

WILD AND SCENIC RIVERS ACT

An act to provide for a National Wild and Scenic Rivers System and for other purposes. (Act of October 2, 1968, Public Law 90-542, 82 Stat. 906)

[Sec. 1. Short title]—(a) This Act may be cited as the “Wild and Scenic Rivers Act.” (82 Stat 906; 16 U.S.C. § 1271 note)

(b)[National policy.]—It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes. (82 Stat. 906; 16 U.S.C. § 1271)

(c) [Purpose.]—The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time. (82 Stat. 906; 16 U.S.C. § 1272)

Sec. 2. (a) [System established—Designation by State Government—Administration of federally owned lands.]—The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line. Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political

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subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

EXPLANATORY NOTES

1978 Amendment. Section 761 of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3533) amended subsection (a) by: adding language requiring notification of the Federal Energy Regulatory Commission and publication of any application in the Federal Register; making the administration of federally owned lands an expense of the United States; providing that amounts available to the States under other provisions of law for State-designated rivers shall not be treated as an expense of the United States; and providing that federally owned lands within boundaries of State-designated rivers shall not be deemed to be owned or administered by State or local authority. The 1978 Act does not appear

herein.

1976 Amendment. Section 1(1) of the Act of September 11, 1976 (Public Law 94-407, 90 Stat. 1238) amended subsection (a) by adding language providing for inclusion of the specified segment of the New River in North Carolina. The 1976 Act does not appear herein.

Reference in the Text. The Land and Water Conservation Act of 1965 [sic], referred to in subsection (a) of the text, is the Land and Water Conservation Fund Act of 1965 (Act of September 3, 1964, Public Law 88-578, 78 Stat. 897). The Act appears in Volume III at page 1785.

(b) [Eligibility for inclusion—Criteria.]—A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

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

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

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. (82 Stat. 906; § 1(1), Act of September 11, 1976, 90 Stat. 1238; § 761, Act of November 10, 1978, 92 Stat. 3533; 16 U.S.C. § 1273)

Sec. 3. (a) [Components of system.]—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) Eleventh 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 downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California; 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 Namekago, from Lake Namekago 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. A one-thousand-three-hundred-and-

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eighty-acre portion of the area commonly known as the Velie Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled "Boundary Map/Velie Estate—Saint Croix National Scenic Riverway", dated September 1980, and numbered 630-90,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 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 State 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 May 10, 1974: *Provided further*, That for the purposes of this river, there are authorized to be appropriated not more than \$5,200,000 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 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.

(13) 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 to the South Fork; and the South Fork from its origin to the Hungry Horse Reservoir, as generally depicted on the map entitled "Proposed Flathead Wild and Scenic River Boundary Location" dated February 1976; to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken

under subsection (b) of this section shall be taken within one year from October 12, 1976. For the purposes of this river, there are authorized to be appropriated not more than \$6,719,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(14) Missouri, Montana—The segment from Fort Benton one hundred and forty-nine miles downstream to Robinson Bridge, as generally depicted on the boundary map entitled “Missouri Breaks Freeflowing River Proposal”, dated October 1975, to be administered by the Secretary of the Interior. For the purposes of this river, there are authorized to be appropriated not more than \$1,800,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(15) Obed, Tennessee—The segment from the western edge of the Catoosa Wildlife Management Area to the confluence with the Emory River; Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River; and the Emory River from the confluence with the Obed River to the Nemo bridge as generally depicted and classified on the stream classification map dated December 1973. The Secretary of the Interior shall take such action, with the participation of the State of Tennessee as is provided for under subsection (b) of this section within one year following October 12, 1976. The development plan required by such subsection (b) shall include cooperative agreements between the State of Tennessee acting through the Wildlife Resources Agency and the Secretary of the Interior. Lands within the Wild and Scenic River boundaries that are currently part of the Catoosa Wildlife Management Area shall continue to be owned and managed by the Tennessee Wildlife Resources Agency in such a way as to protect the wildlife resources and primitive character of the area, and without further development or roads, campsites, or associated recreational facilities unless deemed necessary by that agency for wildlife management practices. The Obed Wild and Scenic River shall be managed by the Secretary of the Interior. For the purposes of carrying out the provisions of this Act with respect to this river, there are authorized to be appropriated such sums as may be necessary, but not to exceed \$2,000,000 for the acquisition of lands or interests in lands and not to exceed \$400,000 for development. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(16) Pere Marquette, Michigan—The segment downstream from the junction of the Middle and Little South Branches to its junction with United States Highway 31 as generally depicted on the boundary map entitled “Proposed Boundary Location, Pere Marquette Wild and Scenic River,”; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is provided for under subsection (b) of this section with respect to the segment referred to in this paragraph within one year from November 10, 1978. Any development or management plan prepared pur-

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suant to subsection (b) of this section shall include (a) provisions for the dissemination of information to river users and (b) such regulations relating to the recreational and other uses of the river as may be necessary in order to protect the area comprising such river (including lands contiguous or adjacent thereto) from damage or destruction by reason of overuse and to protect its scenic, historic, esthetic and scientific values. Such regulations shall further contain procedures and means which shall be utilized in the enforcement of such development and management plan. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$8,125,000 for the acquisition of lands or interests in lands and \$402,000 for development.

(17) Rio Grande, Texas—The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior. The Secretary shall, within two years after November 10, 1978, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b) of this section. The action required by such subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) of this section shall be construed to be a general management plan only for the United States side of the river and such plan shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile. Nothing in this Act shall be construed to be in conflict with—

(A) the commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

(B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not more than \$1,650,000 for the acquisition of lands and interests in lands and not more than \$1,800,000 for development.

(18) Skagit, Washington—The segment from the pipeline crossing at Sedro-Woolley upstream to and including the mouth of Bacon Creek; the Cascade River from its mouth to 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 boundary of the Glacier Peak Wil-

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derness Area at Milk 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 boundary of the Glacier Peak Wilderness Area; as generally depicted on the boundary map entitled “Skagit River—River Area Boundary”; all segments to be administered by the Secretary of Agriculture. Riprapping related to natural channels with natural rock along the shorelines of the Skagit segment to preserve and protect agricultural land shall not be considered inconsistent with the values for which such segment is designated. After consultation with affected Federal agencies, State and local government and the interested public, the Secretary shall take such action as is provided for under subsection (b) of this section with respect to the segments referred to in this paragraph within one year from November 10, 1978; as part of such action, the Secretary of Agriculture shall investigate that portion of the North Fork of the Cascade River from its confluence with the South Fork to the boundary of the North Cascades National Park and if such portion is found to qualify for inclusion, it shall be treated as a component of the Wild and Scenic Rivers System designated under this section upon publication by the Secretary of notification to that effect in the Federal Register. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated not more than \$11,734,000 for the acquisition of lands or interest in lands and not more than \$332,000 for development.

(19) Upper Delaware River, New York and Pennsylvania—The segment of the Upper Delaware River from the confluence of the East and West branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York, as depicted on the boundary map entitled “The Upper Delaware Scenic and Recreational River”, dated April 1978; to be administered by the Secretary of the Interior. Subsection (b) of this section shall not apply, and the boundaries and classifications of the river shall be as specified on the map referred to in the preceding sentence, except to the extent that such boundaries or classifications are modified pursuant to section 704(c) of the National Parks and Recreation Act of 1978. Such boundaries and classifications shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated such sums as may be necessary.

(20) Delaware, New York, Pennsylvania, and New Jersey—The segment from the point where the river crosses the northern boundary of the Delaware Water Gap National Recreation Area to the point where the river crosses the southern boundary of such recreation area; to be administered by the Secretary of the Interior. For purposes of carrying out this Act with respect to the river designated by this paragraph, there are authorized to

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be appropriated such sums as may be necessary. Action required to be taken under subsection (b) of this section with respect to such segment shall be taken within one year from November 10, 1978, except that, with respect to such segment, in lieu of the boundaries provided for in such subsection (b), the boundaries shall be the banks of the river. Any visitors facilities established for purposes of use and enjoyment of the river under the authority of the Act establishing the Delaware Water Gap National Recreation Area shall be compatible with the purposes of this Act and shall be located at an appropriate distance from the river.

(21) American, California—The North Fork from a point 0.3 mile above Heath Springs downstream to a point approximately 1,000 feet upstream of the Colfax-Iowa Hill Bridge, including the Gold Run Addition Area, as generally depicted on the map entitled "Proposed Boundary Maps" contained in Appendix I of the document dated January 1978 and entitled "A Proposal: North Fork American Wild and Scenic River" published by the United States Forest Service, Department of Agriculture; to be designated as a wild river and to be administered by agencies of the Departments of Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) shall be taken within one year after November 10, 1978; in applying such subsection (b) in the case of the Gold Run Addition Area, the acreage limitation specified therein shall not apply and in applying section 6, subsection (g)(3) of this Act, January 1, 1977 shall be substituted for January 1, 1967. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$850,000 for the acquisition of lands and interests in land and not more than \$765,000 for development.

(22) Missouri River, Nebraska, South Dakota—The segment from Gavins Point Dam, South Dakota, fifty-nine miles downstream to Ponca State Park, Nebraska, as generally depicted in the document entitled "Review Report for Water Resources Development, South Dakota, Nebraska, North Dakota, Montana", prepared by the Division Engineer, Missouri River Division, Corps of Engineers, dated August 1977 (hereinafter in this paragraph referred to as the "August 1977 Report"). Such segment shall be administered as a recreational river by the Secretary. The Secretary shall enter into a written cooperative agreement with the Secretary of the Army (acting through the Chief of Engineers) for construction and maintenance of bank stabilization work and appropriate recreational development. After public notice and consultation with the State and local governments, other interested organizations and associations, and the interested public, the Secretary shall take such action as is required pursuant to subsection (b) of this section within one year from November 10, 1978. In administering such river, the Secretary shall, to the extent, and in a manner, consistent with this section—

(A) provide (i) for the construction by the United States of such recreation river features and streambank stabilization structures as the Secretary of the Army (acting through the Chief of Engineers) deems

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necessary and advisable in connection with the segment designated by this paragraph, and (ii) for the operation and maintenance of all streambank stabilization structures constructed in connection with such segment (including both structures constructed before November 10, 1978, and structures constructed after such date, and including both structures constructed under the authority of this section and structures constructed under the authority of any other Act); and

(B) permit access for such pumping and associated pipelines as may be necessary to assure an adequate supply of water for owners of land adjacent to such segment and for fish, wildlife, and recreational uses outside the river corridor established pursuant to this paragraph.

The streambank structures to be constructed and maintained under subparagraph (A) shall include, but not be limited to, structures at such sites as are specified with respect to such segment on pages 62 and 63 of the August 1977 Report, except that sites for such structures may be relocated to the extent deemed necessary by the Secretary of the Army (acting through the Chief of Engineers) by reason of physical changes in the river or river area. The Secretary of the Army (acting through the Chief of Engineers) shall condition the construction or maintenance of any streambank stabilization structure or of any recreational river feature at any site under subparagraph (A)(i) upon the availability to the United States of such land and interests in land in such ownership as he deems necessary to carry out such construction or maintenance and to protect and enhance the river in accordance with the purposes of this chapter. Administration of the river segment designated by this paragraph shall be in coordination with, and pursuant to the advice of a Recreational River Advisory Group which shall be established by the Secretary. Such Group may include in its membership, representatives of the affected States and political subdivisions thereof, affected Federal agencies, and such organized private groups as the Secretary deems desirable. Notwithstanding the authority to the contrary contained in section 6, subsection (a) of this Act, no land or interests in land may be acquired without the consent of the owner: *Provided*, That not to exceed 5 per centum of the acreage within the designated river boundaries may be acquired in less than fee title without the consent of the owner, in such instance of the Secretary's determination that activities are occurring, or threatening to occur thereon which constitute serious damage or threat to the integrity of the river corridor, in accordance with the values for which this river was designated. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not to exceed \$21,000,000, for acquisition of lands and interests in lands and for development.

(23) Saint Joe, Idaho—The segment above the confluence of the North Fork of the Saint Joe River to Spruce Tree Campground, as a recreational river; the segment above Spruce Tree Campground to Saint Joe Lake, as a wild river, as generally depicted on the map entitled "Saint Joe River Corridor Map" on file with the Chief of the Forest Service and dated September 1978; to be administered by the Secretary of Agriculture. Not-

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withstanding any other provision of law, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across that portion of the Saint Joe designated as a "recreational river" under this paragraph. Dredge or placer mining shall be prohibited within the banks or beds of the main stem of the Saint Joe and its tributary streams in their entirety above the confluence of the main stem with the North Fork of the river. Nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the Saint Joe River and its tributaries within the river corridor by or under the authority of any public body or its agents for the purposes of construction or maintenance of roads. The Secretary shall take such action as is required under subsection (b) of this section within one year from November 10, 1978. For the purposes of this river, there are authorized to be appropriated not more than \$1,000,000 for the acquisition of lands or interest in lands.

(24) Salmon, Idaho—(A) The segment of the main river from the mouth of the North Fork of the Salmon River downstream to Long Tom Bar in the following classes:

(i) the forty-six-mile segment from the mouth of the North Fork of the Salmon River to Corn Creek as a recreational river; and

(ii) the seventy-nine-mile segment from Corn Creek to Long Tom Bar as a wild river; all as generally depicted on a map entitled "Salmon River" dated November 1979, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

(B) This segment shall be administered by the Secretary of Agriculture: *Provided*, That after consultation with State and local governments and the interested public, the Secretary shall take such action as is required by subsection (b) of this section within one year from July 23, 1980.

(C) The use of motorboats (including motorized jetboats) within this segment of the Salmon River shall be permitted to continue at a level not less than the level of use which occurred during calendar year 1978,

(D) Subject to existing rights of the State of Idaho, including the right of access, with respect to the beds of navigable streams, tributaries or rivers, dredge and placer mining in any form including any use of machinery for the removal of sand and gravel for mining purposes shall be prohibited within the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph; within the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River; and within the Middle Fork of the Salmon River; and its tributary streams in their entirety: *Provided*, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the River of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the

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Middle Fork and its tributaries for the purposes of construction or maintenance of public roads; *Provided further*, That this paragraph shall not apply to any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980.

(E) The provisions of section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines or other project works, shall apply to the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

(F) For the purposes of the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph, there is hereby authorized to be appropriated from the Land and Water Conservation Fund, after October 1, 1980, not more than \$6,200,000 for the acquisition of lands and interests in lands.

(25) Alagnak, Alaska—That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Preserve; to be administered by the Secretary of the Interior.

(26) Alatna, Alaska—The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(27) Aniakchak, Alaska—That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and National Preserve; to be administered by the Secretary of the Interior.

(28) Charley, Alaska—The entire river, including its major tributaries, Copper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior.

(29) Chilikadrotna, Alaska—That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(30) John, Alaska—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(31) Kobuk, Alaska—That portion within the Gates of the Arctic National Park and Preserve; to be administered by the Secretary of the Interior.

(32) Mulchatna, Alaska—That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(33) Noatak, Alaska—The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

(34) North Fork of the Koyukuk, Alaska—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(35) Salmon, Alaska—That portion within the Kobuk Valley National Park; to be administered by the Secretary of the Interior.

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(36) Tinayguk, Alaska—That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(37) Tlikakila, Alaska—That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior.

(38) Andreafsky, Alaska—That portion from its source, including all headwaters, and the East Fork, within the boundary of the Yukon Delta National Wildlife Refuge; to be administered by the Secretary of the Interior.

(39) Ivishak, Alaska—That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.

(40) Nowitna, Alaska—That portion from the point where the river crosses the west limit of township 18 south, range 22 east, Kateel River meridian, to its confluence with the Yukon River within the boundaries of the Nowitna National Wildlife Refuge; to be administered by the Secretary of the Interior.

(41) Selawik, Alaska—That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; within the Selawik National Wildlife Refuge to be administered by the Secretary of the Interior.

(42) Sheenjek, Alaska—The segment within the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(43) Wind, Alaska—That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(44) Alagnak, Alaska—Those segments or portions of the main stem and Nonvianuk tributary lying outside and westward of the Katmia [sic] National Park/Preserve and running to the west boundary of township 13 south, range 43 west; to be administered by the Secretary of the Interior.

(45) Beaver Creek, Alaska—The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered by the Secretary of the Interior.

(46) Birch Creek, Alaska—The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian, downstream to the south side of the Steese Highway in township 10 north, range 16 east; to be administered by the Secretary of the Interior.

(47) Delta, Alaska—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be administered by the Secretary of the Interior.

(48) Fortymile, Alaska—The main stem within the State of Alaska; O'Brien Creek, South Fork; Napoleon Creek, Franklin Creek, Uhler Creek, Walker Fork downstream from the confluence of Liberty Creek; Wade

Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchison Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior.

(49) Gulkana, Alaska—The main stem from the outlet of Paxon Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

(50) Unalakleet, Alaska—The segment of the main stem from the headwaters in township 12 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be administered by the Secretary of the Interior.

EXPLANATORY NOTES

1980 Amendment. The Act of December 23, 1980 (Public Law 96-580, 94 Stat. 3370) amended subsection (a)(6) by authorizing the acquisition of part of the Velie Estate acreage. The 1980 Act does not appear herein.

1980 Amendment. Section 16 of the Act of September 8, 1980 (Public Law 96-344, 94 Stat. 1137) amended subsection (a)(22) by substituting in the provision following subparagraph (B) "which shall be established" for "which may be established". The 1980 Act does not appear herein.

1980 Amendment. Section 9(a) of the Act of July 8, 1980 (Public Law 96-312, 94 Stat. 952) amended subsection (a) by adding paragraph (24). The 1980 Act does not appear herein.

1980 Amendment. Sections 601 through 603 of the Act of December 3, 1980 (Public Law 96-487, 94 Stat. 2412 through 2414) amended subsection (a) by adding paragraphs (25) through (50).

1979 Amendment. The Act of October 12, 1979 (Public Law 96-87, 93 Stat. 666) amended subsection (a) by substituting "section 704(c) of the National Parks and Rec-

reation Act of 1978" for "section 705(c) of the National Parks and Recreation Act of 1978" in paragraph (19). The 1979 Act does not appear herein.

1978 Amendment. Sections 701 through 703, 704(a), and 705 through 708 of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 1321 through 1330) amended subsection (a) by adding paragraphs (16) through (23). The 1978 Act does not appear herein.

1976 Amendments. Section 601 of the Act of October 12, 1976 (Public Law 94-486, 90 Stat. 2330) amended subsection (a)(3) by inserting the words "downstream from the confluence of its tributary streams one kilometer south of Buckworth, California;" following the words "entire Middle Fork". Sections 101, 201, and 301 of the Act amended subsection (a) by adding paragraphs (13) through (15). The 1976 Act does not appear herein.

1975 Amendment. Section 3(a) of the Act of December 31, 1975 (Public Law 94-199, 89 Stat. 1117) amended subsection (a) by adding paragraphs (11) and (12). The not appear herein.

1974 Amendment. Section 1(a) of the Act

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of May 10, 1974, Public Law 93-279, 88 Stat. 122, amended subsection (a) by adding paragraph (10).

1972 Amendment. Section 2 of the Act of October 25, 1972 (Public Law 92-560, 86 Stat. 1174) amended subsection (a) by adding paragraph (9). The 1972 Act does not appear herein.

Reference in the Text. The Act establishing the Delaware Water Gap National Recreation Area, referred to in paragraph (20) of subsection (a) of the text, is the Act of September 1, 1965 (Public Law 89-159, 79 Stat.

612). The Act does not appear herein.

Reference in the Text. Section 704(c) of the National Parks and Recreation Act of 1978 (Act of November 10, 1978, Public Law 95-625, 92 Stat. 3467, 3524) referred to in paragraph (19) of subsection (a) of the text, outlines the requirements for a management plan for the Upper Delaware River. The Act does not appear herein.

Reference in the Text. The February 1944 treaty between the United States and Mexico, referred to in paragraph (17) of subsection (a) of the text, appears in Volume II at page 750.

(b) [Establishment of boundaries—Classification—Development plans.]—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 October 2, 1968 (except where a different date is provided in subsection (a) of this section), 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. (82 Stat. 907; § 2, Act of October 25, 1972, 86 Stat. 1174; § 1(a), Act of May 10, 1974, 88 Stat. 122; § 3(a), Act of December 31, 1975, 89 Stat. 1117; § 101, § 201, § 301, § 601, Act of October 12, 1976, 90 Stat. 2327, 2329, 2330; §§ 701-704(a), 705-708, 755, 763(a), Act of November 10, 1978, 92 Stat. 3521-3523, 3527-3529, 3533; § 401(p)(1), Act of October 12, 1979, 93 Stat. 666; § 9(a), Act of July 23, 1980, 94 Stat. 952; § 16, Act of September 8, 1980, 94 Stat. 1137; §§ 601-603, Act of December 2, 1980, 94 Stat. 2412-2414; Act of December 23, 1980, 94 Stat. 3370; 16 U.S.C. § 1274)

EXPLANATORY NOTE

1978 Amendment. Section 763(a) of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3533) amended subsection (b) by inserting the parenthetical phrase “(except

where a different date is provided in subsection (a) of this section)” following “one year from October 2, 1968”. The 1978 Act does not appear herein.

Sec. 4.(a) [Proposals for additions to system—Report required.]—The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or non-suitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his rec-

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ommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in section 5, subsection (a)(1)-(27) of this Act no later than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.)

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

EXPLANATORY NOTES

1975 Amendment. Section 1(d) of the Act of January 3, 1975 (Public Law 93-621, 88 Stat. 2096) amended subsection (a) by designating the provision relating to the developments, which, if undertaken, would render the rivers unsuitable for inclusion in the system as clause (i) and by adding clause (ii). The 1975 Act does not appear herein.

1974 Amendment. Section 1(b) (1) of the Act of May 10, 1974 (Public Law 93-279, 88 Stat. 122) amended subsection (a) by: deleting provisions for submission of proposals to the President and Congress and substituting in lieu thereof provisions requiring submission of reports to the President on the suitability

for addition to the system of rivers designated by Congress as potential additions to such system and submission by the President of recommendations and proposals to Congress; deleting the reference to section 2(b) of this Act; adding the provisions that studies of rivers named in section 5(a) of this Act be completed by October 2, 1978, and that priority be given to rivers that would be unsuitable for the system if development were undertaken; and substantially incorporating the existing provisions in the second paragraph with minor changes. The 1974 Act does not appear herein.

(b) [Submission of report to other agencies.]—Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to

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the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Secretary of Energy, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

EXPLANATORY NOTE

1976 Amendment. Section 501 of the Act of October 12, 1976 (Public Law 94-486, 90 Stat. 2330) amended subsection (b) by deleting the last sentence thereof. The sentence deleted read as follows: "No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enact-

ment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided." The 1976 Act does not appear herein.

(c) [Secretary of Interior to consult with other agencies prior to decision.]—Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Secretary of Energy, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register. (82 Stat. 909; § 1(b)(1), Act of May 10, 1974, 88 Stat. 122; § 1(d), Act of January 3, 1975, 88 Stat 2096; § 501, Act of October 12, 1976, 90 Stat. 2330; § 301(b), Act of August 4, 1977, 91 Stat. 577, 16 U.S.C. § 1275)

EXPLANATORY NOTE

Transfer of Function. "Secretary of Energy" was substituted for "Chairman of the Federal Power Commission" in subsections (b) and (c) pursuant to section 301(b) of the

Act of August 4, 1977 (Public Law 95-91, 91 Stat. 577). Extracts from the 1977 Act appear in Volume IV in chronological order.

Sec. 5. (a) [Potential additions to system.]—The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

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

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- (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) Moyie, 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 Milk 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 of Birmingham downstream to its junction with United States Highway 80 west of Selma.

(33) Clark's 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.

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(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.

(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.

(58) Housatonic, Connecticut: The segment from the Massachusetts-Connecticut boundary downstream to its confluence with the Shepaug River.

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(59) Kern, California: The main stem of the North Fork from its source to Isabella Reservoir excluding its tributaries.

(60) Loxahatchee, Florida: The entire river including its tributary, North Fork.

(61) Ogeechee, Georgia: The entire river.

(62) Salt, Arizona: The main stem from a point on the north side of the river intersected by the Fort Apache Indian Reservation boundary (north of Buck Mountain) downstream to Arizona State Highway 288.

(63) Verde, Arizona: The main stem from the Prescott National Forest boundary near Paulden to the vicinity of Table Mountain, approximately 14 miles above Horseshoe Reservoir, except for the segment not included in the national forest between Clarkdale and Camp Verde, North segment.

(64) San Francisco, Arizona: The main stem from confluence with the Gila upstream to the Arizona-New Mexico border, except for the segment between Clifton and the Apache National Forest.

(65) Fish Creek, New York: The entire East Branch.

(66) Black Creek, Mississippi: The segment from Big Creek Landing in Forrest County downstream to Old Alexander Bridge Landing in Stone County.

(67) Allegheny, Pennsylvania: The main stem from Kinzua Dam downstream to East Brady.

(68) Cacapon, West Virginia: The entire river.

(69) Escatawpa, Alabama and Mississippi: The segment upstream from a point approximately one mile downstream from the confluence of the Escatawpa River and Jackson Creek to a point where the Escatawpa River is joined by the Yellowhouse Branch in Washington County, Alabama, near the town of Deer Park, Alabama; and the segment of Brushy Creek upstream from its confluence with the Escatawpa to its confluence with Scarsborough Creek.

(70) Myakka, Florida: The segment south of the southern boundary of the Myakka River State Park.

(71) Soldier Creek, Alabama: The segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east, which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the county of Baldwin, State of Alabama.

(72) Red, Kentucky: The segment from Highway numbered 746 (also known as Spradlin Bridge) in Wolf County, Kentucky, downstream to the point where the river descends below seven hundred feet above sea level (in its normal flow) which point is at the Menifee and Powell County line just downstream of the iron bridge where Kentucky Highway numbered 77 passes over the river.

(73) Bluestone, West Virginia: From its headwaters to its confluence with the New.

(74) Gauley, West Virginia: Including the tributaries of the Meadow and the Cranberry, from the headwaters to its confluence with the New.

(75) Greenbrier, West Virginia: From its headwaters to its confluence with the New.

(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.

(77) Colville, Alaska.

(78) Etivluk-Nigu, Alaska.

(79) Utukok, Alaska.

(80) Kanektok, Alaska.

(81) Kisaralik, Alaska.

(82) Melozitna, Alaska.

(83) Sheenjek (lower segment), Alaska.

(84) Situk, Alaska.

(85) Porcupine, Alaska.

(86) Yukon (Ramparts section), Alaska.

(87) Squirrel, Alaska.

(88) Koyuk, Alaska.

EXPLANATORY NOTES

1980 Amendments. Section 102 (a) of the Act of March 5, 1980 (Public Law 96-199, 94 Stat. 68) amended subsection (a) by adding paragraph (76). The 1980 Act does not appear herein.

1980 Amendment. Section 604(a) of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2415) amended subsection (a) by adding paragraphs (77) through (88). The 1980 Act does not appear herein.

1978 Amendments. Sections 721 through 734 of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3530 through 3532) amended subsection (a) by adding paragraphs (59) through (72) and section 1108 of that Act amended subsection (a) by adding paragraphs (73) through (75). The 1978 Act does not appear herein.

1976 Amendments. Section 701 of the Act

of October 12, 1976 (Public Law 94-486, 90 Stat. 2330) amended subsection (a) by deleting the words "including the tributaries and headwaters on national forest lands" which had followed "Colorado Highway 160" and section 401 of that Act amended subsection (a) by adding paragraph (58). The 1976 Act does not appear herein.

1975 Amendment. Section 1(a) of the Act of January 3, 1975 (Public Law 93-621, 88 Stat. 2094) amended subsection (a) by adding paragraphs (29) through (56). The 1975 Act does not appear herein.

1975 Amendment. Section 5(a) of the Act of December 31, 1975 (Public Law 94-199, 89 Stat. 1118) amended subsection (a) by adding paragraph (57). The 1975 Act does not appear herein.

(b) [Study of potential additions—Time limits—Report to the President and Congress.]—(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: *Provided*, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from January 3, 1975, whichever is earlier.

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

(3) The studies of the rivers named in paragraphs (59) through (76) of subsection (a) of this section shall be completed and reports submitted thereon not later than five full fiscal years after November 10, 1978. The study of rivers named in paragraphs (62) through (64) of subsection (a) of this section shall be completed and the report thereon submitted by not later than April 1981.

(4) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$4,060,000. There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (59) through (76) such sums as may be necessary.

(5) The studies of the rivers in paragraphs (77) through (88) shall be completed and reports transmitted thereon not later than three full fiscal years from December 2, 1980. For the rivers listed in paragraphs (77), (78), and (79) the studies prepared and transmitted to the Congress pursuant to section 105 (c) of the Naval Petroleum Reserves Production Act of 1976 (Public Law 94-258) shall satisfy the requirements of this section.

(6) Studies of rivers listed in paragraphs (80) and (81) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act.

EXPLANATORY NOTES

1980 Amendments. Section 102(b) of the Act of March 5, 1980 (Public Law 96-199, 94 Stat. 68) amended subsection (b) by substituting "(76)" for "(75)" in paragraphs (3) and (4). Section 604(b) of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2415) amended subsection (b) by adding paragraphs (5) and (6). Neither 1980 Act appears herein.

1979 Amendment. Section 404(a) of the Act of October 12, 1979, Public Law 96-87, 93 Stat. 667, amended subsection (b) by substituting "paragraphs (59) through (75)" for "paragraphs (59) through (72)" in paragraph (3) and section 404(b) of the 1979 Act amended section 5(b) by substituting "subparagraphs (59) through (75)" for "subparagraphs (59) through (74)" in paragraph (4). The 1979 Act does not appear herein.

1978 Amendments. Section 736 of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3532) amended subsection (b) by adding paragraph (3) as it appears above. Section 735 of that Act amended Subsection (b) by redesignating former paragraph (3) as para-

graph (4) and by increasing the appropriations authorization from \$2,175,000 to \$4,060,000. The 1978 Act does not appear herein.

Reference in the Text. Section 105(c) of the Naval Petroleum Reserves Production Act of 1976 (Act of April 5, 1976, 90 Stat. 305) referred to in subsection (b)(5) of the text, directs the President to determine the best procedures for developing, producing, and transporting oil from reserves in Alaska. The 1976 Act does not appear herein.

Reference in the Text. Reference is made in section 5(b)(6) of the text to section 1204 of the Alaska National Interest Lands Act (Act of December 2, 1980, Public Law 96-487, 94 Stat. 2470). However, that Act was enacted without a section 1204. It is probable that Congress intended to refer to section 1203 of the Act, which specifically relates to the Bristol Bay Cooperative Region Plan referred to in the text. The 1980 Act does not appear herein.

(c) [Cooperation with state agencies.]—The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on

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jointly with such agencies if request for such joint study is made by the State and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) [Additional criteria for water and land resources planning.]—In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved. (82 Stat. 910; § 1(b)(2), Act of May 10, 1974, 88 Stat. 123; § 1(a), (b), Act of January 3, 1975, 88 Stat. 2094, 2095; § 5(a), Act of December 31, 1975, 89 Stat. 1118; § 401, § 701, Act of October 12, 1976, 90 Stat 2330; §§ 721-736, title XI, § 1108, Act of November 10, 1978, 92 Stat. 3530-3532, 3547; § 404, Act of October 12, 1979, 93 Stat. 667; § 102, Act of March 5, 1980, 94 Stat. 68; § 604, Act of December 2, 1980, 94 Stat 2415; 16 U.S.C. § 1276)

EXPLANATORY NOTE

1975 Amendment. Section 1(b) of the Act of January 3, 1975 (Public Law 93-621, 88 Stat. 2094) amended section 5 by: adding the present subsection (b); redesignating the former subsection (b) as (c); and redesignating the former subsection (c) as (d). The 1975 Act does not appear herein.

1974 Amendment. Section 1(b)(2) of the

Act of May 10, 1974 (Public Law 93-279, 88 Stat. 123) amended section 5 by: redesignating subsection (c) as (b) incorporating the former subsection (b) relating to the study of rivers named in subsection (a) into section 4(a), and redesignating subsection (d) as (c). The 1974 Act does appear herein.

Sec. 6. (a) [Acquisition of lands for inclusions in system—Limitations.]—The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from

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other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) [**Condemnation actions.**]—If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) [**Local zoning ordinances.**]—Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) [**Exchange of property.**]—The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) [**Transfer of jurisdiction over Federal land.**]—The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress in [sic] authorized to transfer to the appropriate secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) [Donations.]—The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g) [Owner of improved property may reserve rights.]—(1) Any owner or owners (hereinafter in this subsection referred to as “owner”) of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term “improved property”, as used in this Act, means a detached, one-family dwelling (hereinafter referred to as “dwelling”), the construction of which was begun before January 1, 1967 (except where a different date is specifically provided by law with respect to any particular river), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated. (82 Stat. 912; § 763(b), Act of November 10, 1978, 92 Stat. 3533; 16 U.S.C. § 1277)

EXPLANATORY NOTE

1978 Amendment. Section 763(b) of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3533) amended subsection (g)(3) by inserting after the words “January 1, 1967” the parenthetical phrase “(except where a different date is specifically provided by law with respect to any particular river)”. The 1978 Act does not appear herein.

Sec. 7. (a) [Water resource projects on system rivers limited.]—The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild

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and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on October 2, 1968. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act. Any license heretofore or hereafter issued by the Federal Energy Regulatory Commission affecting the New River of North Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 2 of this Act and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

EXPLANATORY NOTE

1976 Amendment. Section 1(2) of the Act of September 11, 1976 (Public Law 94-407, 90 Stat. 1238) amended subsection (a) by adding the provision relating to licenses issued affecting the New River of North Carolina. The 1976 Act does not appear herein.

(b) [Construction projects on rivers designated for potential addition to system.]—The Federal Energy Regulatory Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, (a) of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval—

(i) during the ten-year period following October 2, 1968, or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic

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rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: *Provided*, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and

(ii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section 2 (a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

EXPLANATORY NOTES

1975 Amendment. Section 1(c) of the Act of January 3, 1975 (Public Law 93-621, 88 Stat. 2096) amended subsection (b) by adding to clause (i) the proviso that if any Act provides a time period for study in excess of the three fiscal year period, that period shall be substituted for the three complete fiscal year

period provision of clause (i). The 1975 Act does not appear herein.

1974 Amendment. Section 1(b)(3) of the Act of May 10, 1974 (Public Law 93-279, 88 Stat. 123) amended subsection (b) by striking the former provisions in clause (i) and incorporating in lieu thereof the present provisions

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in the same clause as they appear above. Section 1(b)(4) of the Act amended subsection (b) by deleting in clause (ii) the words “which is recommended to the President and the Congress for inclusion in the national wild and scenic river system, is necessary” and inserting in lieu thereof the words “the report for which is submitted to the President and the

Congress, is necessary”. The 1974 Act does not appear herein.

Reference in the Text. Part I of the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063) as amended, referred to in subsections (a) and (b) of the text, appears in Volume I at p. 262. Extracts from Parts II and III appear in Volume I at p. 527.

(c) [Federal Energy Regulatory Commission and other Federal agencies shall inform Secretary of proceedings, studies, and other activities which may affect system rivers.]—The Federal Energy Regulatory Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5(a) of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) [Not applicable to grants under Land and Water Conservation Fund Act of 1965.]—Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-4 et seq.). (82 Stat. 913; § 1(b)(3), (4), Act of May 10, 1974, 88 Stat. 123; § 1(c), Act of January 3, 1975, 88 Stat. 2096, § 1(2), Act of September 11, 1976, 90 Stat. 1238; § 402 (a)(1)(A), Act of August 4, 1977, 91 Stat 583; 16 U.S.C. § 1278)

EXPLANATORY NOTE

Reference in the Text. The Land and Water Conservation Fund Act of 1965, referred to in subsection (d) of the text, appears in Volume III at p. 1785.

Sec. 8. [Withdrawal of certain public lands from entry.]—(a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is designated after October 2, 1968, for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5(a) of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7(b) (b) of this Act. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through

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(88) of section 5(a) of this Act are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act. (82 Stat. 915; § 606(c), Act of December 2, 1980, 94 Stat. 2417; 16 U.S.C. § 1279)

EXPLANATORY NOTES

1980 Amendment. Section 606 of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2417) amended subsection (b) by inserting the provisions withdrawing, subject to valid existing rights, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank, of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a), from entry, sale,

State selection or other disposition under the public land laws for the periods specified in section 7(b). The 1980 Act does not appear herein.

Reference in the Text. The Alaska Native Claims Settlement Act (Public Law 92-203, 85 Stat. 688) referred to in subsection (b) of the text, is designed to settle land claims of natives in Alaska. The Act does not appear herein.

Sec. 9. (a) [Mining laws unaffected—Exceptions.]—Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that—

(i) all prospecting, mining operations, and all other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto. Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) [Withdrawals of certain lands.]—The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5(a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7(b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a) of this Act are hereby withdrawn subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b), of this Act. (82 Stat. 915; § 606(b), Act of December 2, 1980, 94 Stat. 2416; 16 U.S.C. § 1280)

EXPLANATORY NOTE

1980 Amendment. Section 606(b) of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2416), amended subsection (b) by inserting the provision withdrawing, subject to valid existing rights, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel or both sides of the river

segments referred to in paragraphs (77) through (88) of section 5(a) of the Act, from all forms of appropriations under the mining laws and operation of the mineral leasing laws during the periods specified in section 7(b) of the Act. The 1980 Act does not appear herein.

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

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park

Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands. (82 Stat. 916; 16 U.S.C. § 1281.)

EXPLANATORY NOTE

Reference in the Text. The Act of September 3, 1964 (78 Stat. 890), referred to in subsection (b) of the text, is the Wilderness Act, and appears in Volume III at page 1777.

Sec. 11. [Federal assistance in formulation of statewide outdoor recreation plans]—(a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) needs and opportunities for establishing State and local wild, scenic and recreational areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49) provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health and Human Services shall likewise, in accordance with the authority vested in them assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas. (82 Stat. 916; § 509(b), Act of October 17, 1979, 93 Stat. 695; 16 U.S.C. § 1282.)

EXPLANATORY NOTES

Change of Name. “Health and Human Services” was substituted for “Health, Education, and Welfare” in subsection (b) pursuant to section 509(b) of the Act of October 17, 1979, Public Law 96-88, 93 Stat. 695.

References in the Text. The Act of May 28, 1963 (77 Stat. 49), referred to in subsec-

tion (a) of the text, provides for the coordination of recreation programs, and appears in Volume III at page 1711. The Land and Water Conservation Fund Act of 1965, also referred to in subsection (a) of the text, appears in Volume III at page 1785.

Sec. 12. (a) [Review of existing Federal plans.]—The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion in accordance with section 2(a)(ii), section 3(a), or section 5 (a) of this Act, shall take such action respecting management policies, regulations, contracts, plans, affecting such lands, following November 10, 1978, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers for which approval has been granted under section 2(a)(ii) of this Act. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

EXPLANATORY NOTE

1978 Amendment. Section 762 of the Act of November 10, 1978 (Public Law 95-625, 92 Stat. 3533) amended subsection (a) by: substituting the provision requiring action to be taken by the Secretaries and heads of agencies for the prior provision requiring review by such officials; making the provision applicable to rivers included within the system; incor-

porating references to rivers covered in sections 2(a)(ii) and 3(a) of the Act; and requiring cooperative agreements with appropriate State or local officials for planning and administration of Federal lands within boundaries of rivers approved under section 2(a)(ii) of the Act. The 1978 Act does not appear herein.

(b) [Existing contracts unchanged.]—Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without consent of said party.

(c) [Pollution control.]—The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river. (82 Stat. 917; § 762, Act of November 10, 1978, 92 Stat. 3533; 16 U.S.C. § 1283.)

Sec. 13. [Existing law unaffected.]—(a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws

and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreation river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act. (82 Stat. 917; 16 U.S.C. § 1284.)

Sec. 14. [Donated easements.]—The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26 United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift. (82 Stat 918; 16 U.S.C. § 1285.)

EXPLANATORY NOTE

Reference in the Text. Title 26 of the U.S. Internal Revenue Code. The Internal Revenue Code, referred to in the text, contains the Internal Revenue Code does not appear herein.

Sec. 14A. [Lease of Federal lands within system.]—(a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers System and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States. (Added by Act of November 10, 1978, § 764, 92 Stat. 3534; 16 U.S.C. § 1285a.)

EXPLANATORY NOTE

1978 Amendment. Section 764 of the Act section 14A. The 1978 Act does not appear of November 10, 1978 (Public Law 95-625, 92 Stat. 3534) amending this Act by adding herein.

Sec. 15. [Establishment of boundaries for certain component rivers in Alaska—Withdrawal of minerals.]—Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (38) through (50) of section 3(a) of this Act—

(1) the boundary of each such river shall include an average of not more than six hundred and forty acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands; and

((2) the withdrawal made by paragraph (iii) of section 9(a) of this Act shall apply to the minerals in Federal lands which constitute the bed or bank or are situated within one-half mile of the bank of any river designated a wild river by the Alaska National Interest Lands Conservation Act. (Added by Act of December 2, 1980, § 606(a) 94 Stat. 2416; 16 U.S.C. § 1285b.)

EXPLANATORY NOTES

1980 Amendment. Section 606(a) of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2416) amended this Act by adding section 15 and redesignated former section 15 as section 16. The 1980 Act does appear herein.

Reference in the Text. The Alaska Na-

tional Interest Lands Conservation Act, Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2371) referred to in the text, is designed to protect the nationally significant cultural, natural, scenic, wildlife, and other values of lands in Alaska. The 1980 Act does not appear herein.

Sec. 16. [Definitions.]—As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion,

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or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. (82 Stat. 918; § 1(c), Act of May 10, 1974, 88 Stat. 123; § 606(a), Act of December 2, 1980, 94 Stat. 2416; 16 U.S.C. § 1286.)

EXPLANATORY NOTES

1980 Amendment. Section 606(a) of the Act of December 2, 1980 (Public Law 96-487, 94 Stat. 2416) redesignated the former section 15 as section 16 and redesignated former section 16 as section 17. The 1980 Act does not appear herein.

1974 Amendment. Section 1(c) of the Act of May 10, 1974 (Public Law 93-279, 88 Stat.

123) amended subsection (c) by deleting "for the purposes of protecting the scenic view from the river" and inserting in lieu thereof "within the authorized boundaries of the wild and scenic river system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area". The 1974 Act does not appear herein.

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EXPLANATORY NOTE

Legislative History. S. 119, Public Law 90-542 in the 90th Congress. Reported in Senate from Interior and Insular Affairs August 4, 1967; S. Rept. No. 491. Passed Senate August 8, 1967. Passed House, amended, September 12, 1968. Senate asks for a conference Sep-

tember 16, 1968. House agrees to a conference September 16, 1968. Conference report filed September 24, 1968; H.R. Rept. No. 1917. House agrees to conference report September 25, 1968. Senate agrees to conference report September 26, 1968.