregon, and Washington. The Secretaries or Directors of all Federal departments, agencies, and commissions having relevant expertise are hereby authorized and directed to cooperate with the Secretary in his review and to make such studies as the Secretary may request on a cost reimbursable basis.

(f) Such activities are as compatible with the provisions of this Act, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

Sec. 9. (a) The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this Act by purchase with donated or appropriated funds with the consent of the owner, donation, or exchange.

(b) The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title or, lesser interests therein without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on the date of enactment of this Act: *Provided*, That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further*, That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by section 10 of this Act when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

(c) Any land or interest in land owned by the State of Oregon or any of its political subdivisions may be acquired only by donation. Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(d) As used in this Act the term "scenic easement" means the right to control the use of land in order to protect esthetic values for the purposes of this Act, but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of the date of enactment of this Act.

(e) The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the recreation area to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(f) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he classifies as suitable for exchange and which is under his administrative jurisdiction. *Provided*, That the values of the properties so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the United States as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Notwithstanding any other provision of law, the Secretary is authorized to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(h) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative

jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the national forest within or adjacent to which they are located.

Sec. 10. The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this Act. Such rules and regulations shall include, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 9 of this Act, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization and disposal of natural resources on Federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

Sec. 11. Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Sec. 12. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Sec. 13. Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on the date of enactment of this Act, are recognized as traditional and valid uses of the recreation area.

Sec. 14. Nothing in this Act shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, or any political subdivisions thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 15. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

Sec. 16. (a) There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the acquisition of lands and interests in lands within the recreation area.

(b) There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the development of recreation facilities within the recreation area.

(c) There is hereby authorized to be appropriated the sum of not more than \$1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

Sec. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

Amend the title so as to read :

To establish the Hells Canyon Recreation Area in the States of Oregon and Idaho, and for other purposes.

#### PURPOSE

The purpose of H.R. 30,<sup>1</sup> as reported by the Committee on Interior

<sup>1</sup>H.R. 30 was introduced on January 14, 1975 by Representatives Ullman, Taylor of North Carolina, Meeds, Adams, AuCoin, Bingham, Don H. Clausen, Duncan of Oregon, Hicks, Jones of Oklahoma, Kastenmeyer, McCormack, Miller of California, Mink, Pritchard, Selberling, Steelman, Stephens, Udall, Weaver, and Delegates de Lugo and WonPat. A companion measure (H.R. 1630) was introduced on January 17 by Representatives Ullman, Bonkers, Burke of California, Byron, Carr, Eckhardt, Lagomarsino, Regula, Ruppe and Tsongas.

Related bills considered by the Committee during its deliberations included H.R. 5394 by Representative Symms and S. 322, a bill approved by the Senate on June 2, 1975.

and Insular Affairs, is to protect a 68-mile segment of the Snake River along the Oregon-Idaho border, and to establish a National Recreation Area of some 662,000 acres on land associated with this portion of the river. An additional 33 miles of the river in Washington, Oregon, and Idaho are placed in the study provisions of the Wild and Scenic Rivers Act. The headwaters of the Rapid River within the National Forest in Idaho are also designated as a wild river.

The bill also designates portions of the recreation area as wilderness, and directs a study to be made of the potential of certain other lands for later inclusion in the National Wilderness Preservation System. The Secretary of Agriculture is also directed to prepare a comprehensive management plan for the entire recreation area.

Additional provisions of H.R. 30 establish the guidelines under which the area is to be managed, set out certain limitations on the authority of the Secretary of Agriculture to acquire lands, and authorize the appropriation of funds for land acquisition and developments, as well as for the preservation and interpretation of the historic and archeological features within the area.

#### BACKGROUND

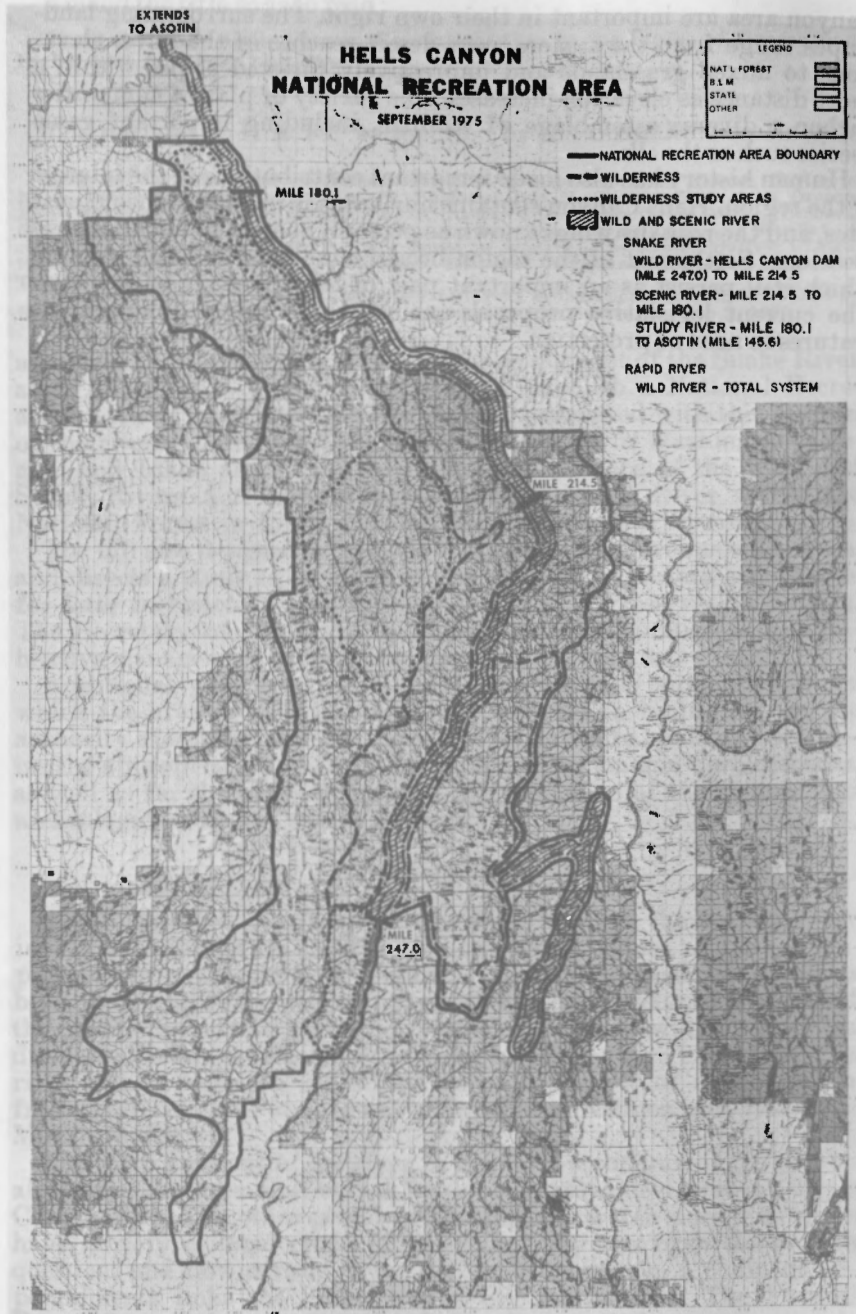
The Snake River in Hells Canyon flows through the deepest gorge in North America in an area of high scenic values. Although impounded by numerous hydroelectric and water storage developments both above and below Hells Canyon, this last undeveloped segment of the Middle Snake combines the spectacle of a great wild river with a dramatic backdrop of mountain peaks reaching above 9,000 feet. The river is also home to the white sturgeon, largest of all American freshwater fish, and annual spawning runs of salmon still reach the Middle Snake.

The steep gradient of the river in the narrow confines of the canyon also make the area well suited for hydroelectric development. Hells Canyon Dam and other power generating and water storage projects have already claimed much of the river upstream from the area in question, and downstream from Asotin, Washington, a chain of impoundments links the Snake to the Columbia River. The Federal Power Commission currently has before it several alternate proposals for the construction of hydroelectric facilities in Hells Canyon.

Although the degree of protection to be given to the river itself is the key issue in the current legislation, other features of the Hells

Canyon area are important in their own right. The surrounding landscapes range from the austere, near-desert reaches of the lower elevations to mixed grasslands and impressively forested slopes within a short distance as elevation increases. The variety of plant communities harbor a diverse assemblage of wildlife, including important game species such as the elk.

Human history has also made important contributions to the interest of the region. Hells Canyon contains numerous identified archeological sites, and the rock drawings known as petroglyphs are found at several locations. Settlement of the region brought the ranching and grazing which still persist as an important part of the character of the area. The current legislative proposals include these values among those features in need of protection.



For the construction of the map, the Snake River in Idaho is shown in the original map. Although the drainage is the same, the map shows the current system, which features

## SECTION-BY-SECTION ANALYSIS

*Section 1* states the intent of the bill to insure the protection of the natural, historical, and archeological values of the Hells Canyon area, as well as to enhance the opportunities for public recreation within the area. The Hells Canyon National Recreation Area is established, with reference being made to a map delineating the general area. In addition, the Secretary of Agriculture is directed to publish a detailed boundary description of the recreation area no later than 18 months after the date of enactment of this legislation. The Committee adopted a revised boundary map to conform with certain amendments made to the area as first proposed. The 30 miles of the Snake River in Washington State included in the bill as introduced were excluded from the National Recreation Area. Also, an adjustment of the boundary along the northeast corner of the area was made to conform with the management recommendations of the U.S. Forest Service.

*Section 2* specifies that certain lands as shown on the map are designated as wilderness. These lands are to be managed under the provisions of the Wilderness Act, or under any provisions of this Act which are more restrictive. The specific authority of the Secretary to acquire lands by condemnation as limited in subsection 9(b) of this Act, and the withdrawal of the lands in the recreation area from the provisions of the mining and mineral leasing laws as detailed in Section 11, are to be applicable to the wilderness. The Secretary is directed to revise the wilderness boundaries as needed at the time that detailed boundaries are established for the adjacent units of the Wild and Scenic Rivers System designated by this Act.

*Section 3* amends the Wild and Scenic Rivers Act (83 Stat. 906) to include segments of the Rapid River in Idaho, and the Snake River in Oregon and Idaho.

The main stem of the Rapid River from its headwaters downstream to the National Forest boundary is included, as is that portion of the West Fork downstream from the wilderness boundary designated in Section 2 to the confluence with the main stem. The entire segment is classified under the terms of the Wild and Scenic Rivers Act as a wild river.

The segment of the Snake River starting just below the existing Hells Canyon Dam and extending downstream some 68 miles to a point about 3 miles south of the Oregon-Washington border is also designated as a Wild and Scenic River. Portions of this segment are variously classified as wild or scenic under the terms of the parent Act.

The various river segments included in this section are to be administered in accordance with the Wild and Scenic Rivers Act, and the Secretary is directed to establish detailed boundaries for the segments in accordance with that Act. A specific proviso is included which prohibits the Secretary from undertaking or allowing any activities on Federal lands which would impair the water quality of the Rapid River. Although the National Forest lands outside of the wild river corridor along the main stem and portions of the west fork of the Rapid River were not included in the recreation area, the Committee intends through this section that the Secretary exercise particular care in the management of the lands of this drainage. The salmon hatchery located along the river is vital to the management of this fisheries resource, and the water quality of the river must be assured.

*Section 4* prohibits the Federal Power Commission from assisting or licensing any water resource facility or associated transmission lines or their related developments within the recreation area. A specific proviso states that the Federal Power Act shall continue to apply to any existing project already located within the recreation area. Thus an existing facility such as the Hells Canyon Dam will continue to be regulated and function within the recreation area.

This section also specifically prohibits any Federal agency from assisting in any way the construction of any water resource facility within the recreation area, should the Secretary determine that such project would adversely affect the values for which the waters are protected, as stated in section 1.

*Section 5* amends the Wild and Scenic Rivers Act of 1968 to include the portion of the Snake River from the northern boundary of the recreation area downstream to Asotin Dam in the study provisions of the Act. This protects this portion of the river from Federal licensing for water development purposes while a study is made and a recommendation submitted to Congress as to the suitability of including this portion of the Snake River in the National Wild and Scenic Rivers System. In choosing to provide for a study of this segment of the river rather than including it within the Wild and Scenic Rivers System at this time, the Committee followed the recommendations of the Administration for protection of the river. The study will allow a recommendation to be made to the Congress for the protection of this river segment, and will permit acquisition recommendations to be made with respect to the privately owned land in this area.

The Asotin Dam, previously authorized to be constructed by the Corps of Engineers primarily for flood control and navigation purposes, is specifically deauthorized. The proposed location of the dam is located at the downstream end of the segment of the Snake River to be studied for possible future inclusion in the Wild and Scenic Rivers System.

*Section 6* makes clear that there are to be no guidelines, rules, or any other restrictions on both the present and future uses to be made of the waters of the Snake River drainage upstream from the recreation area for any beneficial uses, as a result of either this Act or the inclusion of the Snake River in the Wild and Scenic Rivers System. In addition, no flow requirements may be placed on the river downstream from Hells Canyon Dam.

*Section 7* spells out the direction given by the Congress to the Secretary to manage the area for outdoor recreation in a manner compatible with certain objectives, such as protection of the rivers, conservation of scenic, wilderness, cultural, scientific, and other values, preservation of rare and unique features, maintenance of fish and wildlife habitat, protection and interpretation of archeological and historic sites, and the compatible utilization of natural resources within the recreation area. By identifying portions of the area as wilderness and wild and scenic rivers, the particular features to be given special protection have been identified. In the remainder of the recreation area, the Secretary is directed to manage the lands in such a manner as to permit certain resource uses in consonance with the other values specified by this section.

*Section 8* directs a comprehensive management plan to be prepared and submitted to the appropriate House and Senate Committees within five years which will detail the uses to be allowed within the recreation area. A broad range of uses are to be managed within the area. An inventory is to be made of historic, archeological, and paleontological resources, and specific recommendations for the protection and research use of these areas are to be included.

A detailed study of access roads and other means of transit both to and within the area is directed, with emphasis given to the possibility of upgrading existing roads and providing access to views of the canyon itself. Three specific roadless areas are to be studied and recommendations made with respect to their possible later designation as wilderness. Additional lands within the recreation area may also be studied for wilderness potential at this same time.

The Secretary, in preparing the plans and reviews mandated by this section, is directed to encourage full public participation in the planning process by all interested individuals, agencies, and organizations. Other Federal agencies are to cooperate in the study as well. During the study period, ongoing activities such as timber harvesting by selective cutting, mining, grazing, and other compatible uses may continue at their present levels. Consideration will be given in the preparation of the management plan for the continuation of these activities where appropriate.

The Committee amended this section to specifically require the plan to be transmitted to the appropriate congressional committees when completed. A further amendment makes provision for the continuance of the ongoing resource uses within the area during the preparation of the plan, subject to the provisions of this Act. Consideration is to be given to the continuance of these activities where appropriate under the terms of the management plan.

*Section 9* sets forth the acquisition authority and limitations on the Secretary in acquiring lands within the area. The authority of the Secretary to acquire lands by condemnation is restricted to not more than 5 percent of the privately owned acreage within the area on the date of enactment. In addition to purchasing land from willing sellers, the Secretary may also condemn scenic easements without restriction as to the five percent limitation, although after the date of publication of the regulations required by Section 10, he may take condemnation action only after determining that the lands in question are being used or are in imminent danger of being used in an adverse manner. Scenic easements are further defined as not precluding farm or pastoral use.

Other specific conditions of acquisition are spelled out. Lands owned by public entities in Oregon may be acquired only by donation, while similar lands in Idaho may be acquired by donation or exchange. The Secretary is to give prompt consideration to any offer to sell private lands within the recreation area, and the hardship effects of any delay in acquisition are to be particularly considered. The Secretary may also exchange Federal property deemed suitable for disposal in acquiring lands, and may make or receive cash payments as needed to equalize the values of the properties involved. Other Federal properties within the recreation area may also be transferred to the Secretary.

tary. Any lands acquired within the area boundaries are to become parts of the national forest within or adjacent to which they are located.

The Secretary may also acquire mineral interests within the recreation area. Any such mineral interests, when acquired, will be withdrawn from all entry, appropriation, or leasing under applicable laws. The Committee adopted an amendment to make clear that mineral rights may be acquired by condemnation where necessary.

*Section 10* directs the Secretary to promulgate regulations needed to accomplish the intent of the legislation. Specific regulations are to include:

- (a) development and use standards for private property within the recreation area;
- (b) standards insuring the full protection of the various historic resources;
- (c) controls on motorized equipment use;
- (d) river craft controls, with the understanding that such boating use is appropriate for the Snake River within the area;
- (e) controls on management, utilization, and disposal of resources on Federal lands in the area.

The Committee amended the bill to insure that the Secretary would issue regulations which would allow for continued resource uses as appropriate within the area.

*Section 11* withdraws all Federal lands within the recreation area from all forms of location, entry, and patent under Federal mining laws, and from disposition under all mineral leasing laws. Valid existing mineral rights within the area are recognized.

*Section 12* instructs the Secretary to permit hunting and fishing within the area in accordance with applicable State and Federal law. In addition, the Secretary may restrict hunting and fishing in designated areas or for certain times due to public safety, administrative, or other considerations. However, such restrictions are to be imposed only after consulting with the appropriate State agency, except in emergencies.

*Section 13* recognizes ranching, grazing, farming, timber harvesting, and the occupation of homes and associated lands as being traditional and valid uses of the area. While the Committee amended the bill to include timber harvesting, it is intended that this and the other listed uses are still to be subject to the other provisions of the Act and the overall intent to protect the area.

*Section 14* is a disclaimer stating that nothing in this legislation shall modify any rights of the affected States and their subdivisions to exercises both civil and criminal jurisdiction within the area, including any rights of taxation.

*Section 15* allows the Secretary to cooperate with all levels of government and with private parties in the development and operation of both facilities and services in the area.

*Section 16* limits authorizations for funds which may be appropriated to \$10,000,000 for land acquisition, \$10,000,000 for facilities development, and \$1,500,000 for protection of historic sites within the area. The Committee does not intend that the Secretary acquire all private lands within the boundaries of the recreation area. The authorization for land acquisition is intended to allow the Secretary to ac-

quire those additional lands necessary for the management and protection of the area.

*Section 17* provides that, in the event any provision of this legislation is declared to be invalid, the validity of other provisions would not be affected.

#### LEGISLATIVE HISTORY

The outstanding scenic qualities and the hydroelectric potential of the Hells Canyon area have been recognized for decades, and numerous studies have been made of the region for various purposes.

The Federal Power Commission granted the Pacific Northwest Power Company a license in 1964 to construct the High Mountain Sheep project. The major dam under this proposal would have impounded a reservoir covering most of the river mileage to be protected by H.R. 30. The issuance of the license was contested, however, and the Supreme Court remanded the project to the Federal Power Commission in 1967 for additional consideration.

Legislation giving Hells Canyon special recognition was introduced in the House in the 92nd Congress. The Subcommittee on National Parks and Recreation conducted a field inspection of the area at that time, although no hearings were held. Hearings were held in the 93rd Congress on special management designations for this area. A proposal to establish a Hells Canyon National Forest Parklands, similar in intent to the National Recreation Area now contemplated, was the subject of hearings and debate by the Subcommittee on National Parks and Recreation in 1974. Also in the 93rd Congress, the Senate passed legislation to establish the Hells Canyon National Recreation Area.

Although there are specific differences, H.R. 30 follows the intent of the earlier legislative initiative in protecting not only the free-flowing character of this remaining portion of the Snake River, but also preserving the surrounding land base for primarily recreational use. The legislation makes provision for the continuance of other activities, such as grazing, selective timber harvesting, and limited residential use compatible with the operation of the recreation area, although these and similar uses would occur within the preservation intent of the bill.

In considering amendments to H.R. 30, the Committee adopted several substantial changes to the bill. The downstream 33 miles of the Snake River proposed for the recreation area were excluded by amendment, and instead placed in the study provisions of the Wild and Scenic Rivers Act. This amendment followed the recommendations of the Administration for the protection of the river. As amended, the bill now designates 68 miles of the Snake River as a National Wild and Scenic River. A future report to the Congress on the additional river miles will allow an informed decision to be made on the area.

The Committee also debated the other land uses to be permitted within the Recreation Area. It was agreed that the National Recreation Area designation was not intended to exclude other uses of resources within the area, and the Secretary of Agriculture is to continue to manage the area to permit ongoing activities such as timber harvesting, grazing, and others in conformance with the overall management of the recreation values. Specifically, the bill was

amended to permit controlled timber harvesting within the area. The designation of portions of the area as wilderness and the inclusion of additional wilderness study units identify those parts of the recreation area which are to receive the strongest protection.

Certain boundary changes were also made to the proposal. In earlier consideration, a mineralized zone containing patented claims in the southeastern corner of the proposal had been excluded. The Committee made further adjustments in the northeastern part of the area to follow part of the management recommendations of the U.S. Forest Service.

The Committee rejected amendments which would have permitted the construction of hydroelectric dams on the Snake River within the area. The Committee took note of the large volume of testimony which pointed out the superlative natural values of Hells Canyon and the free-flowing segment of the Snake River. The recommendation of the Administration, as well as of the governors of all three affected States, is that the Snake River in this area be protected from any further development.

This conclusion was reached with the understanding that there is significant hydroelectric potential in this area; however, an amendment purporting to allow the construction of hydroelectric facilities on a portion of the river as a "compromise" was rejected. This 100-mile river segment is the only free-flowing portion left in an otherwise unbroken chain of impoundments reaching over 500 river miles. The area protected by H.R. 30 is the last remnant of the Middle Snake River which has not already been committed to impoundments. In addition, the appropriate agencies of the affected States have also concluded that any impoundments on this stretch of river would further damage the remaining population of salmon, already greatly reduced as a result of previous impoundments. Surveys taken by these same agencies have also shown that the unimpounded river miles are also highly valued by recreationists, and in fact receive more use per river mile than do the impounded segments. The amendment was rejected as being directly inimical to the central intent of the legislation.

Also rejected was an amendment which would have substituted a new text for the bill, directing a study to be made of this area for its suitability and feasibility as a national recreation area. A moratorium on licensing of water development projects within the area would have been in effect during the time of the study. The Committee noted that the controversy over the development versus the preservation of this stretch of the river has gone on for decades. The potential of the river for hydroelectric development is well known. Hearings have now been held for two consecutive sessions of Congress. To conduct still another study was rejected as simply avoiding the responsibility of the Congress to arrive at a final determination on the ultimate use of this resource.

#### Cost

The bill as reported by the Committee authorizes not more than \$10,000,000 for land acquisition, \$10,000,000 for recreation facilities development, and \$1,500,000 for archeological and historic site identification and preservation within the area, all subject to the normal appropriations process.

#### BUDGET ACT COMPLIANCE

The \$10,000,000 authorized for land acquisition under the bill is intended to give the Secretary authorization to acquire lands as necessary for the purposes of the Act. Since the vast majority of the area is already in Federal ownership, it is not expected that a major land acquisition program will be required. Such monies as are needed for land acquisition will, of course, be drawn from the Land and Water Conservation Fund which was created by the Congress for this purpose. The funds authorized for facilities development are also intended to allow the Secretary to provide minimum facilities as needed, but little actual expenditure is expected until the completion of the management plan for the area. In any event, all funding requirements for this project will be subject to the usual budgetary and appropriation process and it is unlikely that the funds needed will have any significant impact on the overall Federal budget in any fiscal year since considerable flexibility exists to defer such expenditures if necessary.

#### INFLATIONARY IMPACT

The actual sums authorized by H.R. 30 should not produce any significant impact on the economy, since they will be expended only as needed over a number of years. Land acquisition will be limited under the terms of the legislation in most cases to scenic easements, so the local economy should not be significantly affected, although it is expected that it will be strengthened as the tourist industry expands.

Some hydroelectric potential will undoubtedly be foregone by the enactment of H.R. 30. Such energy is recognized as a premium resource, but it is difficult to ascertain what, if any, inflationary impact will result by the preclusion of such development. Certainly in terms of the national energy need and economy the construction or preclusion of dams in this section of the river will have no appreciable impact in terms of energy or inflation. Testimony before the Committee indicated that load growth forecasts in use for the region do not include any hydroelectric development in Hells Canyon. In fact, the region is already moving toward a mix of hydroelectric and thermal generating units to supply its present and future needs.

#### OVERSIGHT STATEMENT

Other than reviewing present Forest Service practices and policies involving this area in connection with this legislation, no oversight function was specifically performed by the Committee in its consideration of H.R. 30. The bill was amended to provide that the management plan for the area will be supplied to the Committee upon completion, thus allowing a review to be made of the details of the intended plans for the area. This will, of course, assure proper oversight of future activities of the administering agency. No recommendations were submitted to the Committee pursuant to Rule X, Clause 2(b) (2).

#### COMMITTEE AMENDMENT

The Committee adopted a rewritten text for H.R. 30. This included the boundary changes and other amendments as previously discussed, as well as several technical and correcting amendments in the text.

## COMMITTEE RECOMMENDATION

On September 18, 1975, after adopting the amendments as discussed, the Committee on Interior and Insular Affairs, meeting in open session, reported H. R. 30 by a recorded vote of 32 yeas, 4 nays, and recommends that the bill, as amended, be approved.

## DEPARTMENT REPORT

The report of the Department of the Interior, dated April 9, 1975, and the reports of the Department of Agriculture and the Federal Power Commission, both dated April 10, 1975, are here printed in full:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., April 9, 1975.*

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

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 30, a bill "To establish the Hells Canyon National Recreation Area in the States of Oregon, Idaho, and Washington, and for other purposes," and H.R. 1630, a bill identical to H.R. 30.

The Department of Agriculture is transmitting a proposed bill to the Congress. We recommend that this proposed bill be enacted in lieu of either H.R. 30 or H.R. 1630.

The Agriculture bill would add a 68 mile segment of the Snake River to section 3(a) of the Wild and Scenic Rivers Act, thereby designating that segment as a component of the Wild and Scenic River System, to be administered by the Secretary of Agriculture. The Secretary of Agriculture would be required to complete the formal processes of such designation including establishment of detailed boundaries, river classes, and the development of plans within one year of enactment. Both the Secretary of Agriculture and the Secretary of the Interior would be authorized to acquire the lands and interests in land concomitant with such designation without the limitations set forth in section 6(b) of the Act, which stipulates that Federal condemnation authority lapses once 50 percent of the acreage within a Federal wild and scenic river area is in Federal or State ownership.

The proposed bill would also authorize the Secretary of Agriculture, in consultation with other involved State and Federal agencies, to control and regulate the amount and type of watercraft use on the river. The proposal would authorize to be appropriated such sums as may be necessary to carry out the purposes of the bill.

We support the designation of this segment of the Snake River as a wild and scenic river. We believe that the river has been amply studied and that its wild and scenic values are well-known. We also consider such designation as an important vehicle for protection of the many kinds of fish which inhabit the river. Much of the land abutting the lower 25 miles of the river segment involved in this bill is under the jurisdiction of this Department and administered by the Bureau of

Land Management. We look forward to resolving with the Department of Agriculture the best means of administering this land as part of the Snake wild and scenic river segment.

With regard to the specific provisions of H.R. 30 and H.R. 1630, we defer to the views of the Department of Agriculture. However, we would like to comment on section 11 of the two bills. Section 11 specifies that the lands in the recreation area are to be withdrawn from "all forms of location, entry, and patent under the mining laws of the United States," and from application of the mineral leasing laws. The Geological Survey and Bureau of Mines have placed a high priority on the mineral survey of the Hells Canyon area which is being done at the request of the Forest Service. In July, 1974, these two bureaus began mineral resource studies of 300,000 acres of the proposed Hells Canyon—Seven Devils Wilderness Area, which includes the proposed recreation area. Last fall, the Forest Service added 234,000 acres to the area which was originally proposed for wilderness. Field studies of the total acreage (534,000 acres) will be completed by late 1976 and the report should be completed by mid-1977. The area is known to have mineral resource potential. Before a withdrawal of the proposed recreation area from the application of the mining and mineral leasing laws is effected, we believe that these studies should be completed, and the mineral values identified. The designation of the 68 mile segment of the Snake River as a component of the Wild and Scenic River System, however, would withdraw a quarter mile corridor around that segment from the application of the mining and mineral leasing laws. In our judgment, this exception is merited by the overriding need to protect this part of the Snake River in its free flowing form.

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,

NATHANIEL REED,  
*Secretary of the Interior.*

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., April 10, 1975.*

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

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 30, a bill "To establish the Hells Canyon National Recreation Area in the States of Oregon, Idaho, and Washington, and for other purposes."

The Department of Agriculture agrees that the Middle Snake River and its immediate environs possess outstanding scenic, recreational, and other natural values and that the river should be preserved in a free-flowing condition for the benefit and enjoyment of present and future generations. We support statutory designation of the river as an expression of its special national values. We believe this can best be accomplished by designation of the river as a component of the National Wild and Scenic Rivers System, be enacted.

that H.R. 30 not be enacted and that our enclosed proposed substitute bill, which provides for the addition of the Snake River to the National Wild and Scenic Rivers System be enacted.

H.R. 30 would establish a Hells Canyon National Recreation Area of approximately 670,000 acres. The purposes of the area would be to preserve the natural beauty and historical and archeological values and to enhance recreational and ecologic values and public enjoyment. H.R. 30 would provide for immediate designation of certain lands for inclusion in the National Wilderness Preservation System, and it would provide for the study of additional lands for possible inclusion in the National System. It would designate 101 miles of the Snake River from Hells Canyon Dam to Asotin, Washington, and the Rapid River as components of the National Wild and Scenic Rivers System. The Asotin Dam, authorized under provisions of the Flood Control Act of 1962, would be deauthorized. The recreation area would be administered by the Secretary of Agriculture. The Secretary would be directed to promulgate regulations setting standards for the use and development of privately owned property and would have limited authority to acquire lands and interests in lands. Federal lands within the recreation area would be withdrawn from mineral location, entry, and patent.

Our proposed substitute bill, which is included with this report, would amend the Wild and Scenic Rivers Act by designating the Snake River from Hells Canyon Dam downstream for 68 miles to the intersection of the river and an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian as a component of the National Wild and Scenic Rivers System to be administered by the Secretary of Agriculture. It would provide that within one year the detailed boundaries, river classes, and development plans would be established. It would authorize acquisition of lands and interests in lands without the limitation set forth in section 6(b) of the Act and would authorize to be appropriated such sums as may be necessary for the purposes of the river. It would also authorize the Secretary, in consultation with other involved State and Federal agencies, to control and regulate the amount and type of watercraft use on the river.

The Department of Agriculture is responsible for the management of most of the lands adjacent to the Middle Snake River as parts of the National Forests. For a number of years we have been involved in the evaluation of proposals which would impound portions of the Middle Snake River. We have also evaluated the river for its recreational, scenic, free-flowing, and other values. Most recently we studied the proposals which would establish a national recreation area, designate areas as wilderness, designate the river as a wild and scenic river, provide other special designation or provide for a combination of such designations.

The river has a substantial potential for power development; however, based on the many studies conducted on the various river values and our experience in the management of the area, we conclude that the river from Hells Canyon Dam downstream to the National Forest boundary should be protected in its free-flowing form and designated as a component of the National System. Limiting the designation to the recommended 68 miles would maintain the potential for power development at the presently authorized Asotin site.

We do not believe that it is necessary to designate the larger canyon area or other adjacent lands as a national recreation area. These lands are predominately in Federal ownership and are managed as part of the National Forests. The major scenic overlooks and access routes are under the jurisdiction of the Secretary of Agriculture. Management plans on these lands are in effect to protect and enhance the river and canyon values. We believe this management pattern is sufficient to meet public objectives for the area.

In addition to our recommendation that special designation be limited to a 68 mile segment of the Snake River and that the area be designated as a wild and scenic river rather than a national recreation area, we object to a number of the major provisions of H.R. 30 including: (1) the extension of the river designation for 33 miles downstream and the inclusion of the Rapid River; (2) the designation of wilderness areas without detailed study and review; (3) the inclusion within the national recreation area of the Upper Imnaha River drainage and the associated major acreage of private lands; and (4) the withdrawal of the recreation area from the application of the mining and mineral leasing laws before studies have been completed to determine the extent of the mineral values.

A further description of the substitute bill, the reasons for our recommendation and additional recommendations pertaining to the establishment of a national recreation area are contained in the attached supplemental statement.

The estimated costs for a 5-year program under our proposal are \$1.0 million for land acquisition, \$2.0 million for development, and \$1.5 million for operation and maintenance.

We have been preparing an environmental statement on the proposed alternatives for management of the Middle Snake River area. However, since mineral studies will not be completed until 1976, and other land use studies are scheduled, it appears desirable to delay completion of the statement until the results of these studies are available. This is the procedure we propose to follow unless legislation formally classifying the area is enacted which would make completion of the statement unnecessary.

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,

ROBERT W. LONG,  
*Assistant Secretary.*

Enclosures.

A BILL To amend the Wild and Scenic Rivers Act by designating the Snake River, Oregon and Idaho as a component of the National Wild and Scenic Rivers System, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907, 16 U.S.C. 1274(a)), as amended, is further amended by adding the following new paragraph:*

*"(11) Snake, Oregon and Idaho.—The segment from Hells Canyon Dam downstream to the intersection of the river and an eastward extension of the north boundary of*



Section 1, Township 5 North, Range 47 East, Willamette Meridian; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (11): *Provided further*, That the Secretary of Agriculture and the Secretary of the Interior are authorized to acquire lands and interests in lands within the authorized boundaries of this river without the limitation set forth in section 6(b) of this Act; And *Provided further*, That for the purposes of this river, there are authorized to be appropriated such sums as may be necessary. The Secretary, in consultation with other involved State and Federal agencies, is authorized to control and regulate the amount and type of watercraft use on the river."

#### USDA SUPPLEMENTAL STATEMENT ON LEGISLATION RELATING TO THE HELLS CANYON-MIDDLE SNAKE RIVER AREA

##### COMMENTS PERTAINING TO OUR PROPOSED WILD AND SCENIC RIVER DESIGNATION

###### *Background*

The Middle Snake River below Hells Canyon Dam has for a long time been recognized as an area with exceptional scenic and recreation values. The river is a magnificent free-flowing stream consisting of alternate deep pools and white-water rapids. Its shorelines include a series of sheer rock faces dropping almost vertically into the river and stretches lined with great boulders interspersed by occasional sandbars. The river is enclosed in an awesome canyon which is one of the deepest in the United States. The river area is of striking beauty, and it provides outstanding recreational opportunities with high quality fishing, challenging water courses and numerous campsites. It is this combination of values that make the river nationally significant.

###### *River Designation*

We recommend the river reach from Hells Canyon Dam downstream 68 miles to the north boundary of the Wallowa-Whitman National Forest be designated as a component of the National Wild and Scenic Rivers System. This segment of the Snake River is free-flowing, contains spectacular portions of the canyon enclosure, and the lands adjacent to the river are predominately in Federal ownership.

We object to the provisions of section 3 of H.R. 30 which would designate 101 miles of the Snake River as a component of the National Wild and Scenic Rivers System. The extension of the designation of the Snake River for an additional 33 miles beyond our proposal would create several problems. The additional river segment is bounded by lands primarily in private ownership. We have not had an opportunity to evaluate this river segment or the adjacent lands. Designation of this additional segment would also involve deauthorization of the Asotin Dam. Such an action should not be taken without a detailed river study. We recommend that the lower 33 miles of the Snake River

not be designated as a component of the National System at this time. We would not object to its designation for potential addition under section 5(a) of the Wild and Scenic Rivers Act.

We also object to the designation of the Rapid River as a component of the National Wild and Scenic Rivers System. The Rapid River has not been the subject of study or the detailed review process specified in the Wild and Scenic Rivers Act. Except for the lower two miles the entire Rapid River is within the boundaries of the Payette and Nezperce National Forests. The river basin is predominately in Federal ownership and the lands are being managed to protect water quality. The free-flowing nature of the river is not being threatened by impoundment proposals. We conclude that the river should not be designated as a component of the National System without additional study, and that there is no pressing need to designate the river for study at this time.

###### *Administration*

We recommend that the river be administered by the Secretary of Agriculture. The major portion of lands adjacent to the river are parts of the Nezperce, Payette, and Wallowa-Whitman National Forests. The entire river is within the National Forest boundaries with the exception of the lower 25 miles on the Idaho side. In the area outside the National Forest boundary, the lands are in a mixture of private and public ownership with the Federal lands administered by the Bureau of Land Management, Department of the Interior. We would expect to work out the administration of this area cooperatively with the Secretary of the Interior.

###### *Land Acquisition*

We recommend that the Secretary of Agriculture and the Secretary of the Interior be authorized to acquire lands and interests in lands within the authorized boundaries of the river without the limitation set forth in subsection 6(b) of the Wild and Scenic Rivers Act (82 Stat. 907). This provision is necessary because even though approximately 90 percent of the river area is owned by the United States, it is likely that it will be desirable to acquire certain additional lands to improve access to the river or to provide for the development of necessary facilities to serve river users. We would expect to acquire scenic easements to protect the river values where present uses are compatible with river management objectives and ownership of full interest is not necessary.

###### *Control of Watercraft*

We recommend that the Secretary, in consultation with involved State and Federal agencies, be authorized to control and regulate the amount and type of watercraft use on the river. At present a number of Federal and State agencies have concerns and responsibilities for control and regulation of watercraft use. We believe that it is important that the Secretary be given the authority to be a focal point for the coordination of these concerns and responsibilities. We would expect to exercise any restrictions on use only after careful consultation with public and private groups and agencies.

ADDITIONAL RECOMMENDATIONS PERTAINING TO A NATIONAL RECREATION  
AREA

If the Committee should choose to go beyond our recommendation to designate the Snake River as a component of the National Wild and Scenic Rivers Systems, we urge that the Committee adopt the following recommendations which we developed in our review of H.R. 30.

*Size of Area*

We recommend that a national recreation area include only those lands directly influencing the Middle Snake River and associated canyon. The area we recommend is shown on a map enclosed with this report. It includes approximately 540,000 acres.

We do not recommend inclusion of the Upper Imnaha River drainage, lands and river segments downstream from the present National Forest boundary at the north end, lands and river segments in the Rapid River drainage, or lands in the North Pine Creek drainage which is upstream from Hells Canyon Dam. The lands in the Upper Imnaha and Rapid River drainages do not directly affect the Middle Snake River or Hells Canyon. The Upper Imnaha area contains a substantial acreage of private land, and the National Forest is generally roaded and developed for general use. The Rapid River drainage is already managed for its special watershed values. The lands and river segments upstream from Hells Canyon Dam including North Pine Creek are not an integral part of the Hells Canyon area. The lands and river segment downstream from the National Forest boundary are not an integral part of the main canyon area and are predominately not in Federal ownership. The area we recommend does include two small additions on the north end on the Idaho side to place the boundary on the National Forest boundary or the hydrologic divide and an addition on the south end of the Idaho side which is a part of the Hells Canyon-Seven Devils Scenic Area.

*Wilderness Designation*

H.R. 30 would designate certain areas as wilderness. We urge that within the Hells Canyon-Middle Snake River area no wilderness be designated at this time. Management of an area as wilderness restricts management of the same area for other resource values. For this reason we believe a detailed review of all resource values should be completed before an area is designated as wilderness. Such a detailed review has not been undertaken for the areas within the Hells Canyon-Middle Snake River area. We have inventoried the roadless and undeveloped areas of National Forest lands within the area. These areas in conjunction with other National Forest lands are undergoing a detailed examination of their resource values. Based on this examination, alternative management patterns will be developed and displayed for public review and comment. In the undeveloped areas, wilderness management will be one of the alternatives examined. After thorough study, final plans will be formulated in accordance with the National Environmental Policy Act. This will include development of draft and final environmental statements which will be available for interagency and public review and comment prior to the implementation of plans.

H.R. 30 also designates several areas for review as to their suitability or nonsuitability for preservation as wilderness. Although we are in the process of examining all the roadless and undeveloped areas with consideration of wilderness as a management alternative, we do not object to the specific direction which provides for a wilderness review, and we would not object to direction to study additional roadless and undeveloped areas within the proposed recreation area.

*Acquisition Authority and Private Land Use Regulation*

H.R. 30 would provide for the Secretary to promulgate regulations setting standards for the use and development of privately-owned property. It would recognize present ranching, grazing, farming and land occupancy as traditional and valid uses of the recreation area. It would provide that after publication of private land use regulations no interests in privately-owned lands could be acquired by condemnation unless such lands are being used or are in imminent danger of being used in a manner incompatible with the regulations, in which case the Secretary may acquire scenic easements. H.R. 30 would also restrict acquisition of fee simple title by condemnation to a maximum of 5 per centum of privately-owned lands. This restriction would not apply to the acquisition of partial interests in land.

The amount of private land that would be included within the designated area varies substantially between our proposal and the area proposed in H.R. 30. H.R. 30 would include approximately 43,000 acres of private lands while the area we recommend would include approximately 21,100 acres of private land.

The Secretary of Agriculture now has basic authority to acquire lands necessary for public purposes within the exterior boundaries of the National Forests. National Forest boundaries now encompass most of the proposed national recreation area. We would favor extending these boundaries to include the entire area contained in our recommended national recreation area boundary.

A major portion of the private lands included within the area we recommend are being used for agricultural and related pastoral purposes. We anticipate that these uses could generally continue without conflicting with the purposes for which the recreation area would be managed. We would expect to use our authority to condemn lands sparingly. It is likely that we would use our authority to acquire partial interests in certain lands to assure that future uses would not conflict with the management of the recreation area.

Private lands would constitute a minor part of the area we recommend for designation. The nature of present uses on these lands is generally compatible with the purposes of the recreation area. Based on these conditions and because we generally have existing authority to acquire lands, we do not believe that promulgation of private land use standards would be necessary. Additionally, we look to State and local authorities to provide a land use planning and control framework for regulating private lands that will complement and support our management objectives for the recreation area.

*Mineral Activity*

H.R. 30 would provide for a withdrawal of the recreation area from the application of the 1872 Mining Law and from the applica-

tion of the mineral leasing laws. We do not favor the complete withdrawal of the area from application of the mining and mineral leasing laws. We believe that a mineral leasing system which gives the Secretary discretionary authority to control mineral activity affecting the surface resources within the area is essential. Before a total withdrawal is made, we believe studies should be undertaken which would identify the mineral values which would be foregone under the withdrawal. Mineral studies are being conducted, but study reports will not be available until mid-1976. We recommend that the Secretary be authorized to allow mineral exploration and development under a leasing system, in those cases where such disposition would not have significant adverse effects on the administration of the recreation area. The following amended section 11 would provide the necessary authority for a mineral leasing system:

"SEC. 11. The lands within the recreation area, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws. The Secretary of the Interior, under such regulations as he deems appropriate, may issue permits or leases for the removal of the nonleasable minerals from lands or interests in lands within the recreation area, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area in accordance with the Mineral Leasing Act of February 24, 1920, as amended (30 U.S.C. 181 et seq.), or the Acquired Lands Mineral Leasing Act of August 7, 1947 (30 U.S.C. 351 et seq.), if the Secretary of Agriculture finds that such disposition would not have significant adverse effects on the administration of the recreation area: *Provided*, That any lease respecting such minerals in the recreation area shall be issued only with the consent of the Secretary of Agriculture and subject to such conditions as he may prescribe.

All receipts derived from permits and leases issued under the authority of this section for removal of nonleasable minerals shall be paid into the same funds or accounts in the Treasury of the United States and shall be distributed in the same manner as provided for receipts from national forests. Any receipts derived from permits or leases issued on lands within the recreation area under the Mineral Leasing Act of February 25, 1920, as amended, or the Act of August 7, 1947, shall be disposed of as provided in the applicable Act."

#### *Authority for Appropriations*

H.R. 30 would authorize not more than \$10,000,000 for acquisition of lands and interests in lands, \$10,000,000 for development of recreation facilities, and \$1,500,000 inventory of historic and archeological sites. The Secretary generally has existing authorities under which monies can be appropriated for acquisition of lands, for development of facilities, for inventory and protection of resources, and for other purposes necessary to the management and protection of the National Forest. Since the Secretary has existing authority and since the authorization levels included in H.R. 30 could at some future time act as a constraint on management of the area, we recommend that the legislation include only a general appropriations authority.

FEDERAL POWER COMMISSION,  
Washington, D.C., April 10, 1975.

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

DEAR MR. CHAIRMAN: This is in response to your letter of February 24, 1975, requesting the Commission's comments on H.R. 30 and H.R. 1630, identical bills, "To establish the Hells Canyon National Recreation Area in the States of Oregon, Idaho, and Washington, and for other purposes."

These bills would create a national recreation area encompassing approximately 670,000 acres in the Hells Canyon region, identified in the bills, and also designate 101 miles of the Snake River as described in such bills for Wild and Scenic River status.

Section 4(a) of the bill provides that:

Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided*, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

Since the above language preserves the jurisdiction of the Federal Power Commission with respect to projects already constructed or under construction, its enactment would not affect the Commission's continued jurisdiction over the dam, powerhouse, and the major portion of the Hells Canyon Reservoir of the Hells Canyon Project (No. 1971) which are situated within the proposed recreation area and now being operated pursuant to an FPC license issued August 4, 1955 (14 F.P.C. 55).

In addition to the Hells Canyon Project, there are two proposed or potential water power developments within the region protected by the bills. At Mile 172.5 of the Middle Snake River, is the potential China Gardens dam. At present, no one has proposed construction on this site. The second proposed water power development is the High Mountain Sheep dam at Mile 189.2 of the Snake River. The Pacific Northwest Power Company has filed an application with the Federal Power Commission for a project license (No. 2243 and No. 2273). By order issued June 27, 1973, the Commission reopened the proceedings in this case to receive in evidence a final environmental impact statement. A draft environmental impact statement is now pending. The three alternative sites for the proposed High Mountain Sheep dam are the Mountain Sheep dam at Mile 192.5, the Appaloosa dam at Mile 197.6, and the Pleasant Valley dam at Mile 213. H.R. 1630 would preclude the Federal Power Commission from granting a license for the High Mountain Sheep dam.

Under Section 4(e) of the Federal Power Act, the Congress delegated to the Federal Power Commission the authority "to issue licenses . . . for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works. . . ."

The Commission requests that future licensing of the High Mountain Sheep project not be precluded by legislation, but rather that we be permitted to exercise our primary authority for evaluating the power needs of the Pacific Northwest. Such an evaluation is particularly relevant at this time, since a power shortage does exist in the Pacific Northwest region.

The Office of Management and Budget advises that while it has no objection to the submission of this report, the views set out herein do not necessarily reflect the views of the Administration.

Sincerely,

JOHN N. NASSIKAS,  
*Chairman.*

#### CHANGE IN EXISTING LAW

In compliance with clause 3 or rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF OCTOBER 2, 1968 (82 STAT. 906, AS AMENDED (16 U.S.C. 1271 ET SEQ.))

\* \* \* \* \*

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) Clearwater, Middle Fork, Idaho.—The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) Eleven Point, Missouri.—The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) Feather, California.—The entire Middle Fork; to be administered by the Secretary of Agriculture.

(4) Rio Grande, New Mexico.—The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) Rogue, Oregon.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) Saint Croix, Minnesota and Wisconsin.—The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon,

Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: *Provided*, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act.

(7) Salmon, Middle Fork, Idaho.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) Wolf, Wisconsin.—From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

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

(10) Chattooga, North Carolina, South Carolina, Georgia.—The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled 'Proposed Wild and Scenic Chattooga River and Corridor Boundary', dated August 1973; to be administered by the Secretary of Agriculture: *Provided*, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (10): *Provided further*, That for the purposes of this river, there are authorized to be appropriated not more than \$2,000,000 for the acquisition of lands and interests in lands and not more than \$800,000 for development.

(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

(12) *Snake, Idaho and Oregon.*—The segment from Hells Canyon Dam downstream to Pittsburg Landing, as a wild river; and the segment from Pittsburg Landing downstream to an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, *Willamette Meridian*, as a scenic river.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

\* \* \* \* \*

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

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

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

(3) Buffalo, Tennessee: The entire river.

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

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

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

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

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(48) Shepaug, Connecticut: The entire river.

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

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

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

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

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

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

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

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

(57) Snake, Washington, Oregon and Idaho: The segment from an eastward extension of the north boundary of Section 1, Township 5 North, Range 47 East, Willamette Meridian, downstream to the town of Asotin, Washington.

## ADDITIONAL VIEWS

H.R. 30, legislation to create a Hells Canyon National Recreation Area comes before the House of Representatives as a bill providing additional wild river and wilderness areas, but one that harms our energy posture as a nation, as well.

As reported by the Interior Committee, H.R. 30 would create a new National Recreation Area including approximately two-thirds of the land of the Hells Canyon of the Middle Snake River, a large portion of the canyon of the Imnaha River, two wilderness areas and a new wild scenic and recreation river. This new unit would include 650,000 acres encompassing portions of the States of Idaho, Oregon and Washington, extending from above the existing Hells Canyon Dam, 101 miles downstream to the town of Asotin, Washington.

With one major reservation we support H.R. 30 as reported by the Committee. We believe that not all of this 101 miles should be declared closed to hydroelectric development.

We support preservation of the lower forty-six of those 101 miles of the Middle Snake. We do so because (1), with the Committee majority, we believe that preservation of these lower forty-six miles is appropriate to insure the migration of anadromous fish through this portion of the Snake River mainstem to the many hundreds of miles of free flowing tributaries to the Snake, including the great Salmon River. And (2), because these lower forty-six mainstem miles are truly recreation waters and the addition of them to the 900 miles of nearby rivers already marked or nominated for preservation under the Wild and Scenic Rivers Act will contribute to the objectives of that Act.

In full Committee mark-up, we supported a compromise amendment that would recognize the established recreation character of the bottom half of the 101 miles, from Mt. Sheep to Lewiston, prohibiting two proposed dams in this area, but permitting them in the other one-half where present public use is and will continue to be minor. These proposed multipurpose power facilities, to be undertaken by a partnership of public power and electric energy companies, would alone provide nearly three million kilowatts of non-polluting, self-renewing, inexhaustible hydroelectric capacity—or the near equivalent of the TVA's entire 29-dam hydroelectric system, that today stands as one of this Nation's great regional assets. In addition, these facilities would provide water conservation which is indispensable to increasing the agricultural base essential to meet our Nation's and the world's mounting food needs. Six million acre feet of water per year, which in the future, with proper modern irrigation procedures, could put nearly two million acres of desert into bloom. This loss to the food and fiber production of America is an additional harm, a serious harm, to not only our energy posture, but to our position of producing the necessary foods for the people of our own nation and the world. It is a blatant waste.

The opponents of the amendment are reluctant to justify their opposition on the basis of the minor benefits of preserving the status quo. Instead much grander arguments are used: That the demonstrable great power values, the potential increase in food production do not justify "destroying one of the most spectacular gorges on this continent." The difference in elevation from the river level to Devils Peak, the measurement used to support the claim of deepest gorge, is 7,900 feet. At this point development raises the river 90 feet. At 7,810 feet the canyon remains the deepest. It is not destroyed. The Committee has been furnished color photographs of the Snake River, "before" and "after" Hells Canyon Dam. The change is imperceptible. The basic scenic values are unchanged. We do not believe that a slight change in the appearance of the canyon can ever justify the sacrifice of energy equivalent to the needs of 2,300,000 persons and the other public benefits of development.

Ultimately, if we do not allow development we must turn to alternatives. The critical power shortage facing the Northwest dictates that an alternative will be built. A coal-fired plant, the most likely alternative, would require the stripmining of 100 acres of land each year, probably in Eastern Wyoming or Montana, to produce the 4,000,000 tons of coal each year that such an alternative would require. That is 300 million tons of coal over the useful life of any hydroelectric undertaking.

In this Nation's expanding energy crisis, every state must bear its share of the National burden. Thus far the bottom line in every energy program is stripmining the west. If alternative energy sources such as hydroelectric dams in Hells Canyon are not allowed, then states possessing strippable coal resources will be asked to contribute more than their fair share. When there is an obvious, environmentally beneficial, and pure means of producing the power this Nation needs, it should be developed, especially where, as here, it can be done without sacrificing the surrounding area.

We cannot afford the waste of this precious water resource that H.R. 30 mandates. States or regions that would decline to develop this energy resource of this magnitude should not ask that their energy needs be met by the ravishment of the remaining natural beauty of other states.

Difficult decisions must be made to avoid the national peril of a serious energy shortage. Striking the necessary balance between vitally needed energy and possible environmental damage is going to be painful. But in this case where the energy source is clean, renewable, and non-polluting and where the alternate power source would mean strip-mined land, coal conversion plants with attendant problems of water supply and air pollution the decision should not be difficult. The balance is clear.

TENO RONCALIO,  
MANUEL LUJAN,  
SAM STEIGER,  
HAROLD T. "BIZZ" JOHNSON,  
WRIGHT PATMAN.

## MINORITY VIEWS

Congress is premature in designating the Hells Canyon National Recreation Area. Too many questions remain unanswered about this nation's future supplies of minerals, energy and agricultural products. Too little serious consideration has been given to alternate management plans which would protect the wilderness quality of some stretches along the Middle Snake, at the same time allowing Idaho people to utilize the bountiful natural resources of the area. H.R. 30 will permanently prohibit the multiple purpose development of the Middle Snake—an option which should be protected until we know more about the economic future.

It had been my hope to have the cooperation of the Interior Committee in declaring a moratorium on dam construction or any changes in present uses within the proposed NRA boundaries until September 30, 1978. This buys the time we need. It also protects the aesthetic qualities of the area in the interim.

It's important that this Congress look at what they are trading away for the sake of protecting an extra 50 miles or so of river.

Were the power companies to go ahead with their proposed installations, enough kilowatt hours would be provided annually to meet the residential needs of 2.3-million people. In trade-off this means 12-million barrels of Arab oil each year, or four million tons of coal from the Montana coal fields. That hydroelectric complex could be situated in such a way that fisheries are not appreciably affected and 50 miles of river downstream would remain free-flowing.

Of critical concern to thousands of Idahoans is the demand upon water needed by upstream irrigators for present projects and the development of close to five million acres of desert for agricultural purposes.

The legislation written by Mr. Ullman purportedly offers protection to the forest products industry—assurance that cutting will proceed as usual. Those are good words, but we may be pipe dreaming. It has been the actual practice of the Forest Service to proceed with caution on sales within specially classified areas. Experience has shown there is little hesitancy on the part of extreme environmental organizations to drag forestry policy into court.

Mining, too, is adversely affected by the legislation. The Middle Snake is rich in copper and other minerals in short supply in this country. Under this legislation prospecting will cease and it is likely that any serious effort to work patented claims would result in condemnation.

Grazing will continue if H.R. 30 is enacted, but the Forest Service is already in the midst of reviewing existing permits and reducing the allowable animal units per month. This review must undoubtedly continue if the NRA is to be managed with emphasis on recreation.

In my own mind, I don't believe Idahoans are necessarily getting



the best deal on recreational potential, either. In the earlier part of this Century, Hells Canyon was a magnificent, desolate canyon that few people had the experience of seeing. It was ripped by floods every spring and offered a tenuous living for the few people who lived along its walls. All this changed with the construction of the Hells Canyon Dam. Boaters now use that reservoir, housed in campgrounds provided by the power company. Roads constructed for the purposes of building that dam are used by thousands each year who would otherwise have had no motorized access to the most rugged stretches of the canyon. It is true that Idaho lost a part of the wilderness experience with the construction of that dam, but it exchanged that experience for the opportunity to share Hells Canyon with millions who enjoy motoring and still-water boating.

This is the kind of trade-off we're talking about should the Pacific Northwest decide in future years that its energy requirements cannot be met without additional hydroelectric development.

These are value judgments to be made and I don't think we need to be in any great hurry in reaching them. Idaho's economic and social development lags far behind the Eastern United States—a situation we do not lament. It concerns me though that in the rush to protect America's finest recreational and wilderness settings, Idaho carries the burden far out of proportion to our sister states. We cannot afford this. We should not be put in the position of having our options closed down before we can realistically assess our future.

STEVE SYMMS.





# Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,  
one thousand nine hundred and seventy-five*

## An Act

To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) to assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.*

(b) The Hells Canyon National Recreation Area (hereinafter referred to as the "recreation area"), which includes the Hells Canyon Wilderness (hereinafter referred to as the "wilderness"), the components of the Wild and Scenic Rivers System designated in section 3 of this Act, and the wilderness study areas designated in subsections 8(d) of this Act, shall comprise the lands and waters generally depicted on the map entitled "Hells Canyon National Recreation Area" dated September 1975, which shall be on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as "the Secretary"), shall, as soon as practicable, but no later than eighteen months after the date of enactment of this Act, publish a detailed boundary description of the recreation area, the wilderness study areas designated in subsection 8(d) of this Act, and the wilderness established in section 2 of this Act in the Federal Register.

Sec. 2. (a) The lands depicted as the "Hells Canyon Wilderness" on the map referred to in subsection 1(b) of this Act are hereby designated as wilderness.

(b) The wilderness designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act or in accordance with the provisions of the Wilderness Act (78 Stat. 890), whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act. The provisions of section 9(b) and section 11 of this Act shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

Sec. 3. (a) Subsection 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

"(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

"(12) Snake, Idaho and Oregon.—The segment from Hells Canyon Dam downstream to Pittsburgh Landing, as a wild river; and the

segment from Pittsburgh Landing downstream to an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, as a scenic river.”

(b) The segments of the Snake River and the Rapid River designated as wild or scenic river areas by this Act shall be administered by the Secretary in accordance with the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), as amended, and the Secretary shall establish detailed boundaries of the Snake River segments thereof in accordance with subsection 3(b) of that Act: *Provided*, That the Secretary shall establish a corridor along the segments of the Rapid River and may not undertake or permit to be undertaken any activities on adjacent public lands which would impair the water quality of the Rapid River segment: *Provided further*, That the Secretary is authorized to make such minor boundary revisions in the corridors as he deems necessary for the provision of such facilities as are permitted under the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906).

SEC. 4. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided*, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

(b) No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

SEC. 5. (a) Section 5(a) of the Act of October 2, 1968 (82 Stat. 906), as amended, is further amended by adding the following new paragraph:

“(57) Snake, Washington, Oregon, and Idaho: the segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.”

(b) The Asotin Dam, authorized under the provisions of the Flood Control Act of 1962 (76 Stat. 1173), is hereby deauthorized.

SEC. 6. (a) No provision of the Wild and Scenic Rivers Act (82 Stat. 906), nor of this Act, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or nonconsumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

(b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), of this Act, or any guidelines, rules, or regulations adopted pursuant thereto.

SEC. 7. Except as otherwise provided in sections 2 and 3 of this Act, and subject to the provisions of section 10 of this Act, the Secretary

shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation in a manner compatible with the following objectives:

- (1) the maintenance and protection of the free-flowing nature of the rivers within the recreation area;
- (2) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit;
- (3) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith;
- (4) protection and maintenance of fish and wildlife habitat;
- (5) protection of archeological and paleontologic sites and interpretation of these sites for the public benefit and knowledge insofar as it is compatible with protection;
- (6) preservation and restoration of historic sites associated with and typifying the economic and social history of the region and the American West; and
- (7) such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

SEC. 8. (a) Within five years from the date of enactment of this Act the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a comprehensive management plan for the recreation area which shall provide for a broad range of land uses and recreation opportunities.

(b) In the development of such plan, the Secretary shall consider the historic, archeological, and paleontological resources within the recreation area which offer significant opportunities for anthropological research. The Secretary shall inventory such resources and may recommend such areas as he deems suitable for listing in the National Register of Historic Places. The Secretary's comprehensive plan shall include recommendations for future protection and controlled research use of all such resources.

(c) The Secretary shall, as a part of his comprehensive planning process, conduct a detailed study of the need for, and alternative routes of, scenic roads and other means of transit to and within the recreation area. In conducting such study the Secretary shall consider the alternative for upgrading existing roads and shall, in particular, study the need for and alternative routes of roads or other means of transit providing access to scenic views of and from the Western rim of Hells Canyon.

(d) The Secretary shall review, as to their suitability or nonsuitability for preservation as wilderness, the areas generally depicted on the map referred to in section 1 of this Act as the "Lord Flat-Somers Point Plateau Wilderness Study Area", and the "West Side Reservoir Face Wilderness Study Area", and the "Mountain Sheep Wilderness Study Area" and report his findings to the President. The Secretary shall complete his review and the President shall, within five years from the date of enactment of this Act, advise the United States Senate and House of Representatives of his recommendations with respect to the designation of lands within such area as wilderness. In conducting his review the Secretary shall comply with the provisions of section

3(d) of the Wilderness Act and shall give public notice at least sixty days in advance of any hearing or other public meeting concerning the wilderness study area. The Secretary shall administer all Federal lands within the study areas so as not to preclude their possible future designation by the Congress as wilderness. Nothing contained herein shall limit the President in proposing, as part of this recommendation to Congress, the designation as wilderness of any additional area within the recreation area which is predominately of wilderness value.

(e) In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations, and individuals including but not limited to, the Nez Perce Tribe of Indians, and the States of Idaho, Oregon, and Washington. The Secretaries or Directors of all Federal departments, agencies, and commissions having a relevant expertise are hereby authorized and directed to cooperate with the Secretary in his review and to make such studies as the Secretary may request on a cost reimbursable basis.

(f) Such activities as are as compatible with the provisions of this Act, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

SEC. 9. (a) The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this Act by purchase with donated or appropriated funds with the consent of the owner, donation, or exchange.

(b) The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title or, lesser interests therein without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on the date of enactment of this Act: *Provided*, That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further*, That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by section 10 of this Act when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

(c) Any land or interest in land owned by the State of Oregon or any of its political subdivisions may be acquired only by donation. Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

(d) As used in this Act the term "scenic easement" means the right to control the use of land in order to protect esthetic values for the purposes of this Act, but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of the date of enactment of this Act.

(e) The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the recreation area

to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(f) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he classifies as suitable for exchange and which is under his administrative jurisdiction: *Provided*, That the values of the properties so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the United States as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Notwithstanding any other provision of law, the Secretary is authorized to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(h) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the national forest within or adjacent to which they are located.

SEC. 10. The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this Act. Such rules and regulations shall include, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 9 of this Act, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

SEC. 11. Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

SEC. 12. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

SEC. 13. Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on the date of enactment of this Act, are recognized as traditional and valid uses of the recreation area.

SEC. 14. Nothing in this Act shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, or any political subdivisions thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 15. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

SEC. 16. (a) There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the acquisition of lands and interests in lands within the recreation area.

(b) There is hereby authorized to be appropriated the sum of not more than \$10,000,000 for the development of recreation facilities within the recreation area.

(c) There is hereby authorized to be appropriated the sum of not more than \$1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

Sec. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*