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[1976]

Jim Cannon:
Per your request, attached is additional
information on S. 151. George Humphreys
would be lead staff person.

Judy

O.K. - Did you alert
him to bill and due
date? Judy



No.	Index Key and History of Bill	No.	Index Key and History of Bill
SENATE BILLS—Continued		SENATE BILLS—Continued	
S. 98.—Klondike Gold Rush National Historical Park, Alaska, Washington, establish. Reported in Senate June 2, 1975; Interior and Insular Affairs; Rept. 94-166. Passed Senate June 4, 1975. In House, referred to Interior and Insular Affairs June 5, 1975.	S. 223.—Private relief, Garza, Angela. Reported in Senate June 24 (<i>Legislative day of June 6</i>), 1975; the Judiciary; Rept. 94-225. Passed Senate June 24 (<i>Legislative day of June 6</i>), 1975. In House, referred to the Judiciary July 8, 1975.		
S. 100 (H.R. 8674).—Metric Conversion Act of 1975. Reported in Senate Nov. 26, 1975; Commerce; Rept. 94-500. Indefinitely postponed Dec. 8, 1975.	S. 229 (H.R. 10229).—Scrimshaw Art Preservation Act. Reported in Senate Apr. 4, 1975; Commerce; Rept. 94-63. Passed Senate Apr. 14, 1975. In House, referred to Merchant Marine and Fisheries Apr. 15, 1975. Committee discharged. Passed House amended Feb. 17, 1976.		
S. 128.—Private relief, Lopez, Lenora. Reported in Senate June 24 (<i>Legislative day of June 6</i>), 1975; the Judiciary; Rept. 94-249. Passed Senate June 26 (<i>Legislative day of June 6</i>), 1975. In House, referred to the Judiciary July 8, 1975.	S. 233 (H.R. 2493).—Private relief, North Central Educational Television, Inc. Reported in Senate Apr. 17, 1975; the Judiciary; Rept. 94-79. Passed Senate Apr. 18, 1975. In House, referred to the Judiciary Apr. 21, 1975. Committee discharged. Passed House amended Dec. 3, 1975. Senate agreed to House amendment Dec. 6, 1975. Approved Dec. 16, 1975. Private Law 94-20.		
S. 151 (H.R. 10537).—Pick-Sloan Missouri Basin program, to construct Polecat Bench area, Secretary of the Interior, authorize. Reported in Senate July 31, 1975; Interior and Insular Affairs; Rept. 94-350. Passed Senate Aug. 1 (<i>Legislative day of July 31</i>), 1975. In House, referred to Interior and Insular Affairs Sept. 3, 1975. Committee discharged. Passed House amended Jan 20, 1976.	S. 234.—Private relief, Rike, Arthur. Reported in Senate Apr. 17, 1975; the Judiciary; Rept. 94-80. Passed Senate Apr. 18, 1975. In House, referred to the Judiciary Apr. 21, 1975.		
S. 172 (H.R. 4834) (see H.R. 2302).—Travel Expenses Amendments Act of 1975. Reported in Senate Mar. 18 (<i>Legislative day of Mar. 12</i>), 1975; Government Operations; Rept. 94-42. Passed Senate Mar. 20 (<i>Legislative day of Mar. 12</i>), 1975. Passed House amended Apr. 21, 1975. Senate agreed to House amendment with an amendment Apr. 30 (<i>Legislative day of Apr. 21</i>), 1975. House agreed to Senate amendment May 5, 1975. Approved May 19, 1975. Public Law 94-22.	S. 240.—Women's Clubs, American Federation, dollar amount of property to be acquired, lift restrictions. Reported in Senate May 7 (<i>Legislative day of Apr. 21</i>), 1975; the Judiciary; Rept. 94-105. Passed Senate May 8 (<i>Legislative day of Apr. 21</i>), 1975. In House, referred to the Judiciary May 9, 1975. Reported Oct. 9, 1975; Rept. 94-555. House Calendar. Passed House amended Nov. 3, 1975. Senate agreed to the House amendment Dec. 8, 1975. Approved Dec. 15, 1975. Public Law 94-151.		
S. 173.—Private relief, Potter, Lisa Maria. Reported in Senate June 24 (<i>Legislative day of June 6</i>), 1975; the Judiciary; Rept. 94-246. Passed Senate June 26 (<i>Legislative day of June 6</i>), 1975. In House, referred to the Judiciary July 8, 1975.	S. 249 (H.R. 4111).—Securities Acts Amendments of 1975. Reported in Senate Apr. 14, 1975; Banking, Housing and Urban Affairs; Rept. 94-75. Passed Senate Apr. 17, 1975. Passed House amended Apr. 24, 1975. House asked for a conference Apr. 24, 1975. Senate agreed to a conference Apr. 25 (<i>Legislative day of Apr. 21</i>), 1975. Conference report filed in the House May 19, 1975; Rept. 94-229. Senate agreed to conference report May 20, 1975. House agreed to conference report May 22, 1975. Approved June 4, 1975. Public Law 94-29.		
S. 180.—Private relief, Hammond, Charles, Jr. Reported in Senate Dec. 18 (<i>Legislative day of Dec. 15</i>), 1975; Commerce; Rept. 94-576. Passed Senate Dec. 19 (<i>Legislative day of Dec. 15</i>), 1975. In House, referred to Merchant Marine and Fisheries Jan. 19, 1976.	S. 253.—Private relief, Groves, Janice, Elaine and daughter, Anna. Reported in Senate July 23 (<i>Legislative day of July 21</i>), 1975; the Judiciary; Rept. 94-297. Passed Senate July 25 (<i>Legislative day of July 21</i>), 1975. In House, referred to the Judiciary July 28, 1975.		
S. 182.—Butterfield, Col. Alexander P., appointment to retired list of Regular Air Force, authorize. Reported in Senate May 8 (<i>Legislative day of Apr. 21</i>), 1975; Armed Services; Rept. 94-110. Failed of passage May 20, 1975.	S. 267.—Wilderness, Flat Tops Wilderness, certain land in Routt and White River National Forests, Colo., designate as. Reported in Senate June 3, 1975; Interior and Insular Affairs; Rept. 94-171. Passed Senate June 5, 1975. In House, referred to Interior and		
S. 190.—Oil and gas lease Wyoming No. W-11843. Secretary of Interior to reinstate, authorize. Reported in Senate Nov. 20 (<i>Legislative day of Nov. 18</i>), 1975; Interior and Insular Affairs; Rept. 94-471. Passed Senate Dec. 1, 1975. In House, referred to Interior and Insular Affairs Dec. 2, 1975.	S. 200 (H.R. 7575).—Commerce Department Act of 1975.		

Interior
[1976]

- Q. How does today's announcement affect a Presidential decision to sign or veto the new Land and Water Conservation Fund Amendments?

- A. The President is fully cognizant of the Senate-House Conference report and the expected passage of the new Land and Water Conservation Fund Amendments. The funding of the President's Bicentennial Land Heritage Act is distinctly different and separate from the Land and Water Conservation Fund Amendments.



Q. Will the President sign the Land and Water Conservation Fund Amendments when it comes to his desk?

A. The President has kept in close touch with the bill's progress. He is fully aware of the sizeable fiscal impact the new amendments would have on the overall budget.

It is my understanding that the President will not make a decision until the Land and Water Bill is on his desk.



Q. Have you and Secretary Kleppe recommended that he sign and fund the Land and Water Conservation Fund Amendments?

A. Yes, we feel that the fund touches the lives of the vast majority of Americans.

4

Q. Where does the money come from ~~that~~ goes into the Land and Water Conservation Fund?

A. There are several sources:

1. Motorboat fuel tax
2. The sale of surplus property
3. But the largest percentage of the fund comes from the sale of oil and gas leases from the Outer Continental Shelf



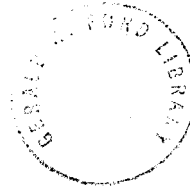
Q. Mr. Reed, don't you think it is a good bet, considering the President's announcement today, that he is going to sign the bill?

A. Gentlemen, what can I say. The President has shown a great interest in the fund. He has discussed the backlog of the federal acquisition program and the need to continue, if not accelerate, the state and local land preservation efforts

I don't like to speculate on what the President is going to do. But he knows the issues and his initiation of the Bicentennial Land Heritage Act reflects his keen interest in the broad program of parks and land conservation for the American people.



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THE WHITE HOUSE
WASHINGTON

March 25, 1976

MEMORANDUM FOR : DICK CHENEY
FROM : JIM CANNON *J. Cannon*
SUBJECT : New River Decision

The effect of the decision by the Federal Court of Appeals yesterday was to nullify Secretary Kleppe's designation of parts of the New River for inclusion in the Wild and Scenic Rivers System.

Interior received the decision late today, and has not yet made a detailed analysis. But it appears certain that the court ruling, if not overturned by the Supreme Court, would allow the construction of two hydro-electric dams on a part of the New River which is in Virginia.

Since the effect of the dams would be to flood parts of North Carolina, the Attorney General of North Carolina has announced he will appeal the decision.

Interior is considering the pros and cons of entering the case as a friend of the court.

Kent Frizzell tells me that Interior's counsel does not feel the Department has any legal basis for appealing, but can enter the case if the President wants the Department to do so.

Congressman Stephen Neal (N.C.) and Ken Hechler (W. Va.) have stated their intention to seek Congressional action to keep the New River in the Wild and Scenic System.

THE WHITE HOUSE

WASHINGTON

May 21, 1976

INFORMATION

1/3/76
Geo.
where does
this stand
now Jim

MEMORANDUM FOR: JIM CANNON

FROM: GEORGE W. HUMPHREYS

SUBJECT: U.S. District Court Policy on Tuna/
Porpoise Issue

A court ruling on May 12 directed U.S. tuna fishermen to discontinue, as of May 31, the practice of "setting on" porpoise to catch tuna.

The procedure is used mainly by San Diego based tuna fisherman along a stretch from 500-800 miles off-shore in the Pacific from lower California southward to off Peru. The fishing boat spots porpoise schools on the surface and throws out large nylon nets to catch the tuna which inexplicably run beneath the porpoise. In the netting process, many of the porpoises are caught in the nets and suffocate.

The Marine Mammal Protection Act of 1972 mandated that such incidental porpoise kills "be reduced to insignificant numbers approaching zero mortality." The Act allowed two years for remedial action, and the National Marine Fisheries Service (Commerce) granted two extensions for compliance. In January 1976, NMFS announced that if mortality rates from January to May of 1976 did not show 30 percent reduction of 1975 mortality rate (approximately 130,000 porpoises), a quota system would be enforced.

Mortality rates had declined from 1972 (318,000 except for an increase in 1975 over 1974 (130,000 over 100,000). The porpoise population is not known, thus no facts are available to determine the effect these deaths have on the stability of the population. Some government estimates suggest that the total porpoise population has stabilized but this is not scientifically verified.

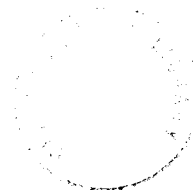


Industry officials have announced their intention to appeal. Meanwhile, the tuna fishermen claim that the ruling is disastrous for them and that the only recourse would be to re-register their boats under foreign flag, removing any U.S. restrictions on their fishing procedures.

The long-term solution to the problem requires a tremendous amount of research -- types of nets, escape gimmicks, boating procedures, in addition to some verifiable census data -- but the short-term problem is not so easy to ascertain.

Can we discuss your reaction to one solution that will be offered -- legislation to remove the "zero" levels?

cc:
Jim Cavanaugh
Art Quern



THE WHITE HOUSE
WASHINGTON

June 9, 1976



TO: GEORGE HUMPHREYS

FROM: → JIM CANNON

For your review and comments.

TO:

*I see
no problem*

From: *Sw Humphreys* June 9, 1976

June 9, 1976

MEMORANDUM TO: JIM LYNN
JIM CANNON

FROM: JACK MARSH *me*

TO:
I have no problem with the attached draft letter. Please review and have your office advise Connie Banford (Ext. 6690) of your reaction.

From: New Haven June 1, 1976
Since Pollock wants to take this with him when he leaves for Seattle on Friday, a quick turn around would be appreciated.

Thanks.

JOM:RAR:cb



Jack Marsh

June 8, 1976

Dear Jack:

William Nicholson has now advised me that the President will be unable to attend the ceremony in Seattle on June 14 announcing the approval of the Coastal Management Program for the State of Washington.

In the alternative, a letter of congratulations from the President to Governor Daniel J. Evans and the people of the State would be most welcome and, unquestionably, would be well received.

A draft of a letter for the occasion is attached, and it is respectfully requested that it or an appropriate substitute be prepared for the signature of the President.

Since I will now personally represent the Administration at the Seattle ceremony, it would be appreciated if I could pick up the letter by Friday prior to my departure for Portland and Seattle, after it has been signed by the President.

Sincerely,


Howard W. Pollock
NOAA Deputy Administrator



The Honorable John O. Marsh, Jr.
Counsellor to the President
The White House

Attachment



June 14, 1976

Honorable Daniel J. Evans
Governor
State of Washington
Olympia, Washington 98501

Dear Governor Evans:

My sincere congratulations to you and to the citizens of the State of Washington on achieving the first Federally approved coastal management program for any State in the Nation. Your success in implementing the provisions of the Coastal Zone Management Act of 1972 is a tribute to the progressive spirit and dedication which you and the citizens of Washington have shown in preserving the values of your shorelines and coastal areas through planning for balanced uses of this priceless heritage.

It is with deep regret that I find my schedule does not permit me to be with you personally on this historic occasion. Nevertheless, I want you to know that I heartily applaud your coastal management efforts, and shall anticipate further accomplishments of significance as you carry out your program. Again, congratulations.

Sincerely,

Gerald R. Ford

THE WHITE HOUSE

WASHINGTON

June 2, 1976

Dear Mr. Pollock:


John Marsh forwarded your letter of May 20 inviting the President to attend the ceremony in Seattle on June 14 announcing the approval of the Coastal Management Program for the State of Washington.

While the President is pleased to be included in your plans for this important occasion and careful consideration has been given to his attendance, regrettably, he will not be able to be present for this announcement due to existing schedule commitments. He would like you to know, though, he thanks you for thinking of him and he sends warm good wishes.

Sincerely,
William W. Nicholson

William W. Nicholson
Director
Scheduling Office

The Honorable Howard W. Pollock
Deputy Administrator
National Oceanic and Atmospheric
Administration
Department of Commerce
Rockville, Maryland 20852



[1976]

Friday, July 9

File

R E M I N D E R

Eagles Nest to the President after Colorado
delegates have been chosen--Saturday afternoon.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 9

Time: 1215pm

FOR ACTION: Jack Marsh
George Humphreys
Max Friedersdorf
Paul Leach
Ken Lazarus
Robert Hartmann (veto message attached)

cc (for information): Jim Cavanaugh
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: July 9

Time: as soon as possible today

SUBJECT:

S. 268-Eagles Nest Wilderness

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

LAST DAY FOR ACTION ON BILL IS MONDAY, JULY 12 so the package needs to be completed as soon as possible



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.

James M. Cannon
For the President



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

JUL 9 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 268 - Eagles Nest Wilderness,
 Colorado
 Sponsor - Sen. Haskell (D) Colorado

Last Day for Action

July 12, 1976 - Monday

Purpose

Establishes the Eagles Nest Wilderness in Colorado comprising an area of some 133,910 acres.



Agency Recommendations

Office of Management and Budget	Disapproval (Veto Message attached)
Department of Agriculture	Disapproval (Veto Message attached)
Department of the Interior	Defers to Agriculture
Department of Defense	Defers to Agriculture (Informally)
Federal Energy Administration	No objection (Informally)
Department of Transportation	No objection
Department of Commerce	No objection
Council on Environmental Quality	No position
Federal Power Commission	No position (Informally)

Discussion

Under the Wilderness Act, Agriculture and Interior are required to make recommendations to the President for additions to the National Wilderness Preservation System, and the President is required to submit these, along with his own recommendations, to the Congress. To qualify for wilderness designation, an area must generally be undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions.

S. 268 would establish the Eagles Nest Wilderness comprising an area of about 133,910 acres within the Arapaho and White River National Forests, Colorado. The enrolled bill would require that the Eagles Nest Wilderness be administered under the provisions of the Wilderness Act which means its primitive, natural state would be retained.

This wilderness proposal was originally recommended and transmitted to Congress under the previous Administration as an area of about 87,775 acres. Notwithstanding continued and strong Executive Branch objections to Congress, the enrolled bill would designate an area more than 46,000 acres larger than that recommended by the President -- an increase of 53 percent.

In reporting to House and Senate Interior Committees, Agriculture advised that enactment of this legislation would not be consistent with the Administration's objectives. However, the Committees gave only superficial attention to the Administration's concerns in providing for a much larger wilderness.

S. 268 passed in both the House and the Senate on voice votes.

It is worthwhile noting that in approving the Flat Tops Wilderness bill on December 13, 1975, you issued a signing statement urging Congress to give more careful consideration to future National Forest wilderness proposals. Specifically, you urged the Congress in considering future wilderness legislation to:

- o ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- o facilitate efficient administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable natural features so far as feasible; and,
- o evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

In its enrolled bill letter, Agriculture expresses serious concern over the Congressional approach taken for this wilderness area:

" ... The additional areas were not included in our proposal, because they were judged not suitable for wilderness designation, because management for other resource values was judged to be of greater importance, or because a well-defined boundary could not be established.

"The additional areas that would be designated as wilderness by S. 268 contain significant evidence of man's activity, including primitive and constructed roads, constructed water impoundments and irrigation ditches, and areas where timber has been harvested. Inclusion of these nonconforming features would significantly lower the quality of the Eagles Nest Wilderness and create serious administrative problems in managing the wilderness resource. The additional areas also contain major forest, water, recreation, wildlife, and forage resource values which would be partially or completely foregone if the additional areas were designated as wilderness.

"We have strongly and consistently urged the Congress not to designate areas as wilderness where the evidence of man's activity is clearly apparent. We have also urged the Congress to more carefully consider resource trade-offs between wilderness values and other resource values and uses. Despite our efforts, the Administration proposals for the Flat Tops Wilderness and the Eagles Nest Wilderness were seldom, if ever, considered by the Congress during the 94th Congress. Both the House and Senate focused on much larger proposals from the beginning."

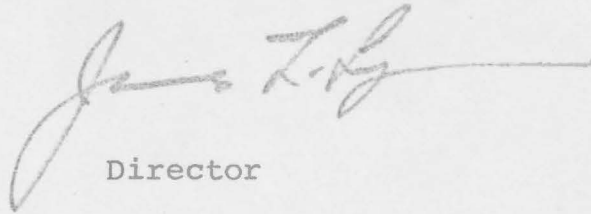
Finally, in making its veto recommendation, the Department concludes that:

"We believe the time has come to forcefully insist that Administration wilderness proposals be given more serious consideration. The quality of the National Wilderness Preservation System and the wilderness concepts embodied in the Wilderness Act are increasingly jeopardized as the Congress continues to enact wilderness bills such as S. 267 and S. 268."

We very much share the above-noted concerns as expressed by Agriculture, and we strongly concur in a veto recommendation. We feel a veto is appropriate for several reasons. First, the groundwork was well laid through your wilderness signing statement and Agriculture's strong opposition to the bill before Congress. Second, on the merits, the enrolled bill is very objectionable, including precisely the type of substantive problems which you urged the Congress to eliminate in future wilderness legislation. Finally, we believe this is an opportune time to take a stand against Congressional disregard of Administration

wilderness proposals. Both this bill and the other wilderness bill that is now before you for action, H.R. 7792 -- Alpine Lakes Area, clearly fail to meet the criteria set forth in your signing statement. If these bills are not disapproved, it will be difficult if not impossible to maintain the Administration position on future Forest Service proposals.

We have prepared, for your consideration, a joint veto message that covers both the Eagles Nest and Alpine Lakes bills. It represents a revision of the draft messages submitted by Agriculture.



Director

Enclosures



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

July 2, 1976

MEMORANDUM FOR JAMES M. FREY
OFFICE OF MANAGEMENT AND BUDGET

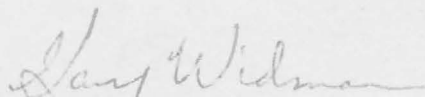
ATT: Ms. Ramsey -- Rm. 7201 NEOB

SUBJECT: Enrolled Bill S. 286, "To designate the Eagles Nest
Wilderness, Arapaho and White River National Forests,
in the State of Colorado"

This is in response to your July 1, 1976 request for our views
on the subject enrolled bill.

After careful study the Administration proposed to the Congress
that an area of 87,000 acres be designated as the Eagles Nest
Wilderness. S. 286 expands the area to 133,000 acres. We under-
stand that the additional 46,000 acres contain many nonconforming
uses (extensive timber cutting, roads and irrigation ditches)
which would violate the standards as established in the Wilderness
Act. We believe in the principle that it is in the long term
interest of the wilderness system to maintain a high standard
of quality.

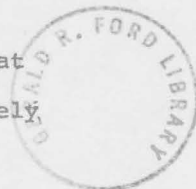
However, because of lack of time to carefully study all the
pros and cons of the expanded area, the Council does not take
a position on whether the President should sign this bill.


Gary Widman
General Counsel

TO THE HOUSE OF REPRESENTATIVES AND THE SENATE

I am returning today without my approval two bills: H.R. 7792, a bill entitled the "Alpine Lakes Area Management Act of 1972", and S. 268, a bill "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests in the State of Colorado."

I take this action very reluctantly as I believe that the National Wilderness Preservation System is an extremely valuable national resource, preserving, as it does, an important part of the Nation's heritage. Indeed my Administration proposed enactment of legislation to designate an Alpine Lakes Wilderness area and supported legislation for an Eagles Nest Wilderness area. In December 1974 I proposed that more than 9 million acres be designated as wilderness which when added to the previous Executive Branch wilderness recommendations would encompass a National Wilderness Preservation System of approximately 35 million acres -- larger than the entire State of Pennsylvania -- in all sections of our country. Since taking office, I have approved bills that have designated over 1,600,000 acres of wilderness in 37 areas.



Last December I approved designation of the 235,230-acre Flat Tops Wilderness in Colorado. At that time, I urged the Congress in considering future wilderness legislation to:

- o ensure that only areas of true wilderness are designated by excluding areas where evidence of man's activity is clearly apparent;
- o facilitate efficient Administration of wilderness areas and to protect such areas by enhancing public understanding of their boundaries by employing recognizable natural features so far as feasible;

- o evaluate more carefully the trade-off between wilderness values and other resource value uses such as recreation, timber, wildlife, minerals, grazing and watershed protection and development.

Had H.R. 7792, establishing the Alpine Lakes area, been limited to the 292,000 acre wilderness area that the Administration proposed, I would sign the bill. Instead, the Congress has added:

- o 11,000 acres of wilderness;
- o 88,000 acres of intended wilderness;
- o 43,000 acres of private land to be purchased.

In certain of these additional areas, evidence of man's presence is apparent. In some, boundaries fail to follow easily recognizable natural features. However, most disturbing is the way in which the Congress dealt with the need to trade-off wilderness values against other resource values.

Recognizing timber values in the area, the Congress has sought to address this question by requiring the purchase of these private lands from three large timber companies providing for unprecedented company-initiated condemnation lawsuits and prescribing an unprecedented formula ensuring that these companies receive the highest possible prices for their timber and land. This could cost in excess of \$100 million.

I cannot condone the use of public funds in this manner. The objective of the National Wilderness Preservation System is to preserve selected public land areas in their pristine natural state and not to acquire large tracts of privately held land -- especially at unconscionable prices.

Had S. 268 establishing Eagles Nest wilderness been limited to the Executive Branch 87,775 acre proposal, I would sign it.

But again, the Congress has extended this proposal by more than 46,000 acres -- a 53% increase -- and included areas that bear evidence of man's presence, that fail to be bounded by easily recognizable natural features, and that have greater values in a broader multiple use classification. In particular, the bill would serve to make more difficult potential development of the area water resources.

The National Wilderness Preservation System can provide this Nation with the means of preserving in perpetuity a key part of our most valuable heritage -- our undisturbed wildland. I will not, however, condone decisions which accommodate local and private interests when such actions differ from the broad national interests.



DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

WASHINGTON, D. C. 20250

July 2, 1976

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

Dear Mr. Lynn:

In response to the request of your office, the following report is submitted on the enrolled enactment S. 268, "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests in the State of Colorado."

The Department of Agriculture recommends that the President not approve the enactment.

S. 268 would designate about 133,910 acres within the Arapaho and White River National Forests, Colorado, as the Eagles Nest Wilderness. The designated area would be administered by the Secretary of Agriculture under the provisions of the Wilderness Act. The previous classification of the Gore Range-Eagles Nest Primitive Area would be abolished.

S. 268, as passed by the Senate, contained the following management provision:

"SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as impairing the authority of the appropriate Secretary to permit, subject to such regulations as he deems necessary to protect wilderness values, the construction, operation, and maintenance of a subsurface water tunnel in Federal land under the Eagles Nest Wilderness."



The House act did not contain the above provision, and the conferees agreed to delete it. According to the conference report (H. Rept. No. 94-1308), "The Senate conferees agreed not to include the provision in the conference committee amendments with the understanding that . . . it is not the intent of the conferees . . . to either enlarge or diminish the authority of the Secretary to permit the construction and operation of the tunnel." Although this matter does not relate directly to the language of the enactment, we wish to point out that, in our judgment, the conference report could lead one to erroneously conclude that the Secretary has authority under the Wilderness Act to permit the construction and operation of a tunnel within a wilderness. If the President does not accept our recommendation and approves S. 268, it is our opinion that any application for a permit to construct and operate a tunnel within

the Eagles Nest Wilderness could be approved only by the President in accordance with section (4)(d)(4)(1) of the Wilderness Act (16 U.S.C. 1133 (d)(4)(1)).

The President transmitted his recommendation for an 87,755-acre Eagles Nest Wilderness to the Congress on February 8, 1972. That recommendation resulted from our study of the Gore Range-Eagles Nest Primitive Area and adjacent areas pursuant to the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-1136). In 1973 and 1974, the Senate passed bills that would have designated an Eagles Nest Wilderness of 128,374 acres.

S. 268 would designate an area more than 46,000 acres (53 percent) larger than that recommended by the President. The additional areas were not included in our proposal, because they were judged not suitable for wilderness designation, because management for other resource values was judged to be of greater importance, or because a well-defined boundary could not be established.

The additional areas that would be designated as wilderness by S. 268 contain significant evidence of man's activity, including primitive and constructed roads, constructed water impoundments and irrigation ditches, and areas where timber has been harvested. Inclusion of these non-conforming features would significantly lower the quality of the Eagles Nest Wilderness and create serious administrative problems in managing the wilderness resource. The additional areas also contain major forest, water, recreation, wildlife, and forage resource values which would be partially or completely foregone if the additional areas were designated as wilderness.

We have strongly and consistently urged the Congress not to designate areas as wilderness where the evidence of man's activity is clearly apparent. We have also urged the Congress to more carefully consider resource trade-offs between wilderness values and other resource values and uses. Despite our efforts, the Administration proposals for the Flat Tops Wilderness and the Eagles Nest Wilderness were seldom, if ever, considered by the Congress during the 94th Congress. Both the House and Senate focused on much larger proposals from the beginning.

Following enactment of the Flat Tops Wilderness (S. 267) in December 1975, we reluctantly recommended that the President approve the enactment. We recognized that a veto rationale would have been very difficult to sustain, because the 94th Congress has frequently viewed our concerns about nonconforming features and ill-defined boundaries as bureaucratic and judgmental. Furthermore, it is difficult to make a case against resource trade-offs affecting dispersed recreation and wildlife habitat that are not easily quantified. The President ultimately approved the Flat Tops Wilderness (S. 267) on December 13, 1975, but he did so with strong reservations which he expressed in a signing statement.

Honorable James T. Lynn

3.

Unfortunately, the President's stated concerns about nonconforming features, poor boundary definition, and resource trade-offs in regard to Flat Tops appeared to have little, if any, effect during congressional consideration of the Eagles Nest Wilderness (S.268). We believe the time has come to forcefully insist that Administration wilderness proposals be given more serious consideration. The quality of the National Wilderness Preservation System and the wilderness concepts embodied in the Wilderness Act are increasingly jeopardized as the Congress continues to enact wilderness bills such as S. 267 and S. 268.

Our rationale for the President's veto of S. 268 is developed in the enclosed draft veto message.

Sincerely,



RICHARD L. FELTNER
Assistant Secretary

Enclosure



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

July 2, 1976

Mr. James T. Lynn, Director
Office of Management and Budget
Executive Office Building
Washington, D.C. 20503

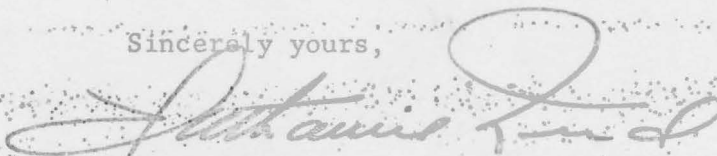
Dear Mr. Lynn:

This responds to your request for our views on the enrolled bill S. 268, "To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

We defer to the views of the Department of Agriculture as to the advisability of the President approving the enrolled bill.

S. 268 would designate approximately 128,084 acres of the Arapaho and White River National Forests in north central Colorado as the Eagles Nest Wilderness. Since this Department has not previously been requested by the Congress to report on S. 268 and since the designated wilderness area is located entirely on Forest Service land and will be managed by the Forest Service, we defer to the views of the Department of Agriculture on the question of whether the President should approve the enrolled bill.

Sincerely yours,



Assistant Secretary of the Interior





GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

JUL 2 1976

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

This is in reply to your request for the views of the Department of Transportation on an enrolled bill, S. 268,

"To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

The proposed legislation would establish the Eagles Nest Wilderness Area to be administered by the Department of Agriculture pursuant to the provisions of the Wilderness Act.

The Department of Transportation has no objection to the President's signing this enrolled bill.

Sincerely,

A handwritten signature in cursive script, which appears to read "John Hart Ely", is written over the typed name. The signature is fluid and somewhat stylized, with a large loop at the end.

John Hart Ely



JUL 2 1976

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 response to your request for the views of this Department on S. 268, an enrolled enactment

"To designate the Eagles Nest Wilderness, Arapaho and White River National Forests, in the State of Colorado."

This bill would, in accordance with subsection 3(b) of the Wilderness Act (16 U.S.C. 1132(b)), designate the Gore Range-Eagles Nest Primitive Area as the "Eagles Nest Wilderness" within and as part of the Arapaho and White River National Forests, to be administered by the Secretary of Agriculture.

The Department of Commerce would have no objection to approval by the President of S. 268:

Enactment of this legislation is not expected to involve any increase in the budgetary requirements of this Department.

Sincerely,

J. V. Smith
General Counsel



THE WHITE HOUSE

WASHINGTON

July 24, 1976

SIGNING CEREMONY FOR THE
COASTAL ZONE MANAGEMENT ACT
AMENDMENTS OF 1976

Monday, July 26, 1976
11:00 a.m. (15 minutes)
The East Garden

From: Jim Cannon 



I. PURPOSE

To highlight your signing of the Coastal Zone Management Act Amendments which are very popular with the coastal States.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background

Briefly, the bill includes a \$1.2 billion impact assistance program for areas affected by coastal energy activity which is similar to the program you proposed last February. You proposed a Federal Energy Development Impact Assistance Act -- to provide \$1 billion in planning grants, loans and loan guarantees to aid communities impacted by development of Federally-owned energy resources in both coastal and inland areas.

The bill also requires coordination of certain energy development plans with State coastal zone planning, and extends the scope of the Coastal Zone Management Programs and establishes new categorical grant programs, including some for acquisition of lands. The coordination requirements seem manageable and the grant programs probably can be controlled through the budget process.

For the past four years, coastal State delegations have pushed for some form of impact aid -- principally through sharing of OCS revenues -- to those coastal States which will be impacted by oil and gas exploration and production on the OCS.

Prior to the submission of the Administration's proposal, the House and Senate each passed, by large majorities, coastal energy impact assistance legislation based on OCS revenue sharing. Both bills were considered unacceptable.

The Administration -- under Secretary Richardson's leadership -- mounted a concerted effort during the House-Senate conference to get a more acceptable bill that would incorporate as much of your impact assistance approach as possible.

The greatest help in effecting the compromises acceptable to the Administration came from Senators Hollings and Stevens in the Senate and Congressman Murphy in the House.

B. Participants

Approximately 15 House and Senate members and 15 staff (TAB A).

Secretary Richardson, Under Secretary Frizzell, Administrator Frank Zarb, Administrator Russell Train, Administrator Robert White and approximately 16 other representatives of the White House and other Executive Branch staff (TAB B).

Governor Jay F. Hammond and 22 other representatives of State and local governments, trade associations, environmental organizations and other private sector groups (TAB C).

C. Press Plan

Photo opportunity; sound on film. White House Press.

III. TALKING POINTS

Attached at TAB D



CONGRESSIONAL STAFF

MAX FRIEDERSDORF'S OFFICE WILL PROVIDE LIST

I. Executive Office of the President

A. Council on Environmental Quality

Steven D. Jellinek, Staff Director
William Matuszeski, Assistant Staff Director for Land Use

B. Domestic Council

Glenn R. Schleede, Associate Director
Dennis W. Barnes, Assistant Director
Janet Brown, Assistant to the Deputy Director

C. Office of Management and Budget

Jim Mitchell, Associate Director
Joellyn Murphy, Management Associate

II. Departments

A. Department of Commerce

Honorable Elliot L. Richardson, Secretary
Mansfield D. Sprague, Counsellor to the Secretary for
Congressional Affairs
Richard G. Darman, Assistant Secretary for Policy
F. S. M. Hodsoll, Deputy Assistant Secretary for
Energy and Strategic Resource Policy

National Oceanic and Atmospheric Administration

Honorable Robert M. White, Administrator
Robert W. Knecht, Assistant Administrator, Coastal
Zone Management
Richard Gardner, Deputy Assistant Administrator,
Coastal Zone Management
John H. Eberly, Executive Officer
John H. Clotworthy, Director, Congressional Affairs
Richard J. Keating, Congressional Liaison, Coastal
Zone Management
Arthur Lyell Rushton, III, Office of Congressional
Affairs

B. Department of the Interior

Kent Frizzell, Under Secretary

III. Independent Agencies

A. Environmental Protection Agency

Honorable Russell Train, Administrator

B. Federal Energy Administration

Honorable Frank G. Zarb, Administrator



Governor Jay F. Hammond, Juneau, Alaska
Senator A.R. Schwartz, Houston, Texas
Stephen B. Farber, Director, National Governors Conference
Joe Moseley, Coastal States Organization
Rob MacDougall, National Conference of State Legislatures
John V.N. Klein, County Executive, Suffolk County Center
Bay Haas, Chairman, County Commission, Mobile County
Robert Weaver, National Association of Counties
Jim Evans, Legislative Representative, National Association
of Counties
Carol Shaskan, Legislative Representative, National Association
of Counties



Linda Billings, Washington Representative, Sierra Club
Irwin Alperin, Atlantic States Marine Fisheries Commission
Gus Fritchie, National Fisheries Institute
Lucy Sloan, National Federation of Fishermen
William Moody, Maritime Trade Department, AFL/CIO
Frank Ikard, American Petroleum Institute
Lee Wedding, National Fisheries Institute
Charles J. Carey, President, National Cannery Association
Kathryn Nordstrum, Representative to National Fisheries Policy
Conference, National Cannery Association
Everett A. Tolley, Executive Director, Shellfish Institute
of North America
William J. Hargis, Chairman, National Advisory Council on
Oceans and the Atmosphere
Jack Botzum, NAUTILUS PRESS
Pamela Baldwin

PRESIDENT'S TELEVISION STATEMENT ON SIGNING S.586, THE COASTAL
ZONE MANAGEMENT ACT OF 1976, JULY 26, 1976

This morning I am signing into law the Coastal Zone Management Act Amendments of 1976. These Amendments include many of the principal elements of the proposal I sent to the Congress in February of this year, which were designed to assist communities significantly affected by the development of Federally-owned energy resources.

These Amendments will provide a basis for long-term planning by the coastal States so that they can better balance the needs for energy development, and urban growth, of resource conservation and recreational use.

These Amendments also represent a good balance between Federal, State and local interests in the sensitive areas of coastal land and water uses and energy development.

By creating a Coastal Energy Impact Program with funds of \$1.2 billion over the next ten years, we recognize a national responsibility to help coastal States and communities that are affected as we speed up exploration and production of oil and gas from the outer continental shelf. At the same time, these amendments rightly limit the extent to which the Federal Government will become involved in decisions that should be made at State and local levels:

I see this bill as an encouraging sign for the future. First, because it represents the kind of progress that can be made when the Congress and the Administration work together. And second, because it shows that two issues high on our national agenda -- the need for energy and the need for environmental protection -- can indeed be reconciled.