

Myakka River Study Update

September, 1981

United States Department of the Interior / National Park Service



Introduction

This update provides a summary of the study team's preliminary findings and a brief description of the alternative plans being considered for the Myakka River Study Report. In the last study update (December 1980), we indicated that the next time you would be hearing from us would be on completion of the draft study report. However, considering the diverse public input received since the last update, we have decided to issue our preliminary findings before publishing them in the formal study report. Please review the preliminary alternatives and indicate which alternative plan(s) you support, and indicate any modifications you feel necessary. Your reasons for preferring one alternative over another would also be helpful in determining the attributes and deficiencies of each of the alternatives. Your comments, together with an evaluation of the river's resources, will provide the basis for selecting the alternative to be recommended to Congress.

Extension of the Study Area

In evaluating the Myakka's eligibility for the National Wild and Scenic Rivers System, the authorized study area was extended to include the Myakka River State Park and river area up to the county route 780 river crossing (see Classification Map).

Joint Department of Agriculture and Department of Interior guidelines for conducting wild and scenic river studies provide that "... adjacent river areas not included in the congressional mandate may be studied if their inclusion could facilitate management of the resources of the river and adjacent land areas." The guidelines also state that "... management of the river area may be facilitated by extension to include established or available access points not included in the mandated study segment."

The study team's rationale for extending the study area is as follows:

1. The Myakka River State Park which encompasses approximately 10 miles of the Myakka River, immediately adjoins the authorized study area, is in public rather than private ownership, is presently managed in a protective status, and is perhaps the most outstanding natural resource area within the Myakka River system;

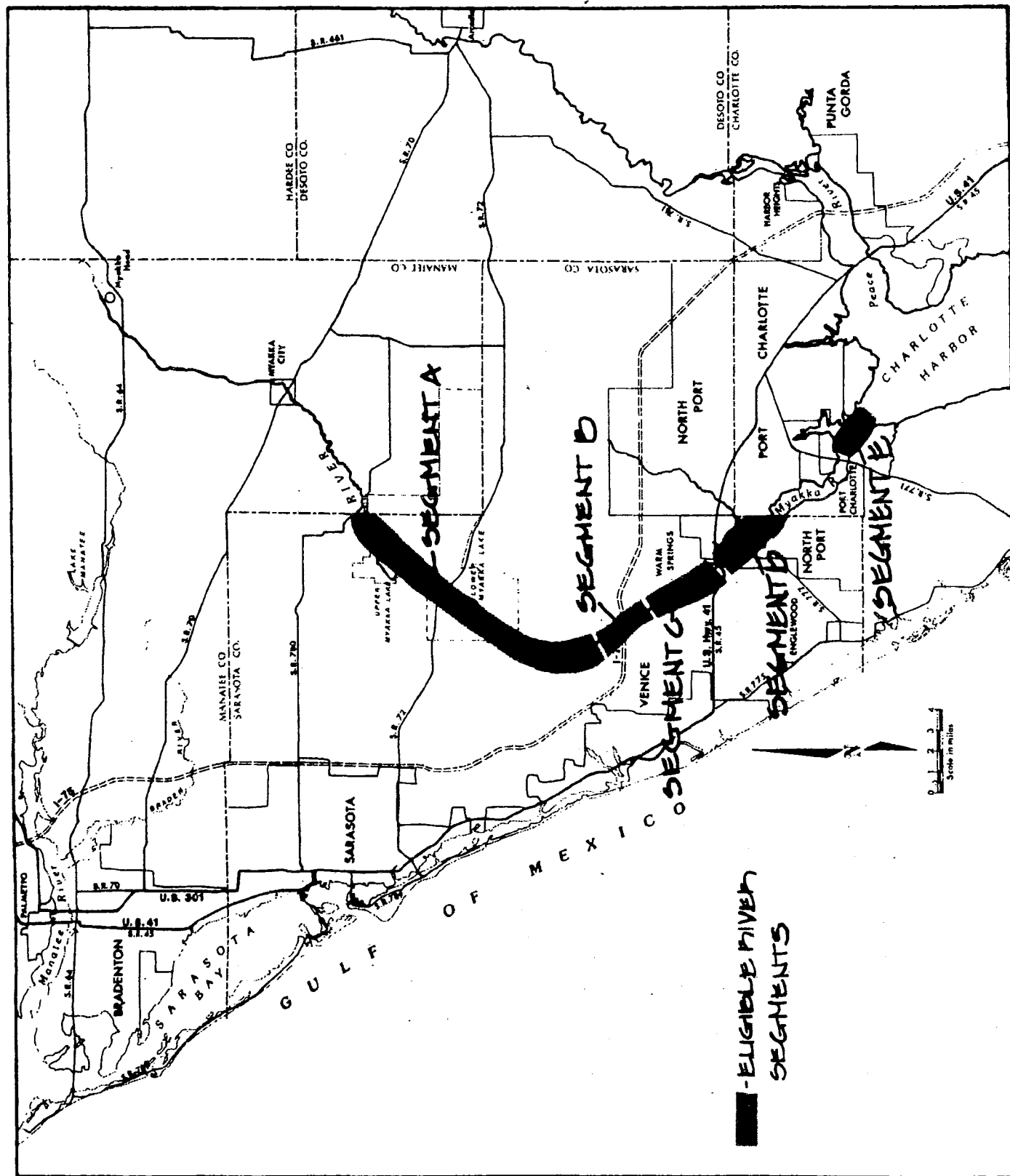
2. The river area immediately above the State park up to the county route 780 crossing also exhibits many of the scenic, wildlife, and recreation qualities of the State park. The route 780 crossing, in addition to providing a readily distinguishable boundary, provides a control point for potential access that could facilitate both resource management and public use.

Preliminary Findings - Eligibility

This section describes, in general terms, the study team's findings regarding the Myakka's eligibility for the National Wild and Scenic Rivers System. The decision whether to recommend to Congress that the Myakka be added to the system has not yet been made, therefore, discussion at this time is limited to eligibility. When a recommendation is made, it will be based on the feasibility of adding the Myakka to the System. The question is, can a suitable protective and management strategy be implemented for the Myakka that is in keeping with the provisions of the Wild and Scenic Rivers Act? Your comments regarding the alternative concept plans will help in making that determination.

1. The following segments of the Myakka River study area meet the eligibility criteria described in the Wild and Scenic Rivers Act and therefore, qualify for inclusion in the National Wild and Scenic Rivers System:
 - a. The river segment from county route 780 south to the Sarasota/Charlotte County line (approximately 34 river miles).
 - b. The river segment beginning approximately 1/2 mile south of county route 771 (El Jobean area) to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).
2. The eligible river segments possess outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values. In addition, a preliminary evaluation of the cultural resources of the river area by the State Historic Preservation Officer of Florida indicates that "the potential for archeological and historic sites along the river is quite high" and that the more significant sites would be expected to be found "along the edges of the floodplains and sites within and near the bank areas."
3. The segment from the Sarasota/Charlotte County line to the El Jobean area possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration within this river segment is judged to be inconsistent with the criteria for Wild and Scenic River designation.
4. Although the area of consideration for inclusion in the national system is limited to the river south of Route 780, research indicates that upstream segments are integral components of the overall river system.

CLASSIFICATION OF ELIGIBLE RIVER SEGMENTS



The upper watershed, particularly Flatford Swamp and Tatum Sawgrass Marsh contribute to the overall water quality, flood moderation, and viability of fish and wildlife resources throughout the Myakka River and Charlotte Harbor estuary.

Preliminary Findings - Classification

The Wild and Scenic Rivers Act requires the study team to classify all eligible river segments. Classification is the method of describing the physical character of the river area as it exists at the time of river study. Those areas, essentially natural in character, are classified (labeled) wild; those areas somewhat less natural are classified scenic, and those segments that are still predominately natural yet contain some development are classified recreational. It is important to note that classification is a means of describing the existing character of the river area and is not used to indicate future use of the river. For example, recreational classification does not necessarily imply increased recreational use.

Based on physiographic and man-made characteristics, the eligible segments of the Myakka are classified as follows:

Segment A: From the Route-780 crossing south to a point where riverfront residential development begins (approximately 18.5 river miles). This segment is largely natural in character with little evidence of man's activity. - - - - - SCENIC

Segment B: From the initial point of residential development south to the vicinity of Snook Haven Fish Camp (approximately 5 river miles). This area is predominantly natural in character yet exhibits some concentrated areas of residential development and highway crossings. - - - - - RECREATIONAL

Segment C: From Snook Haven Fish Camp south to a point just upriver of the U.S. 41 highway crossing (approximately 6 river miles). This area is largely natural with little evidence of man's activity. - - - - - SCENIC

Segment D: From a point just above the U.S. 41 highway crossing downriver to the Sarasota/Charlotte County line (approximately 4.5 river miles). Although some concentrated areas of development occur near the U.S. 41 crossing, this segment is predominantly natural exhibiting wide expanses of productive salt marsh and mangrove habitat. - - - - - RECREATIONAL

Segment E: From a point approximately 1/2 mile south of SR 771 at El Jobean to the river's mouth in the vicinity of Hog Island (approximately 3 river miles). This area is predominantly natural in character with limited areas of commercial (marina) development. - - - - - SCENIC

Alternative Courses of Action

The alternative concept plans described in this update are based on a framework of legislative mandates, resource factors, and public concern. The alternatives offer optional strategies for the future of the Myakka River area. The alternatives present a range of protective measures, consider both designation and non-designation, and provide for administrative responsibility ranging from substantial federal involvement to alternatives that would essentially allow existing trends and conditions to continue.

Alternative One - Continuation of Existing Trends and Conditions (No Action)

In this alternative, existing trends in land use and development would continue. The Myakka would not be added to either the National Wild and Scenic Rivers System or the State Scenic and Wild River System. No action, occurring as a result of this study effort, would be initiated by Federal or State government to protect the Myakka. Protection, beyond existing statutes and ordinances, would require local initiative to institute river and land-use controls designed to preserve the river's resources.

A coalition of riverfront landowners and other concerned individuals could be formed on a voluntary basis for the purpose of encouraging local and, where appropriate, the State and Federal Governments to initiate and adequately enforce protective measures for the river.

Alternative Two - Establish a Myakka River Commission

This alternative proposes establishing a Myakka River Commission to coordinate efforts for conserving the Myakka River area. The commission would represent the tri-county area of Manatee, Sarasota, and Charlotte Counties and would be composed of landowners, conservationists, business interests, as well as appropriate representatives of local government. Technical assistance and consultation could be provided through appropriate regional, State, and federal agencies.

The commission would have two primary responsibilities:

1. To develop land use and river controls to be adopted by the appropriate local and State government for the purpose of protecting the river area from detrimental land and water uses.
2. To serve as a permanent organization having review authority of permit applications, variances, exceptions, etc., affecting the Myakka River area. The commission would develop review criteria and guidelines to ensure that its review procedures are objective, consistent, and uniformly applied.

When considering methods for creating such a commission, several options appear feasible:

1. Special Legislative Act - the State of Florida could, through special legislation, create a Myakka River Commission;

SUMMARY OF ALTERNATIVES

| | ALTERNATIVES | | | | |
|-----------------|-----------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------------------------------------------------|
| | 1 | 2 | 3 | 4 | 5 |
| Designation | | | | | |
| National | No | Optional | Not initially-could later be designated thru 2(a)(ii) process | Yes | Yes |
| State | No | Optional | Yes | No | No |
| management | | | | | |
| Federal | No | No | Only if added to National System thru 2(a)(ii) process | No | Yes |
| State | No | No | Yes | Yes | No ^{1/} |
| Other | No specific river management program proposed | River Commission ^{2/} | — | — | — |
| Geographic Area | N/A | Determined by Commission—should include river thru tri-county area | Determined by Florida DNR | Option 1: All eligible segments Option 2: Route 780 south to US 41 | Option 1: All eligible segments Option 2: Route 780 south to US 41 |

/ Shared management with State thru Cooperative Agreement.

/ If added to State or National River System, shared management with State would be necessary.



2. Existing State legislation authorizing "Resource Planning and Management Committees" could be used to create a Myakka River Commission. This method could also involve resource protection resulting from "Area of Critical State Concern" designation.

3. Joint effort by the Boards of County Commissioners for the tri-county area—recognizing the need for a regional approach to planning for the Myakka, the Boards of County Commissioners for Manatee, Sarasota, and Charlotte Counties could mutually agree to create and make appointments to the Myakka River Commission. The Commission would be established through cooperation with riverfront landowners, interest groups, as well as, appropriate State and federal regulatory officials.

4. Council of Governments - in this option, the Myakka River Commission could be structured as described in Option Three. However, the commission would be sanctioned by State government through existing legislation that authorizes the coalition of local governments to establish a "Council of Governments."

5. Authority of Manasota Basin Board - the Southwest Florida Water Management District through its political subdivision, the Manasota Basin Board, could request that a committee be formed to plan and monitor protective efforts for the Myakka River.

Whichever organizational format is selected, it is important that the River Commission coordinate its activities with those of the Southwest Florida Regional Planning Council, the Tampa Bay Regional Planning Council and the Southwest Florida Water Management District to ensure a uniform planning approach to the river area.

In this alternative, the option exists for including the Myakka in the National System. If it can be demonstrated that establishing a Commission would ensure future protection of the Myakka in a manner consistent with the provisions of the Wild and Scenic Rivers Act, the Myakka could be added to the National System. If this were to occur, the Commission rather than Federal or State Government would have primary management responsibility for the river. It would be necessary for the commission to enter into cooperative agreement with the Florida Department of Natural Resources regarding management of river segments in Myakka River State Park. Federal Government involvement would be limited to the review of proposed water resource projects as described through Section 7 of the Wild and Scenic Rivers Act.

Although management of a nationally designated river by a local or regional commission is a departure from traditional practice, this concept is receiving increased attention as a means of providing national river protection through local rather than federal control.

Alternative Three - State Action to Include the Myakka River in the Florida Scenic and Wild River System

In this alternative, the Myakka would be included in the Florida Scenic and Wild River System rather than the National Wild and Scenic Rivers System.

The State, in cooperation with local government, would determine the protective techniques necessary for the river corridor.

Administration and management of the river would be the responsibility of State government. There would be no federal involvement in either administration or management of the river. The State, through cooperative agreement, could share its management role with local government. Cooperative management would be advisable in protecting river areas lying outside the Myakka River State Park. The geographic area to be included in the State System would be determined by the Florida Department of Natural Resources.

If after inclusion in the State System, the State wishes to gain additional protection through national designation, the Governor of Florida may apply for national designation according to the provisions of Section 2(a)(ii) of the Wild and Scenic River Act. Section 2(a)(ii) provides that upon application by the Governor, the Secretary of Interior can designate a river as part of the National System provided the river has already been included in the State River System by an act of State legislature. The river must also meet the eligibility requirements for the National System, and a program of action must be prepared indicating that the river, now and in the future, will be administered by the State in a manner that ensures the protection of the values that qualify the river for the National System.

Alternative Four - Include the Myakka in the National Wild and Scenic River System and provide Protection through State Acquired Interest in Riparian Land

This alternative would designate the Myakka as a national wild and scenic river and would preserve the river corridor by establishing a "buffer zone" along the river in which building, vegetation removal, and site alteration would be prohibited. To establish the buffer, the State of Florida would negotiate for easement acquisition (purchase or transfer of development rights), donation, or similar methods appropriate to the given landownership situation. The buffer width would be the minimal distance necessary to protect the visual corridor as seen from the river, as well as, protecting the natural features of the shoreline. Where necessary, a selected site(s) would be acquired as a day use canoe rest area. The MacArthur Tract, immediately south of the Myakka River State Park, could provide the limited space necessary for such a site. No interference with Sarasota County's plans for potable water withdrawal from the MacArthur Tract would occur.

The intent of this alternative is to provide for the continuation of existing agricultural and similarly compatible uses of riparian land while acquiring the minimal interest necessary to ensure the future preservation of the Myakka River corridor. No restrictions of the existing rights of riverfront landowners to control access, trespass, etc., would occur.

Interpretive programs regarding the river area would be conducted at the Myakka River State Park. These programs would describe the ecological significance of the Myakka and the background and purpose of the Wild and Scenic Rivers System. These programs would also emphasize the responsibility of river users to adhere to regulations protecting the river's resources and the rights of those owning land along its banks.

The Florida Department of Natural Resources would have primary administrative and management responsibility for the eligible portions of the Myakka. The river area through Myakka River State Park will continue to be administered and managed by the Florida Division of Recreation and Parks. On request, the Department of Interior could provide technical assistance to the Florida Department of Natural Resources in preparation of the management plan for the Myakka River.

At the time of designation, an advisory committee should be established to provide input into management policies and procedures for the Myakka. The committee would advise Florida State Parks in preparing the Myakka River Management Plan, as well as, providing periodic review and recommendation regarding changes in management practices or river and land use that may adversely affect the river's resources.

Alternative Five - Include the Myakka in the National Wild and Scenic Rivers System and Provide Protection Through Federal Acquired Interest in Riparian Land

This alternative would include the Myakka in the National Wild and Scenic Rivers System and would place primary responsibility for land protective measures and administration with federal rather than State government. As described in Alternative Four, this alternative would also establish a protective buffer zone along the shoreline and where necessary, acquire a day use rest stop for canoeists.

The National Park Service would have primary administrative and management responsibility for the eligible portions of the Myakka River. The river area through Myakka State Park would be administered and managed through cooperative agreement between Federal and State Government with primary management responsibility resting with Florida's Division of Recreation and Parks. Interpretive programs as described in Alternative Four would also occur under this plan.

It is the intent of this alternative to also allow the continuation of existing compatible land use as described in Alternative Four. As with other alternatives, emphasis is placed on resource protection rather than increased recreational use.

Two options appear feasible in determining the geographic area of designation:

Option One - All eligible portions of the study area (SR 780 down river to the Sarasota/Charlotte County line plus the river segment beginning approximately 1/2 mile south of SR 771 down river to the river's mouth in the vicinity of Hog Island - approximately 37 river miles).

Option Two - Continuous river segment beginning at SR 780 down river to the US 41 bridge crossing at Playmore - approximately 34 river miles. The option of excluding the river segments below US 41 (Option Two) is being considered due to increased density in land use and ownership resulting in increased per unit and total acquisition costs as well as probable increases in management complexity and access control. Also, the overall character of the shoreline below US 41, although qualified, is less in keeping with the

naturalness criteria established for the national wild and scenic river system.

Management Recommendations

The Myakka River Landowners Advisory Committee and the Myakka River Coalition as well as other organizations and individuals have provided the study team with numerous recommendations regarding protection of the river area. Although many of the comments focus on broad administrative and management options, most comments recommend the adoption of specific management and law enforcement practices along the river. Comments regarding river designation and administrative options have been used to develop the alternative concept plans presented in this update. The specific management and enforcement comments will be used to prepare the "Management Recommendations" section of the draft study report. The draft report is scheduled for completion later this fall.

Where Do We Go From Here?

After receiving your comments, necessary changes to the alternative concept plans will be made. At that time, a preferred alternative to recommend to the Congress will be selected. The recommendation could be one of the alternatives described in this update, or a possible modification or combination thereof. Conceivably, if comments to this update produce a strategy not yet considered, this too could form the basis of our recommendation.

Following selection of a preferred alternative, the study team will complete the combined draft study report/environmental impact statement (EIS). The draft report will include our findings and recommendation to the Congress, a more detailed description of the alternative concept plans and their impacts as well as a required description of the study area. The draft report will undergo formal public and intergovernmental review. Because of decreasing funds, we can print and distribute only a limited number of copies of the completed draft report. However, we will mail a summary of that report to everyone on our mailing list. A limited number of copies of the draft report will be available at locations throughout the study area as well as upon request to our Atlanta office.

Feedback To National Park Service

The cooperation and assistance received thus far from interested citizens, private corporations, special interest groups and government representatives has been invaluable to the Myakka River planning effort. We are particularly grateful for the assistance of the Myakka River Coalition and the recently formed Myakka River Landowners Advisory Committee. We hope that the relationship with these individuals and organizations continues and that anyone having questions or comments will feel free to contact us at anytime during the course of our study.

It is necessary that we receive your comments by October 16, 1981. If convenient, please use the postage paid mail-back sheet for your response. Additional sheets can be attached to the mail-back sheet if needed. All comments and points of view will be considered carefully in preparing our draft report.

Feedback to NPS

Dear NPS:

Re: The Myakka River Study

Please fold, staple, and mail back to NPS. Postage paid.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SOUTHEAST REGION
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

National Park Service
Resource Area Studies
75 Spring Street, S.W.
Suite 1046
Atlanta, Georgia 30303
Attention: Gene Tingle

(FOLD HERE)



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INT-417

APPENDIX B

Public Law 90-542
(16 U.S.C. 1271 et seq.)
WILD AND SCENIC RIVERS ACT
as amended
through P.L. 96-580, December 23, 1980

AN ACT

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) 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.

(c) 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.

SEC. 2. (a) 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 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).

(b) 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.

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

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

(2) ELEVEN POINT, MISSOURI.--The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

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

(NOTE: The indented portion that follows was included in the legislation adding the Lower Saint Croix River to the System (P.L. 92-560), but not as an amendment to P.L. 90-542.)

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

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

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

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

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have

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

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

(NOTE: The indented portion that follows was included in the legislation adding the Missouri River to the System (P.L. 94-486), but not as an amendment to P.L. 90-542.)

SEC. 202. After consultation with the State and local governments and the interested public, the Secretary shall, pursuant to section 3(b) of the Wild and Scenic Rivers Act and within one year of enactment of this Act--

(1) establish detailed boundaries of the river segment designated as a component of the National Wild and Scenic Rivers System pursuant to section 1 of this Act (hereinafter referred to as the "river area"): Provided, That the boundaries of the portion of the river area from Fort Benton to Coal Banks Landing and the portion of the river area within the boundaries of the Charles M. Russell National Wildlife Range shall be drawn to include only the river and its bed and exclude all adjacent land except significant historic sites and such campsites and access points as are deemed necessary by the Secretary, and to which the Secretary finds no reasonable alternative, as set forth in the management plan required pursuant to clause (2) of this section; and

(2) determine, in accordance with the guidelines in section 2(b) of the Wild and Scenic Rivers Act, which of the three classes--wild river, scenic river, or recreation river--best fit portions of the river segment, designate such portions in such classes, and prepare a management plan for the river area in accordance with such designation.

SEC. 203. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall manage the river area pursuant to the provisions of this Act and the Wild and Scenic Rivers Act, and in accordance with the provisions of the Taylor Grazing Act (48 Stat. 1269), as amended (43 U.S.C. 315), under principles of multiple use and sustained yield, and with any other authorities available to him for the management and conservation of natural resources and the protection and enhancement of the environment, where such Act, principles, and authorities are consistent with the purposes and provisions of this Act and the Wild and Scenic Rivers Act.

(b)(1) The Secretary may acquire land and interests in land only in accordance with the provisions of this Act and the Wild and Scenic Rivers Act and the limitations contained in section 6 of that Act and only: (A) at Fort Benton for the visitor facility as provided in subsection (g)(2) of this section; (B) at the site of Fort McKenzie; (C) in that portion of the river area downstream

from Fort Benton to Coal Banks Landing for historic sites, campsites, and access points in accordance with section 202(1) of this Act; and (D) in that portion of the river area downstream from Coal Banks Landing so as to provide, wherever practicable and necessary for the purposes of this Act and the Wild and Scenic Rivers Act, rim-to-rim protection for such portion.

(2) In accordance with section 6(b) of the Wild and Scenic Rivers Act, the Secretary shall not acquire fee title to any lands by condemnation under the authority of that Act or this Act, except that the Secretary may use condemnation when necessary and within the limitations on acquisition set forth in clause (1) of this subsection to clear title, acquire scenic easements, or acquire such other easements as are reasonably necessary to give the public access to the river segment within the river area and to permit its members to traverse the length of said river area or of selected portions thereof.

(3) The Secretary shall, to the extent feasible, give priority in expenditure of funds pursuant to this Act for the acquisition and development of campsites and historic sites, including the site of the visitor center at Fort Benton and the site of Fort McKenzie.

(c) Consistent with the provisions of this Act and the Wild and Scenic Rivers Act, the Secretary may issue easements, licenses, or permits for rights-of-way through, over, or under the lands in Federal ownership within the river area, or for the use of such lands on such terms and conditions as are in accordance with the provisions of this Act, the Wild and Scenic Rivers Act, and other applicable law.

(d) The Secretary is authorized to permit the construction of a bridge across the river in the general vicinity of the community of Winifred, Montana, in order to accommodate the flow of north-south traffic. Such construction shall be in accordance with a plan which is mutually acceptable to the Secretary and State and local highway officials, and which is consistent with the purposes of this Act and the Wild and Scenic Rivers Act.

(e) To the extent and in a manner consistent with the purposes of the Wild and Scenic Rivers Act the Secretary shall permit such pumping facilities and associated pipelines as may be necessary to assure the continuation of an adequate supply of water from the Missouri River to the owners of lands adjacent to the river and for future agricultural use outside the river corridor. The Secretary is authorized to permit such pumping facilities and associated pipelines for use for fish, wildlife, and recreational uses outside the river corridor.

(f) The Secretary shall permit hunting and fishing in the river area in accordance with applicable Federal and State laws, except that he may designate zones where, and periods when, no

hunting or fishing shall be permitted for reasons of public safety or administration.

(g)(1) The Secretary, acting through the Bureau of Land Management, shall exercise management responsibilities in the river area for:

(A) the grazing of livestock;

(B) the application of the United States mining and mineral leasing laws;

(C) the management of fish and wildlife habitat;

(D) the diversion and use of water for agricultural and domestic purposes;

(E) the acquisition of lands and interests therein;

(F) the administration of public recreational uses of, and any historic sites and campsites in, the river area; and

(G) all other management responsibilities except those set forth in paragraph (2) of this subsection.

(2) The Secretary, acting through the National Park Service, shall be responsible for the construction, operation, and management of any visitor facility in or near Fort Benton which is found necessary in accordance with the management plan developed pursuant to section 202 and the provision, at such facility, of interpretive services for the historic, archeological, scenic, natural, and fish and wildlife resources of the area.

(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) within one year following the date of enactment of this paragraph. 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 of 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) with respect to the segment referred to in this paragraph within one year from the date of enactment of this paragraph. Any development or management plan prepared pursuant to subsection (b) 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 the date of enactment of this paragraph, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). 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) 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 Wilderness 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. Rerapping 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) with respect to the segments referred to in this paragraph within one year from the date of enactment of this paragraph; 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.

(NOTE: The indented portion that follows was included in the legislation adding the Upper Delaware River to the System (P.L. 95-625), but not as an amendment to P.L. 90-542.)

(b)(1) Notwithstanding any requirement to the contrary contained in section 6(c) of the Wild and Scenic Rivers Act, within one hundred and eighty days after the date of enactment of this Act, the Secretary shall publish in the Federal Register general guidelines for land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania (hereinafter referred to as the "directly affected States"), by the local political subdivisions, and by the Delaware River Basin Commission (hereinafter referred to as the "Commission"). The Secretary shall provide for participation in the development of the said general guidelines by all levels of State, county, and local government, and concerned private individuals and organizations, and also shall seek the advice of the Upper Delaware Citizens Advisory Council established in subsection (f) (hereinafter referred to as the "Advisory Council"). In each of the directly affected States, prior to publication of such general guidelines, public hearings shall be conducted by the Secretary or his designee, in the region of the Upper Delaware River designated by subsection (a) (hereinafter in this section referred to as the "Upper Delaware River").

(2) The Secretary may from time to time adopt amended or revised guidelines and shall do so in accordance with the provisions of paragraph (1) hereof.

(c)(1) Within three years from the date of the enactment of this Act, the Secretary, in cooperation with the Commission, the Advisory Council, the directly affected States and their concerned political subdivisions and other concerned Federal agencies, shall develop, approve, and submit to the Governors of the directly affected States a management plan (hereinafter in this section referred to as the "management plan" or "the plan") for the Upper Delaware River which shall provide for as broad a range of land and water uses and scenic and recreational activities as shall be compatible with the provisions of this section, the Wild and Scenic Rivers Act, and the general guidelines for land and water use controls promulgated by the Secretary under the provisions of subsection (b).

(2) The plan shall apply to the Upper Delaware River and shall set forth--

(A) a map showing detailed final landward boundaries, and upper and lower termini of the area and the specific segments of the river classified as scenic and recreational, to be administered in accordance with such classifications;

(B) a program for management of existing and future land and water use, including the application of available management techniques;

(C) an analysis of the economic and environmental costs and benefits of implementing the management plan including any impact of the plan upon revenues and costs of local government;

(D) a program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, regional, State, and local levels; and

(E) such other recommendations or provisions as shall be deemed appropriate to carry out the purposes of this section.

(3) Immediately following enactment of this Act, the Secretary, through the National Park Service or such other designee, shall develop and implement such interim programs as he shall deem necessary and appropriate to protect the Upper Delaware River and its environs and to protect the public health and safety. Such interim programs shall include provisions for information to river users, education and interpretation activities, and regulation of recreational use of the river.

(4) To enable the directly affected States and their political subdivisions to develop and implement programs compatible with the management plan, the Secretary shall provide such technical assistance to the said States and their political subdivisions as he deems appropriate.

(5) The Secretary shall promote public awareness of and participation in the development of the management plan, and shall develop and conduct a concerted program to this end. Prior to final approval of the management plan, the Secretary shall hold two or more public hearings in the Upper Delaware River region of each directly affected State.

(6) Upon approval of the management plan by the Secretary, it shall be published in the Federal Register and shall not become effective until ninety days after it shall 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. The plan shall be administered by the Secretary in accordance with the provisions of this section and the Wild and Scenic Rivers Act. The Secretary is hereby granted such authority as may be required to implement and administer said plan.

(d) Notwithstanding any provision of the Wild and Scenic Rivers Act, the Secretary may not acquire more than a total of

four hundred and fifty acres of land and interests in land for access, development sites, the preservation of scenic qualities, or for any other purposes: Provided, That the Secretary may acquire additional land and interests in land for such purposes not in excess of one thousand acres if such additional acquisition is recommended and provided for in the management plan as finally approved by the Secretary. The limitations contained in this section shall not apply under the circumstances set forth in subsection (e)(4) of this section. Prior to acquisition of any land or interests in land which has been used for business purposes during the annual period immediately preceding the date of the enactment of this Act, the Secretary shall first make such efforts as he deems reasonable to acquire easements or restrictive covenants, or to enter into any other appropriate agreements or arrangements with the owners of said land, consistent with the purposes of this section.

(e)(1) For the purpose of protecting the integrity of the Upper Delaware River, the Secretary shall review all relevant local plans, laws, and ordinances to determine whether they substantially conform to the approved management plan provided for in subsection (c) and to the general guidelines promulgated by the Secretary pursuant to subsection (b). Additionally, the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including but not limited to review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances.

(2) The purpose of such reviews shall be to determine the degree to which actions by local governments are compatible with the purposes of this section. Following the approval of the management plan and after a reasonable period of time has elapsed, but not less than two years, upon a finding by the Secretary that such plans, laws, and ordinances are nonexistent, are otherwise not in conformance with the management plan or guidelines, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary may exercise the authority available to him under the provisions of paragraph (4) hereof.

(3) To facilitate administration of this section, the Secretary may contract with the directly affected States or their political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of relevant local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring of the enforcement thereof by local governments having jurisdiction over any area in the region to which the management plan applies. The Secretary shall notify the appropriate State or local officials as to the results of his review under

this section within forty-five days from the date he receives notice of the local government action.

(4) In those sections of the Upper Delaware River where such local plans, laws, and ordinances, or amendments thereto or variances therefrom, are found by the Secretary not to be in conformance with the guidelines or the management plan promulgated pursuant to subsections (b) and (c) of this section, respectively, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary is hereby authorized to acquire land or interests in land in excess of the acreage provided for in subsection (d) of this section. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the said guidelines or management plan, and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for protection of the objectives of this Act. The total acreage of land and interests in land acquired pursuant to this subsection shall not in any event exceed the limitations contained in section 6(a) of the Wild and Scenic Rivers Act. This subsection shall apply notwithstanding the first sentence of section 6(c) of the Wild and Scenic Rivers Act. Notwithstanding any limitation on amounts authorized to be appropriated for acquisition of land and interests in land which is contained in section 3(a)(21) of the Wild and Scenic Rivers Act or in any other provision of law, there are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f)(1) At the earliest practicable date following enactment of this Act, but no later than one hundred and twenty days thereafter, there shall be established an Upper Delaware Citizens Advisory Council. The Advisory Council shall encourage maximum public involvement in the development and implementation of the plans and programs authorized by this section. It shall report to the Commission and the Secretary from time to time during preparation of the management plan. Following completion of the management plan, it shall report to the Secretary and the Governors of the directly affected States no less frequently than once each year its recommendations, if any, for improvement in the programs authorized by this Act, or in the programs of other agencies which may relate to land or water use in the Upper Delaware River region.

(2) Membership on the Advisory Council shall consist of seventeen members appointed as follows: there shall be--

(A) six members from each of the directly affected States appointed by the Secretary from nominations submitted by the legislatures of the respective counties and appointed such that two members shall be from each of Orange, Delaware, and Sullivan Counties, New York, and

three members shall be from each of Wayne and Pike Counties, Pennsylvania (at least one appointee from each county shall be a permanent resident of a municipality abutting the Upper Delaware River);

(B) two members appointed at large by each Governor of a directly affected State; and

(C) one member appointed by the Secretary.

The Secretary shall designate one of the aforesaid members to serve as Chairperson of the Advisory Council who shall be a permanent resident of one of the aforementioned counties. Vacancies on the Advisory Council shall be filled in the same manner in which the original appointment was made. Members of the Advisory Council shall serve without compensation as such, but the Secretary is authorized to pay expenses reasonably incurred by the Advisory Council in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(g) With respect to the land and water in areas which are not owned by the United States but which are within the boundaries of the segment of the Delaware River designated as a wild and scenic river under subsection (a), the Secretary is authorized to enter into contracts with the appropriate State or political subdivisions thereof pursuant to which the Secretary may provide financial assistance to such State or political subdivision for purposes of--

(1) enforcing State and local laws in such areas, and

(2) removing solid waste from such areas and disposing of such waste.

(h) Nothing in this section shall be construed as limiting the right to fish and hunt on any of the lands or waters within the boundaries of the Upper Delaware River in the manner provided in section 13 of the Wild and Scenic Rivers Act.

(i) There are hereby authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

(j) Where any provision of the Wild and Scenic Rivers Act is inconsistent with any provisions of this section, the provision of this section shall govern. In applying the provisions of section 6(g)(3) of the Wild and Scenic Rivers Act, with regard to "improved property", the date specified therein, shall, for purposes of the river designated in this Act, be the date of enactment of this Act (rather than January 1, 1967).

(20) DELAWARE, NEW YORK, PENNSYLVANIA, AND NEW JERSEY.--The segment from the point where the river crosses the northern boundary of the Delaware Water

...section shall be 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 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 the date of enactment of this paragraph, 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 the date of the enactment of this paragraph; 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(g)(3), January 1 of the calendar year preceding the calendar year in which this paragraph is enacted 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) within one year from the date of enactment of this section. 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 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 the date of enactment of this paragraph 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 Act. 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 subsection 6(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. Notwithstanding 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 the date of enactment of this paragraph. 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)(A) SALMON, IDAHO.--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 the date of enactment of this paragraph.

(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 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 of the river 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.

(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 Katmai 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; Hutchinson 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 Paxson 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.

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

SEC. 4.(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a)(1) through (27) of this Act no later

than October 2, 1978. 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.

(b) 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 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 Chairman of the Federal Power Commission, 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.

(c) 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 Chairman of the Federal Power Commission, 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.

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

- (1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.
- (2) Bruneau, Idaho: The entire main stem.
- (3) Buffalo, Tennessee: The entire river.
- (4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.
- (5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.
- (6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.
- (7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.
- (8) Gasconade, Missouri: The entire river.
- (9) Illinois, Oregon: The entire river.
- (10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.
- (11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.
- (12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.
- (13) Missouri, Montana: The segment between Fort Benton and Ryan Island.
- (14) 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) Clarks Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

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

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

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

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

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

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

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

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

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

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

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

(b)(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 the date of enactment of this Act, 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) shall be completed and reports submitted thereon not later than five full fiscal years after the date of the enactment of this paragraph. The study of rivers named in paragraphs (62) and (64) of subsection (a) 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.

(4) The studies of the rivers in paragraph (77) through (88) shall be completed and reports transmitted thereon not later than three full fiscal years from date of enactment of this paragraph. 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.

(5) 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.

(c) 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 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) 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.

SEC. 6. (a) 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 other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

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

(c) 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) 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) 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 is 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) 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)(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.

SEC. 7. (a) The Federal Power 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 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 the date of approval of this Act. 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 Power 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.

(b) The Federal Power 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, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval--

(i) during the ten-year period following enactment of this Act 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 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 for 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.

(c) The Federal Power 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, subsection (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) 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. 4601-5 et seq.).

SEC. 8. (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 hereafter designated 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, subsection (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, subsection (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 (88) of section 5(a) 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.

SEC. 9. (a) 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 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, or 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, 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 banks 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) The minerals in any Federal lands which constitute the bed or banks or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of 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), 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.

SEC. 10. (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.

SEC. 11. (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 river 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, Education, and Welfare 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.

SEC. 12. (a) 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), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans,

affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of the 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). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

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

(c) 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.

SEC. 13. (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 recreational 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.

SEC. 14. 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.

SEC. 14A. (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.

SEC. 15. 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) 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.

SEC. 16. As used in this Act, the term--

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

SEC. 17. There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers described in section 3(a) of this Act:

Clearwater, Middle Fork, Idaho, \$2,909,800;
Eleven Point, Missouri, \$10,407,000;
Feather, Middle Fork, California, \$3,935,700;
Rio Grande, New Mexico, \$253,000;
Rogue, Oregon, \$15,147,000;
St. Croix, Minnesota and Wisconsin, \$21,769,000;
Salmon, Middle Fork, Idaho, \$1,837,100; and
Wolf, Wisconsin, \$142,150.

NOTE: The following amendments have been made to P.L. 90-542 through December 23, 1980:

P.L. 92-560
P.L. 93-279
P.L. 93-621
P.L. 94-199
P.L. 94-407
P.L. 94-486
P.L. 95-625
P.L. 96-87
P.L. 96-199
P.L. 96-487
P.L. 96-580

APPENDIX C

KEY: SOIL ASSOCIATION MAP, MYAKKA RIVER

I. AREA DOMINATED BY SANDY, DROUGHTY SOIL, NOT SUBJECT TO FLOODING

1. Candler-Tavares Association: nearly level to sloping excessively drained soils with very thick sandy layers over thin loamy or sandy loam and moderately well drained soils, sandy throughout.

II. AREAS DOMINATED BY MODERATELY WELL TO POORLY DRAINED SOILS, NOT SUBJECT TO FLOODING

2. Tavares-Myakka and Tavares-Myakka-Pomello Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoils and moderately well drained soils, sandy throughout.
3. Pomello-St. Lucie and Pomello-Paola-St Lucie Association: nearly level to sloping moderately well drained sandy soils with weakly cemented sandy subsoil and excessively drained soils, sandy throughout.
4. Immokalee-Pomello and Myakka-Pomello-Basinger Association: nearly level to gently sloping poorly and moderately drained soils with weakly cemented sandy subsoils.
5. Broward-Brandenton-Manatee Association: nearly level poorly drained sandy soils underlain by limestone; poorly drained soils with thin sandy layers over loamy subsoil underlain by marly material; and very poorly drained sandy soils with loamy subsoils.
6. Adamsville-Pompano and Pompano, High-Pompano Association: nearly level somewhat poorly and poorly drained soils, sandy throughout.
7. Myakka-Immokalee-Basinger Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained soils sandy throughout.
8. Myakka-Pomillo-Basinger Association: nearly level to gently sloping poorly and moderately well drained sandy soils with weakly cemented sandy subsoil and poorly drained soils, sandy throughout.
9. Wabasso-Bradenton-Myakka, Bradenton-Wabasso-Felda and Wabasso-Felda Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil layer underlain by loamy subsoil; poorly drained soils with thin sandy layers over loamy subsoil and poorly drained soils weakly cemented sandy subsoil.
10. Immokalee-Myakka-Pompano Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained sandy soils throughout.
11. Scanton, var.-Ona-Placid Association: nearly level somewhat poorly drained, dark surface soil, sandy throughout; poorly drained soils with thin sandy layers over weakly cemented sandy subsoil and very

very poorly drained sandy throughout.

12. Pomello-Myakka-Tavares Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoil and moderately well drained soils, sandy throughout.
13. Pomello, High-Felda Association: nearly level, poorly drained soils, sandy throughout.
14. Travares-Adamville Association: nearly level to gently sloping, moderately well and somewhat poorly drained soils, sandy throughout.

AREA DOMINATED BY POORLY AND VERY POORLY DRAINED SOILS SUBJECT TO FLOODING

15. Placid-Basenger Association: nearly level, poorly drained soils, sandy throughout.
16. Delray-Manatee-Pompano, Pompano-Charlotee-Delray and Pompano-Delray Association: nearly level, poorly drained soils with thick sandy layers over loamy subsoil.
17. Fresh Water Swamp and Marsh Association: nearly level, poorly drained soils subject to prolonged flooding.
18. Tidal Marsh, Swamp-Coastal Beach Ridges and Swamp Dunes Association: nearly level, very poorly drained soils subject to frequent flooding by tidal waters and moderately well drained soils, sandy throughout.
19. Felda-Manatee Association: nearly level, poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil.
20. Terra-Ceia Association: nearly level, very poorly drained, well decomposed organic soils 16 to 36 inches thick over loamy material.

APPENDIX D

APPENDIX D

Written comments on the Myakka Wild and Scenic River Study and Environmental Assessment were received from the following agencies and organizations.

State of Florida

Governor of Florida

State Agencies

Florida Department of Natural Resources

Executive Director
Bureau of Recreation and Parks

Florida Game and Fresh Water Fish Commission

Florida Department of Agriculture and Consumer Affairs

Florida Archives, History and Records Management

Local Governments

County of Sarasota
County of Manatee
City of Orlando

Local Planning Agencies

Southwest Florida Water Management District
Southwest Florida Regional Planning Council
Florida Natural Areas Inventory

Quasi Public Agencies

Florida Power and Light Company

Conservation and Private Organizations

Sarasota County Audubon Society
General Development Corporation
Property Owners of Gulf Cove, Inc.

Federal Agencies

Department of Agriculture

Soil Conservation Service

Federal Agencies (Cont'd)

Department of the Army

Corps of Engineers

Environmental Protection Agency



BOB GRAHAM
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE 32301

January 23, 1984

Mr. G. Ray Arnett
Assistant Secretary
Fish and Wildlife and Parks
United States Department of
the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

Thank you for your letter and the Environmental Impact Statement regarding the Myakka Wild and Scenic River Study. We have reviewed this document and proposal by the National Park Service for designating the River as a component of the National Wild and Scenic River System, and we believe that a national designation affords us the opportunity to preserve this river's natural and cultural values.

Such a goal could best be accomplished by coordinating public and private actions which affect the river. Your suggested Myakka River Study Committee or a similar body may provide the needed planning coordination to ensure that the efforts of concerned governmental entities and the affected private sector managing river resources are brought together in a forum that achieves a level of preservation compatible to their mutual interest.

Our Department of Natural Resources will be requested to initiate an interagency study effort designed to satisfy federal, state and local concerns that may ultimately lead to a national designation protecting this unique Florida River.

Your giving us the opportunity to comment on your proposal is appreciated. We look forward to a cooperative effort in developing a management plan that achieves our common objectives.

With kind regards,

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Graham", written over a horizontal line.

Governor

BG/rkb



State of Florida
DEPARTMENT OF NATURAL RESOURCES

DR ELTON J. GISSENDANNER
Executive Director
Marjory Stoneman Douglas Building
9000 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM
Governor
GEORGE FIRESTONE
Secretary of State
JIM SMITH
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

September 30, 1983

Ms. Sharon C. Keene
Chief, Rivers & Trails Division
Southeast Region
National Park Service
75 Spring Street, SW
Atlanta, Georgia 30303

Dear Ms. Keene:

Reference is made to the draft environmental impact statement prepared by the National Park Service concerning the proposed designation of the Myakka River as a component of the National Wild and Scenic River System.

The Department of Natural Resources supports the designation of the Myakka along the lines set forth in Alternative A. It is our opinion that, short of acquiring an adequate river corridor, preservation of the river's natural and cultural values can best be accomplished by properly coordinating the public and private actions which affect the river. The proposed Myakka River Commission, or a similar appropriate body, could provide the needed coordination and help ensure that the efforts of the various levels of government involved in managing the river, as well as those of the private sector, are brought to bear in a manner best calculated to protect the river and its associated natural values.

Thank you for this opportunity to comment on the study. We look forward to continuing our work with you toward achieving this important designation for the Myakka River.

Sincerely,

Elton J. Gissendanner
Executive Director

EJG/wpb



State of Florida
DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER
Executive Director
Marjory Stoneman Douglas Building
1900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM
Governor
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JIM SMITH
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

Myakka River State Park
Rt 1, Box 72
Sarasota FL 33583

October 14, 1983

Mr. Robert M. Baker
Regional Director
National Park Service
75 Spring Street S.W.
Atlanta GA 30303

Dear Mr. Baker:

Thank you for the provision of the latest draft of the Myakka River "Draft Wild and Scenic Study/Environmental Assessment".

Designation, Alternative A, continues to be the only action which I believe will provide the necessary protection and recognition which the Myakka River deserves. It is doubtful that designation would precipitate any commercial or residential development pressures as noted in the draft. The river is already a nationally recognized resource owing to its natural beauty and the abundant wildlife - both of which are admirably documented in the draft. My knowledge of Florida's growth rate and economic priorities cause me to adhere to "Alternative A" to ensure that the umbrella of protection offered by "Wild and Scenic" designation comes to fruition.

If a "Myakka River commission" is established at some point in time it would be beneficial to have the park manager of Myakka River State Park; or, the Division of Recreation and Parks, District VI Biologist sit on this committee. Perhaps future drafts could include suggested committee members.

Other comments which I have concerning the last draft are directed at corrections needed - most are typographical in nature but some are corrections which are needed to rectify errors.

Mr. Robert M. Baker
10/14/83
page two

Corrections needed are:

- Page 1 - 2, 2nd sentence. Reads - "The eastern side of the river...". This should read "The western side...."
As the MacArthur tract is wholly on the east side of the river and the west side will not be included if this purchase is made.
- Page 2 - 4, Map shows Bog Island Campsite and should read Bee Island Campsite.
- Page 3 - 3, 3rd paragraph, 4th line - Glay Gully needs to be changed to Clay Gully.
5th paragraph - this paragraph states that Upper Myakka Lake is stabilized by a low level impoundment which restricts flow only at times of very low water levels. This weir has been circumvented for some time by a set of culverts and presently does not restrict any flow. In this same paragraph Vanderipe Slough is spelled as "van der Ripe Slough" two times. The privately constructed dike referred to was constructed by the Civilian Conservation Corps in the late 1930's with an extension added on in the late 1940's at the recommendation of the Soil Conservation Service.
- Page 3 - 12, 4th paragraph, 8th line - helgramites, not helgramits.
- Page 3 - 15, 3rd paragraph, 5th line - agriculture, not argiculture.
- Page 3 - 17, Last paragraph, 3rd line - hurricane, not hurrican.
- Page 3 - 23, 1st paragraph, 2nd line - State Road 780, not 730.
- Figure 2 (follows page 3 - 26) - It would be preferable if the proper name of the park, Myakka River State Park, would be used rather than Myakka State Park.

Again, thank you for providing a copy of the draft. If I can be of further assistance please advise.

Sincerely,



Captain Robert Dye
Park Manager

RD/bh

cc: Major John Baust, District VI Manager
Captain Ken Alvarez, District VI Biologist
Park file

FLORIDA GAME AND FRESH WATER FISH COMMISSION

WILLIAM G. BOSTICK, JR.
Chairman, Winter Haven

CECIL C. BAILEY
Vice Chairman, Jacksonville

C. TOM RAINEY D.V.M.
Miami

THOMAS L. HIRES SR.
Tampa

J.H. BAROCO
Pensacola

ROBERT M. BRANTLY, Executive Director
F. G. BANKS, Assistant Executive Director



FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, Florida 32301

November 22, 1983

Ms. Sharon C. Keene, Chief
Rivers and Trails Division
Southeast Region
United States Department of the Interior
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Re: Draft Myakka Wild and Scenic
River Study L58-(SER-PT)

Dear Ms. Keene:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the Draft Wild and Scenic River Study for the Myakka River, and recommends implementation of Alternative A. This proposal would designate, as a state-administered component of the National Wild and Scenic River System, the 12-mile river segment within Myakka River State Park. Such designation would further recognize the outstanding natural resources of this river, and compliment the management practices currently exercised within the park by the Florida Department of Natural Resources. National designation may also provide greater impetus to state and local programs for river corridor acquisition or additional resource protection along portions of the river outside of the state park. We endorse the establishment of a Myakka River Commission as outlined, and would be glad to provide additional input or assistance upon request.

Please call me if we may be of further assistance.

Sincerely,

Colonel Robert M. Brantly
Executive Director

RMB/RF/ms

STATE OF FLORIDA



FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

DOYLE CONNER, COMMISSIONER

* 3125 CONNER BLVD. TALLAHASSEE 32301

FM

OSL

Myakka

River

September 16, 1983

Ms. Sharon C. Keene, Chief
Rivers and Trails Division
U. S. Department of the Interior
Southeast Regional Office
75 Spring Street, S. W.
Atlanta, Georgia 30303

Dear Ms. Keene:

This is in reference to your letter of September 2, 1983, concerning the Draft Myakka Wild and Scenic River Study and Environmental Assessment.

We have reviewed the draft study report and feel it provides the necessary information for a report of this type. It is well done, and we do not have any significant revisions. When considering the history and location of the Myakka River, and after reviewing the draft study, it is our recommendation that Alternative B be pursued. Designation as a Florida Wild and Scenic River would seem appropriate since the twelve miles to be designated initially are within the boundaries of Myakka River State Park.

Please recontact us if you need additional information.

Sincerely,

John M. Bethea
Director

Division of Forestry
904/488-4274



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

DIVISION OF ARCHIVES,
HISTORY AND RECORDS MANAGEMENT
The Capitol, Tallahassee, Florida 32301

September 30, 1983

(904) 488-1480

In Reply Refer To:

Mr. Frederick P. Gaske
Historic Sites Specialist
(904) 487-2333

Mr. Walter O. Kolb
Office of the Governor
The Capitol
Tallahassee, Florida 32301

RE: Your Memorandum and Attachment of September 19, 1983
Cultural Resource Assessment Request
SAI FL8309070306; Draft Wild and Scenic Study/Environmental
Assessment for Myakka River, Florida

Dear Mr. Kolb:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Procedures for the Protection of Historic and Cultural Properties"), we have reviewed the above referenced project for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authorities for these procedures are the National Historic Preservation Act of 1966 (Public Law 89-665) as amended by P.L. 91-243, P.L. 93-54, P.L. 94-422, P.L. 94-458 and P.L. 96-515, and Presidential Executive Order 11593 ("Protection and Enhancement of the Cultural Environment").

In our letter of June 1, 1981 (see enclosure), we identified archaeological and historic resources located within the study area. Since the area would be managed for preservation purposes, the inclusion of the Myakka River in the National Wild and Scenic Rivers System would afford protection for any cultural resources located within the area proposed for such designation.

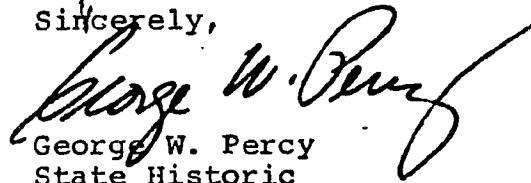
It is, therefore, the opinion of this office that the proposed action would have no adverse effect on any sites listed, or eligible for listing, on the National Register of Historic Places, or otherwise of national, state or local significance.

If you have any questions concerning our comments, please do not hesitate to contact us.

Mr. Walter O. Kolb
September 30, 1983
Page Two

Your interest and cooperation in helping to protect Florida's
archaeological and historical resources are appreciated.

Sincerely,

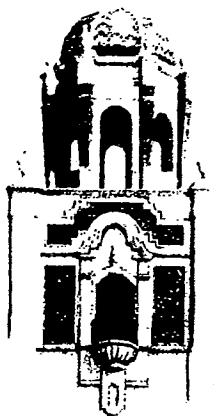

George W. Percy
State Historic
Preservation Officer

GWP:Geb

cc: Sharon C. Keene

Enclosure

#3



COUNTY OF SARASOTA

F L O R I D A

BOARD OF COMMISSIONERS

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ED MARONEY · COUNTY ADMINISTRATOR

P.O. BOX 8
SARASOTA, FLA. 33578
PHONE: 813/365-1000

October 12, 1983

Robert M. Baker, Regional Director
U.S. National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Baker:

Sarasota County can support Alternative "A" of the draft Wild & Scenic Study - Myakka River. We feel that designating the twelve-mile segment within Myakka River State Park as a state-administered component of the National Wild & Scenic Rivers System and opening the door for additional eligible segments of the river as components of the National System in response to local and state initiatives, would be a proper action.

As you probably know, Sarasota County has taken many steps to afford the Myakka River meaningful protection. For your review and consideration, I am enclosing Ordinance #82-94/Resolution #82-200 (i.e. environmental covenants for the Ringling-MacArthur Reserve), our new mining ordinance, a proposed amendment to the Environmental Section of APOXSEE, the recently-adopted transfer of development rights ordinance, the Environmental Element of APOXSEE which protects every wetland habitat adjacent to the Myakka, the newly-adopted tree protection ordinance, and a proposed new wetlands protection ordinance.

At the same time, the Board of County Commissioners has a responsibility to provide Sarasota County with a dependable and safe supply of potable water. This past November, the citizens of Sarasota County voted (with a margin of 2-to-1) for a \$30 million bond issue to purchase the Ringling-MacArthur tract for water, recreation and open space. After extensive studies, the Ringling-MacArthur tract was identified as a source of economically-treatable water, which would help meet our burgeoning needs well into the 21st century. One of the considerations that made the Ringling-MacArthur tract attractive was it's juxtaposition to the Myakka River. Our engineers and environmental consultants indicate that the

- continued -