

AN ABSTRACT OF THE THESIS OF

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Title: The Wild and Scenic River Act: Problems of  
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In 1968, Congress passed the Wild and Scenic River Act creating a system of rivers protected from dams and other development. By 1987, segments of four Oregon rivers were protected by the Wild and Scenic River System: the Rogue, Illinois, Owyhee, and a portion of the Snake along the Idaho border. Passage of the Oregon Omnibus Rivers Bill in 1988 added 40 rivers to the System and made Oregon the leading state in the number of rivers protected.

Prior to passage of the Omnibus Rivers Bill, the effectiveness of the Wild and Scenic River Act as a method of river protection had been questioned. Fewer rivers than anticipated had been protected under the Act, largely because the addition process had proven difficult. River designations had faced opposition from local residents and lacked support from managing agencies and environmental groups.

This study identified the problems hindering implementation of the Wild and Scenic River Act in Oregon. Legi-

slative histories of the original Act, the Oregon river additions, and the Omnibus Rivers Bill were studied. The research also reviewed river study reports and management plans, public opinion expressed in the study process and at hearings, and correspondence with the agencies managing the rivers.

Three general problem areas were identified. First, conflicts have arisen between Wild and Scenic River designations and traditional water and river corridor uses, including hydroelectric and irrigation development, water rights, mining, and logging. Second, the Wild and Scenic River Act provided for the condemnation of private land to protect the river corridor and imposed federal management in privately owned areas. This has led to conflicts with the traditional values of property owners along the rivers. Third, legitimization of the Act by managing agencies, environmental groups, and the public has been slow.

These three problems have hindered implementation of the Act in Oregon. The greatest problem has been the conflict with traditional values. Legitimization has become less of a problem as the Act has gained support in the 1980s. Conflicts with traditional water uses have been comparatively few. Observation of the events involved in passage of the Omnibus Rivers Bill suggested that these trends will continue. Most problems, however, will center on conflicts between the traditional values of private property rights and the public good.

The Wild and Scenic River Act:  
Problems of Implementation in Oregon

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THE WILD AND SCENIC RIVER ACT:  
PROBLEMS OF IMPLEMENTATION IN OREGON

CHAPTER 1

INTRODUCTION

In 1968, Congress passed a bill to protect streams which "possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, cultural, or other similar values." The Wild and Scenic River Act established a means to build a system of rivers protected from dams and other types of development both on the rivers and in their land corridors. Eight rivers were designated to start the system. The Act provided for the addition of rivers to expand the system, but gave no indications of its eventual size. Proponents of river protection anticipated that 100 rivers would be included in ten years (Sumner 1981, 42). By 1978, there were only 28 designated rivers and only 75 by 1988. During 1988, the twentieth anniversary of the Wild and Scenic River Act, 44 rivers were added, including 40 rivers in the Oregon Omnibus Rivers Bill.

Prior to 1988, the relatively slow addition of rivers to the Wild and Scenic River System was due to the many problems encountered in implementing the Act. Some of these problems were the result of the broad base of opposition river designations faced. Another problem was that protection of rivers through the Wild and Scenic River Act generally lacked support from managing agencies and from

environmental groups. These problems led to criticism by supporters of river protection that the Wild and Scenic River Act was not an effective mechanism for protecting rivers.

Proposed river designations frequently encountered more intense opposition from more diverse groups than that facing proposed additions to the wilderness system. The rivers were generally more accessible than wilderness areas which were usually restricted to high mountain areas. The opposition went beyond the development versus nondevelopment issue encountered in other resource preservation decisions. The extension of protection to rivers flowing through private lands evoked protests from landowners that their right to possess private property was being violated.

Opposition on the basis of the private property issue frequently led politicians and federal agencies to deliberately remove river segments under private ownership from designation. This was done despite the fact that framers of the Wild and Scenic River Act intended that some rivers flowing through private lands should also be included in the System (U.S. Congress, House 1967b, 4-5).

The Wild and Scenic River Act was a new concept in federal resource management. Because of the lack of precedent for river protection, the managing agencies were slow to accept many of the provisions of the Act. The study of rivers for possible inclusion in the System took longer than anticipated. The problem was compounded by a lack of

funding for the studies. A provision in the Act that agencies initiate studies of rivers on the lands they managed was disregarded until the 1980s. It was also not until the 1980s that agencies began to evaluate potential Wild and Scenic Rivers in their planning processes.

Environmental groups also failed to lend serious support to the Wild and Scenic River Act in its early years. While they had advocated its passage and continued to fight river development, they were not active supporters of an expanded Wild and Scenic River System. One reason for their lack of support was that many environmental groups considered the protection of wilderness areas a more pressing problem (Palmer 1986, 149-50).

Many of these problems were encountered in implementing the Wild and Scenic River Act in Oregon. By 1988, Oregon had become one of the leading states in river protection with three designated rivers and a fourth shared with Idaho. Passage of the 1988 Omnibus Rivers Bill gave Oregon the largest number of designated rivers of any state and made it third in the number of river miles protected. The designations met with several problems and delays. Other rivers in the state were proposed for protection, but were not designated. The Omnibus Rivers Bill overcame some but not all of the problems encountered in past designations, but some of the problems remained.

### Purpose of the Study

This study investigates the problems encountered in implementing the Wild and Scenic River Act in Oregon and the Omnibus Rivers Bill. The purpose of the study is to examine how these problems interfered with the implementation of the Act in Oregon and to investigate whether the Omnibus Rivers Bill was an effective approach to designating rivers.

The research will address the following questions:

- 1) What role did conflicts with traditional water and river corridor uses play in implementing the Wild and Scenic River Act in Oregon?
- 2) What was the role of the conflicts with the traditional values of private property?
- 3) Did the lack of legitimization of the Act interfere with river designations?
- 4) Did the process of implementing the Oregon Omnibus Rivers Bill overcome problems encountered with the Wild and Scenic River Act?
- 5) What are the implications of the findings for future additions to Oregon's Wild and Scenic River System?
- 6) Can these implications be applied to other states?

### Literature Review

The academic literature dealing with the Wild and Scenic River Act is limited. In general, it has been

restricted to two aspects of river protection--valuation studies, and recreational use and carrying capacity studies. Most of the published material on Wild and Scenic Rivers has appeared in environmental journals.

Numerous studies have investigated methods of comparing the aesthetic and recreational benefits of Wild and Scenic Rivers to those of traditional, utilitarian water uses. In the early 1970s, the University of Idaho Water Resources Research Institute conducted a series of multidisciplinary studies to develop a methodology for the valuation of Wild and Scenic Rivers (Michalson and Hamilton, 1973). Other valuation studies have been conducted by Leopold and Marchand (1968), Leopold (1969), Knudson (1976), and Dunne and Leopold (1978). In 1985, Walsh, Sanders, and Loomis developed a new approach to valuation studies of Wild and Scenic Rivers using the concept of contingent valuation. They assessed the demand for river protection in Colorado by assigning monetary value to the willingness of the state's residents to pay for river protection. For the most part, these valuation studies have remained theoretical. A survey of Wild and Scenic River study reports, conducted for this thesis, indicated that none of these methods were used by federal agencies to assess the eligibility of rivers for designation.

Another area of attention by researchers has been recreational use and carrying capacity. Oregon rivers have been the setting for many of those studies through the Ore-

gon Water Resources Research Institute. Pfister and Frenkel (1975, 1976) evaluated river use and carrying capacity on the Rogue River. Donheffner and Muckleston (1976) investigated motorboat use on the Rogue. Shelby and Colvin (1979, 1981) determined use levels for the Rogue and carrying capacity for the Illinois. Shelby and Danley (1980) studied river use allocation on the Snake River. These reports have been applied by the managing agencies on the Rogue, Illinois, Snake, and Owyhee Rivers to assign use levels and to limit use on the Rogue.

Articles in environmental journals have addressed protection of specific rivers or the progress of the Wild and Scenic River Act. The most objective of these in its appraisal of the Act was written by Sumner (1981) who presented a list of reasons for delays in expanding the Wild and Scenic River System. He assessed the private lands issue and the lack of support from environmental groups.

Palmer (1984) addressed the issue of misunderstandings by agencies and the public over the Act's provisions for condemnation. Resentment of federal management on private lands was addressed by Reed (1984) in his article on the St. Joe River in Idaho. Krause (1988) evaluated the progress of the Wild and Scenic River Act on its twentieth anniversary and proposed the idea of state omnibus rivers bills to reduce the problems of designation.

The book, *Endangered Rivers and the Conservation Movement* (Palmer 1986), provided much of the background infor-

mation on the history of river protection. Palmer interviewed many of the key players in dam battles and passage of the Wild and Scenic River Act.

Shortly after its passage, Asmussen and Bouchard (1970) discussed the Act and examined the issues brought up during the legislative process. They attempted to predict which issues would have the most impact on future river designations. They anticipated that the Act, like other resource preservation actions, would face opposition from development interests, but they expected that most opposition would arise from the provision for land condemnation. This is reflected in the title of their essay, "Wild and Scenic Rivers: Private Rights and Public Goods." Asmussen and Bouchard's insights about this conflict between the traditional right to private property and the public good were invaluable in the pursuit of this research.

The evaluation of water resources policies and institutions by geographers has been advocated by Mitchell (1979). In 1987, Mitchell developed an analytic framework for the evaluation of water resources policies in Australia. A major component of the framework was legitimization. Mitchell's ideas provided an outline for the analysis of the role of managing agencies and environmental groups in the implementation of the Wild and Scenic River Act.

### Approach and Organization of the Paper

Problems encountered in implementing the Wild and Scenic River Act in Oregon were identified by compiling a legislative history from Congressional committee hearings, the reports prepared for the study rivers, and correspondence with agency personnel. A preliminary determination of likely implementation problems in Oregon was based on issues raised in the hearings on the original Act. To give a more precise view of the types of objections to designation, a tabulation was made of comments received at hearings and in response to study reports.

The problems and conflicts over designation were grouped into three categories. First, some of the opposition to river designations resulted from conflicts between traditional water and river corridor uses and the protection of rivers for aesthetic and recreational purposes. These traditional uses included the production of hydroelectricity, irrigation, logging, and mining. Second, the inclusion of private property in the proposed river corridors created a conflict between river protection and the traditional values of private property. Landowners objected to designation because of concerns about condemnation and federal management of private property. Third, the lack of support from managing agencies and environmental groups interfered with implementation of the Act. According to Mitchell (1987) this indicated a lack of legitimization for the Act.

The Oregon Omnibus Rivers Bill was evaluated in terms of the three problem areas identified in the earlier Oregon rivers proceedings to determine if the omnibus approach was successful in overcoming the problems. The process leading to passage of the Omnibus Bill was observed by attending field hearings and a community forum and by examining articles, editorials, and letters to the editor in Oregon newspapers. The Western River Workshop in July 1988 in Eugene, Oregon provided valuable information on river management issues and the probable future direction of river protection.

The history of the Wild and Scenic River Act is presented in Chapter Two. Both the legislative history and a brief history of river protection in the United States are discussed. Chapter Three describes the legislative history of Oregon's designated and proposed rivers. The problems encountered in implementing the Act in Oregon are discussed in Chapter Four. The events leading to passage of the Omnibus Rivers Bill of 1988 are presented in Chapter Five. Chapter Six explores the implications of the past problems and the Omnibus Bill for future river designations.

## CHAPTER 2

## THE WILD AND SCENIC RIVER ACT

History of River Protection

Passage of the Wild and Scenic River Act in 1968 culminated decades of progress in river protection efforts. This closely paralleled the progress gained in wilderness protection. The Wilderness Act was passed by Congress in 1964 after being first introduced in 1940. The legislative history of the Wild and Scenic River Act is short in comparison. The first river protection bill was introduced in 1965 and the bill passed in 1968. Compared to wilderness preservation, however, the concept of a system for protecting rivers from development was relatively new. The Forest Service had long had a policy of protecting certain areas from logging and road construction. No similar river protection existed when the Wild and Scenic River Act passed. Prior to 1968, river protection had consisted of efforts to prevent dam construction.

The first river protection battle attracting national attention was the conflict over Hetch Hetchy Reservoir in Yosemite National Park. In 1906, the city of San Francisco renewed its efforts to obtain a permit from the Secretary of the Interior to construct a water supply dam on the Tuolumne River. The proposed dam would flood the Hetch Hetchy Valley in Yosemite. John Muir led the battle to protect the valley which he said rivalled the well-known Yosemite

Valley in beauty. Debate on the issue continued for several years with the dam finally gaining Congressional approval in 1913 (Nash 1973, 179). The preservationists lost the battle, but had gained public support for their cause. Nash (1973, 181) noted that the significance of the Hetch Hetchy controversy was that it had occurred at all. This was the first time in American history when dam construction and development in general had aroused public outcry. Previously, development had been viewed as good. Although some National Parks had been established, the preservation of wilderness and rivers was not part of traditional American values.

The Hetch Hetchy debate occurred at a time when the "conservation" movement was growing. Theodore Roosevelt's presidency had sparked the movement and had established several National Parks and Monuments and created the National Forest System. There were two sides of the conservation movement, however. Some conservationists believed that resources should be developed for human benefit. Others wanted to preserve the intrinsic values of the natural landscape. The Hetch Hetchy controversy highlighted the contrast between the "utilitarians" and the "preservationists" (Palmer 1986, 47, 49). Utilitarian conservationists contended that domestic use would be the most valuable use of the water from Hetch Hetchy Valley. Their argument gained emotional support, especially after the devastating San Francisco earthquake and fire of 1906 (Nash

1973, 82). The preservationists countered that there were other suitable sites for San Francisco's water supply outside the Park. They urged protection of the Valley for its aesthetic and spiritual values (Nash 1973, 82, 84). In their campaign, preservationists gained public support for wilderness protection as evidenced by letters of opposition written to members of Congress and by supportive editorials in the popular press. The exploitation of wilderness for economic gain was beginning to be questioned and Americans were beginning to support the protection of wilderness areas and free-flowing rivers (Nash 1973, 87).

The Hetch Hetchy debate, however, did not mark a turning point, but was "a cry of dissent in a culture poised for massive river development, a culture that was nearly oblivious to environmental costs" (Palmer 1986, 53). The damming of rivers in the United States was just beginning at the turn of the century (Beaumont 1983, 272-73). Over the next several decades, the federal government became increasingly willing and capable of investing in water resources. This, coupled with a revolution in earth moving and dam construction techniques, resulted in hundreds of dams and other projects being constructed for irrigation, flood control, and navigation.

In general, the public viewed dam construction as progress which benefitted the nation. This was especially true of the projects intended to provide jobs during the Depression and to aid the war effort in the 1940s. The

only opposition to dam construction was aimed at those proposed in National Parks (Palmer 1986, 55-57). Opposition successfully blocked proposed projects in Yellowstone, Glacier, and Sequoia National Parks in the 1920s and Kings Canyon, Glacier, and Mammoth Caves Parks in the 1940s and 1950s. The concern of the opponents was preservation of the Parks and not the rivers. Preservationists often proposed alternative dam sites downstream from the Parks.

Another dam battle gaining national attention was opposition to Echo Park Dam, which was proposed in 1950 as part of the Colorado River Storage Project (CRSP). The dam would have flooded portions of Dinosaur National Monument in Utah. David Brower of the Sierra Club and Howard Zahniser of the Wilderness Society led a national campaign against the dam (Richardson 1973, 60). The dam gained Senate approval in 1955, but the House Committee on Interior and Insular Affairs, citing opposition from conservation groups, deleted Echo Park Dam from the CRSP. Preservationists had argued against the dam on the usual aesthetic and Park preservation grounds, but had gained the most support by arguing with the Bureau of Reclamation's figures on the costs and evaporation losses of the dam (Richardson 1973, 61,149). The CRSP bill signed by President Dwight Eisenhower included a sentence stating that it was not the intention of Congress that the Act authorize construction of any dams in any National Park or Monument (Graham 1971, 297).

The Echo Park Dam had been defeated, but at the expense of another river canyon: Glen Canyon. Construction of Glen Canyon Dam received little opposition from preservationists because it was not in a National Park and they did not think there was enough support to fight another dam (Palmer 1986, 78-80). Most of the leaders of the opposition to Echo Canyon later expressed regrets over not opposing the Glen Canyon Dam. Some, including Stewart Udall, have stated that the Echo Park site was less valuable than Glen Canyon (Palmer 1986, 79).

In 1963, preservationists were again faced with a major effort to block dam construction. Their efforts were focused on the Bureau of Reclamation's Pacific Southwest Water Plan which called for water transfers from northern California to the Colorado Basin and included the Central Arizona Project. To provide the power and money necessary to pump Colorado River water to Phoenix and Tucson, two hydroelectric dams were to be constructed which would either be located in the Grand Canyon or back water up into it (Palmer 1986, 82).

The Plan was supported by President Lyndon Johnson and Secretary of the Interior Stewart Udall. Approval of the dams was expected until June 9, 1966, when Sierra Club president David Brower ran full page ads in the New York Times and Washington Post denouncing the dams (Nash 1973, 228-31). Following publication of the ads, politicians were deluged with mail opposing the dams. Even more oppo-

sition to the dams was generated when the Internal Revenue Service revoked the tax-exempt status of the Sierra Club because of the lobbying nature of the ads.

In 1967, the Bureau dropped one of the proposed Grand Canyon dams from its Plan. In February 1968, Udall announced that the administration's position on the dams had changed. In August of that year, the Senate voted in favor of a Central Arizona Project without the dams (Nash 1973, 232-34).

In the House, Interior and Insular Affairs Chairman Wayne Aspinall favored the Grand Canyon dams and blocked efforts to delete them from the Project. A July 1968 conference resolved the differences between the House and Senate and on September 30, 1968, President Johnson signed a Central Arizona Project bill which excluded the Grand Canyon dams and required an act of Congress for any organization to dam the Grand Canyon (Nash 1973, 234-35).

The Grand Canyon battle helped point out the need for a mechanism to protect rivers. Two days after he signed the Central Arizona Project Bill, President Johnson signed the National Wild and Scenic Rivers Act. Passage of the rivers bill had taken several years. Initial proposals for river protection were made shortly after the Echo Park controversy. The legislative history of the Wild and Scenic River Act revealed some interesting struggles and compromises and provided clues to some problems encountered in implementing the Act in Oregon.

## Legislative History

### River Studies

The first proposal to preserve rivers was made in 1956, when the National Park Service (NPS) proposed a national recreation area to protect the Current and Eleven Point Rivers in Missouri. The NPS hoped the area would become a prototype for other rivers. The Missouri Nature Conservancy supported the protection of those rivers and introduced the idea of "national rivers" (Palmer 1986, 139). In 1957, biologist John Craighead proposed another river protection plan. He advocated classification of America's rivers, believing it would point out the scarcity of free-flowing rivers and gain support for their protection (Palmer 1986, 137).

A 1959 Senate Resolution authorized the Senate Select Committee to study the supply and demand for various aspects of the nation's water resources. The study recommendations were to serve as a guide for Senate water policies (U.S. Congress, Senate, Select Committee 1960, iii). One area of focus for the Committee was water based recreation. The recreation report noted that the demand for recreation in general and water recreation specifically was increasing, resulting in overcrowded conditions. The report made 17 recommendations to provide for future recreation needs. One recommendation addressed river protection and advocated:

That certain streams be preserved in their free-flowing condition because their natural scenic, scientific, esthetic, and recreational values outweigh their value for water development and control purposes now and in the future (U.S. Congress, Senate, Select Committee 1960, 2).

Rivers suggested for protection were the Allagash in Maine, the Current and Eleven Point in Missouri, and the Rogue in Oregon. A study to find other qualifying rivers was proposed.

A more exhaustive study of outdoor recreation was released in 1962. The Outdoor Recreation Resources Review Commission (ORRRC) also advocated river protection. Its report recommended that some river should be allowed to remain in their free-flowing state "without man-made alterations" (U.S. ORRRC 1962, 8).

#### Rivers Bills

The first river protection bill was introduced in the Senate in 1964. It was based on a 1964 river study in which the Departments of the Interior and Agriculture had surveyed 650 rivers (Asmussen and Bouchard 1970, 165). Twenty-two of those rivers were selected for further study and possible protection.

Presidential support was given to river protection in President Johnson's 1965 speech to Congress on "Conservation and the Restoration of Natural Beauty." He advocated the protection of "free-flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory" (U.S. President 1965,

168). Following the speech he sent a bill to Congress proposing a National Wild Rivers System. Senate Committee hearings were held on a "Wild Rivers Act" in April 1965. In September of that year, the Committee on Interior and Insular Affairs reported the bill to the Senate. This bill recommended protection of five rivers and the study of 11 rivers for future protection (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1965a, 1). An amended version of the bill passed in 1966. The bill was sent to the House, but no hearings were conducted in the House Committee on Interior and Insular Affairs (Asmussen and Bouchard 1970, 165). The chairman of the Committee, Wayne Aspinall (D-CO), opposed the idea of river protection and refused to schedule hearings on the bill.

Johnson again urged passage of a river protection bill in his 1967 message to Congress on "Protecting Our Natural Heritage" (U.S. President 1967, 102). Later that year the Senate passed a "Scenic Rivers Act" which called for the protection of nine rivers and the study of 28 others. The House Committee again took no action on the bill (Asmussen and Bouchard 1970, 165).

In the second session of the 90th Congress, the House Committee on Interior and Insular Affairs finally conducted hearings on the wild rivers bills. A bill passed the House on September 12, 1968 and was sent to conference on September 17. The conference resolved several differences between the House and Senate bills with the most obvious

change being the number of rivers protected (Congressional Record 1968, 26588-611). The Senate bill would have given instant protection to 12 rivers and recommended 27 for study. The House bill had only six instant rivers and 23 study rivers. The conference compromise recommended eight instant rivers and 27 study rivers. Both the House and Senate agreed to the conference recommendations and the bills passed by voice vote on September 25 and 26 respectively.

The bill was signed by President Johnson on October 2, 1968, the same day he signed bills establishing Redwoods and North Cascades National Parks and the National Scenic Trails. As explained below, these three bills had been instrumental in getting Representative Aspinall to pass the rivers bill out of the House Committee. In signing the bills, Johnson said,

Now it gives me great pleasure to approve these bills which I think will add still more to the scenic wealth of our country which I think is going to mean so much to my little grandson and all the others like him who will live in a beautiful America during their lives (U.S. President 1968, 1002).

#### Compromises

Several compromises were involved in the passage of the Wild and Scenic River Act, and the power of the Congressional Committee Chairmen played a major role. Senator Henry Jackson (D-WA) chaired the Senate Committee on Interior and Insular Affairs. Jackson supported the idea of river protection and was a co-sponsor of the Senate river

protection bills. Wayne Aspinall was the chair of the House Committee. Aspinall was a strong supporter of water projects and was especially concerned with development of storage projects in the upper Colorado River Basin (Nash 1973, 234). After Johnson's 1965 speech advocating river protection, Aspinall told a reporter that "wild rivers were the craziest idea he'd ever heard of" (Palmer 1986, 144).

The different attitudes of the two Committee Chairmen toward river protection accounted for the different degrees of progress of the bills in the two chambers of Congress. The bills twice moved quickly through the Senate Committee and passed the Senate 71-1 in 1966 and 84-0 in 1967. Both times the bills died in the House Committee without hearings being scheduled.

The first compromise in the passage of the Wild and Scenic River Act occurred between Aspinall and Committee member John Saylor (R-PA). Saylor, who had supported passage of the Wilderness Act and had opposed Echo Park and the Grand Canyon dams, was a strong supporter of river protection. He was instrumental in getting Aspinall to conduct hearings on the rivers bills (Palmer 1986, 145). In return for introducing a rivers bill and scheduling hearings, Aspinall received Saylor's support for five dams in Colorado as part of the Central Arizona Project (Palmer 1986, 145). Differences between Saylor and Aspinall remained and were evident in the bills the two men introduced. Saylor's river bill recommended protection for more

rivers than any other bill before Congress, while Aspinall's was carefully constructed to exclude any river with development potential.

House hearings were held on the rivers bills in March of 1968, but following the hearings Aspinall seemed to be in no hurry to take further action on the issue. That bill and other conservation bills--North Cascades, Redwoods, and Scenic Trails--were set aside and no effort was made to pass them out of Committee (Sommarstrom 1970, 79).

Aspinall still favored construction of the Grand Canyon dams as part of the Colorado River Storage Project. The Senate had passed a bill excluding the dams. Senator Jackson favored passage of the conservation bills, especially North Cascades National Park in his home state. He was also determined to prevent the inclusion of an inter-basin transfer of Northwest water in the Colorado Project. The Colorado River bill was being debated in the Senate Committee. In July, Jackson and Aspinall reached a compromise which allowed all the bills to move forward (Sommarstrom 1970, 78-79). The rivers bill was reported to the House on July 12 and on July 31 House and Senate conferees reached agreement on a Central Arizona Project bill. The Colorado River legislation excluded the Grand Canyon dams and studies of a Northwest diversion, but included the five storage projects in Aspinall's home state of Colorado. Three of those dams had not been recommended by the Bureau of Reclamation (Palmer 1986, 145).

### Issues Raised in Committee Hearings

The rivers bills received little opposition on the floors of the House and Senate. Most of the controversial aspects had been dealt with, and in many cases eliminated, in the Committee Hearings. Some rivers were removed from consideration during the hearings. Discussions between the Committee members and agency representatives clarified the intent of some vague aspects of the Act.

The Senate Committee on Interior and Insular Affairs twice held hearings on the proposed rivers bills. The first hearings in 1965 included field hearings in Green River, Wyoming and Boise, Idaho. The second hearings in 1967 included the bill passed by the Senate in the previous Congress and a bill supported by the Departments of the Interior and Agriculture. In March 1968, House Committee hearings were held. Persons testifying at the hearings included public officials, business representatives, conservation groups, and private individuals.

The majority of people who testified supported the bills. Opponents had two general arguments: 1) developers stated that river protection would preclude economic growth by "locking up" resources, and 2) private landowners opposed provisions for land acquisition through condemnation. Some of the testimony supported the concept of protecting rivers, but criticized specific aspects of the bills.

Logging, mining, and water development interests opposed protection of rivers. A frequent comment was that the rivers should not be "locked up" before their full economic potential could be assessed. Many felt a rivers bill was in conflict with the concept of multiple use of federal lands. Loggers were especially opposed to the fact that the bills did not specify boundaries or management plans prior to designation.

Proponents of water projects for irrigation or hydroelectric production also opposed the bill. They were successful in removing several rivers from the bills. The Green River in Wyoming was removed because ranchers wanted an irrigation project constructed to insure their supply of Colorado River Basin water. Seattle City Light successfully lobbied for the removal of the upper segment of the Skagit River because of a proposed hydroelectric dam (U.S. Congress, House 1968, 266-69). Neither project has subsequently been constructed.

The majority of the testimony was in opposition to the condemnation provision of the bills. A region which typified the controversy was the eastern panhandle of West Virginia. Segments of the Shenandoah, Cacapon, Lost, and Cheat Rivers were included in some of the bills considered. The concerns of the landowners were not only with the potential loss of their property, but also with what they considered to be the moral issue of condemning private land for recreational purposes.

Condemnation of private property had commonly been used by various levels of government to acquire property for public works. The Wild and Scenic River Act, however, was the first piece of legislation which gave federal agencies the right to condemn land for recreational purposes. Many landowners expressed concern about the use of condemnation for nonutilitarian purposes. They stated that condemnation should only be used to obtain land for the necessities of life. Recreation was considered a luxury and therefore not an acceptable reason for condemning property (U.S. Congress, House 1968, 447-48). Opponents were successful in having the West Virginia rivers removed from consideration.

The condemnation issue was also of concern to groups favoring river protection. They were concerned that the provision would generate local opposition to river protection. They urged Congress to develop more creative methods of protecting land values on privately owned lands. Suggestions included scenic easements, reciprocal covenants, purchase and lease back, zoning, and land exchanges (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1967a, 113,192,216,219,221).

Members of the Senate Committee were especially concerned with limiting acquisition of fee title. The Senators questioned the Secretary of Agriculture extensively on the condemnation provision of the proposed bills (U.S. Congress, Senate, Committee on Interior and Insular Affairs

1967a, 135-43). The Senate bill contained provisions limiting acquisition for fee title in areas where more than 50 percent of the land was publicly owned. Secretary Freeman objected to this provision, stating there might be instances where a piece of privately owned land would be essential for access to the river. Through their questions, the Senators made it clear that they opposed unrestricted land condemnation and were concerned about the public's reaction. The Senate Report on the bill addressed their concerns and the bill which was reported contained language limiting the government's power to condemn (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1967b, 4-5).

Another concern expressed by supporters of the bills related to the classification of the rivers. The proposed river protection bills had a number of titles including national rivers, wild rivers, and scenic rivers. Supporters of the bills and leaders of environmental groups believed the categories could limit the types of rivers protected or could mislead the public as to the intent of the bills. One of the people expressing this concern was an initial proponent of river protection, John Craighead. He believed the title should be the "National Scenic Rivers Bill" which would extend protection to several specifically defined classes of scenic rivers. His categories ranged from wild rivers to "harnessed developed" rivers (U.S. Congress, Senate, Committee on Interior and Insular Affairs

1965c, 23-25). The representative for the Izaak Walton League stated that the average person perceived wild rivers as wilderness rivers and many of the rivers which deserved protection did not fit that definition. He urged the Senators to adopt the ORRRC classification which included six categories, among them an historic and cultural class (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1965c, 203). The final title was the Wild and Scenic River Act with three classes of rivers--wild, scenic, and recreational.

Proponents of the bill also were concerned that the lack of specificity of certain parts of the bills would create local opposition to river protection. They believed the boundaries and management plans for the rivers should be developed early so local residents would know what was being proposed for their area. The Chairman of the Forest Products Council, who supported the principle of river protection, said his members wanted more specifics about the bill so that they would know how they would be affected (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1965c, 159). In the words of Joseph Penfold of the Izaak Walton League,

Worries and uncertainty lead to suspicion and opposition. Uncertainty plays into the hands of those who for whatever reason oppose a scenic river because proponents do not have the facts with which to answer their arguments (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1967a, 195).

The act which passed did not require boundaries or management plans to be established until after designation.

These were the major issues addressed in the hearings on the river protection bills. Most people favored the concept of protecting certain rivers from development, but they expressed concerns that specific provisions of the bills would hinder implementation of the concept.

### Provisions of the Wild and Scenic River Act

#### River Protection

The Wild and Scenic River Act was passed as Public Law 90-542 with the stated purpose of complementing

. . . the national policy of dam and other construction . . . by a policy that would preserve other selected rivers or segments thereof in their free-flowing condition . . . (Wild and Scenic River Act 1986).

To accomplish this goal, Congress created a system of rivers which ". . . possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values . . ." (Wild and Scenic River Act 1986). Eight rivers were initially included in the System and methods were provided for adding additional rivers. The Act provided specific means of protection for some types of river development and gave guidelines to assist the managing agencies in other areas.

A designated river is placed in one of three classes. Wild rivers are essentially primitive. They have no impoundments, their waters are unpolluted, and access is

limited to trails. Scenic rivers are also free of impoundments and are mostly undeveloped, but are accessible in places by roads. Recreational rivers may have undergone impoundments in the past, their shorelines may be somewhat developed, and they are easily accessible. The amount and type of future development allowed in each area is consistent with its classification. Wild rivers are maintained in their primitive state, but some types of development are allowed in the other two classes.

The Act establishes a protective corridor for the rivers which is managed by the appropriate agency of the Department of the Interior or Agriculture, depending on dominant land ownership. The managing agency has one year from the date of designation to finalize the boundaries and develop a management plan for the area. The boundary is limited to an average of not more than 320 acres per mile on both sides of the river. A 1986 amendment to the Act removed the 320 acre limitation, but the intent of the amendment is unclear (Mellor 1988). Agencies requested an amendment to clarify the issue in the 100th Congress, but none were made.

If the designated river is on private lands, the Act provides for protecting the values of the river through condemnation or scenic easements. Acquisition through condemnation of fee title is limited to an average of 100 acres per river mile. If 50 percent or more of the land within the river area is publicly owned, private land can-

not be condemned for fee title. Furthermore, land cannot be condemned in any incorporated area which has a zoning plan conforming to the intent of the Act.

Protection through scenic easements is encouraged. A scenic easement is defined as "the right to control the use of the land . . . for the purpose of protecting the scenic view from the river . . ." (Wild and Scenic River Act 1986). The scenic easement applies only to future developments or activities and cannot be used retroactively to affect any activity existing prior to designation. Other means of land protection are provided for including land exchanges, donations, and jurisdictional transfer between agencies. Cooperation with state and local zoning is encouraged.

The major protection given to the rivers is contained in Section 7 of the Act which states:

The Federal Power Commission [now the Federal Energy Regulatory Commission] shall not license the construction of any dam, water conduit, reservoir, power house, transmission line, or other project works . . . on or directly affecting any river which is designated . . .

The Act also states that no federal agency can construct or assist in the construction of any water resources project which would have adverse effects on designated river segments. This ban does not include any upstream or downstream development, so long as the values of the protected segment are not "unreasonably diminished" (Wild and Scenic River Act 1986).

Mining and mineral leasing are also addressed by the Act. In most cases, the Act does not interfere with existing mining laws. All claims in the river corridor which have not been perfected prior to designation are subject to agency regulations to prevent pollution and impairment of the scenery. Under United States mining laws, a patented mining claim conveys legal title to the mine to the owner of the claim and removes the land from the public domain. A claim patented in a Wild and Scenic River corridor conveys rights to the mineral deposits only and the surface must be used in a manner which complies with agency regulations. On a designated wild segment, new claims are not allowed within a quarter mile of the river.

Federal agencies are encouraged to cooperate with state and local governments in the management of the river areas. The Secretary of the Interior is authorized to assist in the establishment of state and local river protection systems.

The rights of the States are guaranteed in the areas of fish and wildlife and water rights. Hunting and fishing are allowed in the river areas, but hunting may be restricted to protect public safety. State jurisdiction over water rights is guaranteed. The Act does not affect existing water rights. Water for the protected river is not reserved for purposes other than those stated in the Act.

Like much legislation, the Wild and Scenic River Act leaves open the interpretation of many of its provisions. Other than the ban on water projects and the restrictions on mining, the Act does not address any of the land uses which might affect the river corridor. These are to be handled by the managing agencies through the management plans established for each river. The Act states that these plans can establish different degrees of intensity of protection according to the attributes of the area. The major goal of the agencies is to protect the river's values which qualified it to be included in the System without unduly restricting other uses of the river area.

The managing agencies found many provisions of the Act to be too vague. To clarify sections, the Secretaries of the Interior and Agriculture jointly issued guidelines for evaluating and managing the rivers. These were first issued in 1970 and revised in 1982. The revised guidelines provide assistance in determining the eligibility and classification of the rivers and in developing the management plans. The management guidelines follow the general principle of nondegradation (U.S.N.P.S. and U.S.F.S. 1982, 39458). The guidelines include more specific criteria for public use and access, facilities, motorized travel, agriculture and forestry, resource management, and water quality.

## Methods of Adding Rivers to the System

There are two ways rivers can be added to the Wild and Scenic River System. They can be studied by the appropriate agency and designated by Congress, or they can be recommended for addition by a state.

In the first case, rivers are recommended for study and are designated by Congress. This has been the most common method for adding rivers to the System. The agency assesses eligibility and makes a recommendation to the President and Congress. The agency is required to prepare a study report on the river. During the study period, the river is granted protection from water project construction, mineral leasing, and on federal land, any activity which would affect the values of the river. Originally, the study period was set at ten years. This was reduced to three years by amendments in 1974. Unlike the Wilderness Act, which protects potential wilderness areas until Congress acts on them, protection can expire on potential Wild and Scenic Rivers.

In addition to the Congressionally authorized studies, the agencies are required to study rivers and propose additions to Congress "from time to time." A long disregarded section of the Act requires all federal agencies to consider potential Wild and Scenic Rivers in "all planning for the use and development of water and related land resources." Once identified, these potential rivers are to be studied for possible inclusion in the System.

Starting in 1975, the Bureau of Outdoor Recreation [renamed the Heritage Conservation and Recreation Service (HCRS) under President Carter] evaluated and compiled an inventory of the nation's rivers which might qualify for the Wild and Scenic System. The initial phase of the Nationwide Rivers Inventory was completed in 1980. Rivers were evaluated using maps and aerial reconnaissance (U.S.H.C.R.S. 1980, 11-16). The country was divided into physiographic provinces following Fenneman. The Inventory attempted to determine the most representative river for each region. The National Park Service and Forest Service Guidelines were used to determine eligibility. Phase One of the Inventory determined the general qualifications of rivers. Phase Two which was to have refined the list and focused on "singular superlative qualities" (U.S.H.C.R.S. 1980, 5), was never completed because the HCRS was disbanded by President Reagan in 1981. The Inventory found 1,524 river segments in the United States which might qualify for Wild and Scenic designation (Palmer 1986, 154). The HCRS did not consider the list final and expected additions and deletions.

President Carter's 1979 Environmental Message directed all agencies to inventory their land to identify rivers which qualified for protection (U.S. President 1979, 1365). Carter also directed the agencies to avoid actions which would adversely affect rivers identified on the Nationwide Rivers Inventory. This was formalized in a 1980 Council on

Environmental Quality directive which required all agencies to consult with HCRS before starting any project on the inventoried rivers (Sumner 1981, 45).

The second method of adding rivers to the System allows states to recommend rivers within their boundaries for inclusion. If a river has been included in a state protection system, the Governor may apply to the Secretary of the Interior to have that river added to the federal System. If the Secretary determines that the river qualifies for inclusion, it is added without Congressional action. These rivers must be administered at no cost to the federal government.

All the actors involved in the development of the Wild and Scenic River Act had different views of the eventual size of the System. Developers who expressed support for the concept of river protection emphasized that a "limited number" of outstanding rivers should be protected. Senator Jordan of Idaho said he "wanted to see a wild river in every state" (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1967a, 58). Proponents had a short term goal of including 100 rivers within a decade and 200 by 1990 (Sumner 1981, 42). The following section examines the progress that has been made in river protection in the 20 years since passage of the Wild and Scenic Rivers Act.

#### Twenty Years of River Protection

The Wild and Scenic River Act designated segments of eight rivers and recommended 27 for study and possible

inclusion. The original eight rivers were the Middle Forks Clearwater and Salmon, Idaho; the Eleven Point, Missouri; the Feather, California; the Rio Grande, New Mexico; the Rogue, Oregon; the St. Croix, Minnesota and Wisconsin; and the Wolf, Wisconsin. At the close of the 1987 session of Congress there were 75 rivers in the System (U.S.N.P.S. 1987). (See Table 1). On October 12, 1988 legislation designating 40 Oregon rivers and expanding the national System by over 50 percent was approved. Four other rivers were designated in 1988: the Rio Chama, New Mexico; the Bluestone, West Virginia; Wildcat Brook, New Hampshire; and the West Sipsev Fork, Alabama.

The 75 rivers designated prior to the 1988 session of Congress are not evenly distributed around the country (See Figure 1). Twenty-five of them are in Alaska. Of the 50 rivers in the lower 48 states, only 17 are east of the Mississippi. The majority of the non-Alaska rivers are in California and the Pacific Northwest: ten in California, five in Idaho, three in Washington, three in Oregon, and the Snake River between Idaho and Oregon. The Oregon Omnibus Bill concentrates even more of the rivers in the Northwest.

Only 20 rivers were added to the System between 1968 and 1978. In 1980, 25 rivers were added through the Alaska National Interest Lands Act. From 1980 to 1988, there were few other rivers added to the System.

Table 1. National Wild and Scenic Rivers, 1987. With mileages in parentheses and year of designation. Numbers correspond to the map in Figure 1.

WASHINGTON	CALIFORNIA (CONT'D)
1 Klickitat (10) 1986	20 Smith (340) 1981*
2 Skagit (157.5) 1978	21 Trinity (203) 1981*
3 White Salmon (9) 1986	22 Tuolumne (82) 1984
OREGON	MONTANA
4 Illinois (50.4) 1984	23 Flathead (219) 1976
5 Owyhee (112) 1984	24 Missouri (149) 1976
6 Rogue (84) 1968**	COLORADO
OREGON-IDAHO	25 Cache la Poudre (76) 1986
7 Snake (66.9) 1975	ARIZONA
IDAHO	26 Verde (40.5) 1984
8 Middle Fork Clearwater (185) 1968**	NEW MEXICO
9 Middle Fork Salmon (104) 1968**	27 Rio Grande (52.7) 1968**
10 Rapid (26.8) 1975	TEXAS
11 St. Joe (66.3) 1978	28 Rio Grande (191.2) 1978
12 Salmon (125) 1980	NEBRASKA-SOUTH DAKOTA
CALIFORNIA	29 Missouri (59) 1978
13 American (38.3) 1978 (23) 1981*	MISSOURI
14 Eel (394) 1981*	30 Eleven Point (44.4) 1968**
15 Feather (77.4) 1968**	MINNESOTA-WISCONSIN
16 Kern (151) 1987	31 Lower St. Croix (27) 1972 (25) 1976*
17 Kings (81) 1987	32 St. Croix (200) 1968**
18 Klamath (286) 1981*	WISCONSIN
19 Merced (114) 1987	33 Wolf (25) 1968**

Table 1. Continued

MICHIGAN	NORTH CAROLINA-SOUTH CAROLINA-GEORGIA
34 Au Sable (23) 1984	43 Chatooga (56.9) 1974
35 Pere Marquette (66.4) 1978	TENNESSEE
OHIO	44 Obed (45) 1976
36 Little Beaver (33) 1975	MISSISSIPPI
37 Little Miami (66) 1973* (28) 1980*	45 Black Creek (21) 1986
NEW YORK-PENNSYLVANIA	LOUISIANA
38 Upper Delaware (75.4) 1978	46 Saline Bayou (19) 1986
NEW YORK-NEW JERSEY-PENNA.	FLORIDA
39 Middle Delaware (35) 1978	47 Loxahatchee (7.5) 1985*
MAINE	
40 Allagash (95) 1970*	
NORTH CAROLINA	
41 Horsepasture (4.2) 1986	
42 New (26.5) 1976*	

## ALASKA--1980 Alaska National Interest Lands Act.

Alaganak (18 & 49)	Fortymile (392)	Salmon (70)
Alatna (83)	Gulkana (181)	Selawik (160)
Andreafsky (262)	Ivishak (80)	Sheenjok (160)
Aniakchak (63)	John (52)	Tinayguk (44)
Beaver Creek (127)	Kobuk (110)	Tlikakila (51)
Birch Creek (126)	Mulchatna (24)	Unalakleet (80)
Charley (208)	Noatak (330)	Wind (49)
Chilikadrotna (11)	Nowitna (225)	
Delta (62)	N. Fk. Koyukuk (102)	

\* Rivers added at state request.

\*\* Original Wild and Scenic Rivers.

Source: Wild and Scenic River Act, 1986.

### Summary

Concern for river protection in the United States began in the early 1900s with the fight against Hetch Hetchy Reservoir. There was little opposition, however, to the construction of water resources projects in the 1930s and 1940s. Momentum for protection picked up in the 1950s and early 1960s with the battles against the Echo Canyon and Grand Canyon dams. In 1968, preservationists gained an offensive strategy and instrument for river protection with passage of the Wild and Scenic River Act.

The Act provides for the protection of rivers by banning water projects and limiting mining and other developments in a corridor along the rivers. The Act provides means for adding rivers to the System, but offers no guidelines for the eventual size of the System. By most accounts, the System was slow in developing in its early years. On its twentieth anniversary, there were a number of indications that the Wild and Scenic River Act had gained legitimization and that the System might grow in size to meet the expectations of its original proponents.

## CHAPTER 3

## THE WILD AND SCENIC RIVER ACT IN OREGON

Introduction

Excluding Alaska, Oregon ranked third nationally in the number of designated Wild and Scenic Rivers prior to passage of the Omnibus Rivers Bill in 1988 (See Table 1). Three rivers in Oregon had been designated: the Rogue, Illinois, and Owyhee. In addition, a portion of the Snake which forms the Oregon-Idaho border was protected under the Act and as part of Hell's Canyon National Recreation Area. The designation of 40 additional Oregon Rivers in the Omnibus Bill ranked Oregon ahead of all other states in the number of Wild and Scenic Rivers. Both Alaska and California, however, continued to have more miles of rivers protected.

Oregon's position as a leader in federal river protection is due in part to its varied and scenic landscape through which many rivers flow (See Figure 2). Many of these rivers possess "outstandingly remarkable" values which qualify them for Wild and Scenic status. Forty-one Oregon river segments were included on the Nationwide Rivers Inventory. Two Oregon rivers were studied for inclusion in the System: the John Day and North Umpqua.

This chapter describes Oregon's designated and study rivers and discusses the processes for their inclusion in or exclusion from the System. The Snake River is not

addressed in this discussion because several complex issues unrelated to Wild and Scenic designation were involved in creating Hell's Canyon National Recreation Area. The reader is referred to Ashworth (1977), Richardson (1973), Bessey (1964), and Palmer (1986, 105-07) for information on Hell's Canyon. Passage of the Omnibus Rivers Bill is discussed in Chapter Five.

### Oregon's Wild and Scenic Rivers

#### The Rogue River

The Rogue River was one of the eight rivers designated by the 1968 Act. The river was recommended for protection in its free-flowing state by the Senate Select Committee Report (1961, 2). Located in southwestern Oregon, the Rogue's headwaters are in the Cascades near Crater Lake National Park. The river flows south then west to the Pacific Ocean at Gold Beach (See Figure 3). The designated segment is 84.5 miles long and extends from the Applegate River below Grants Pass to Lobster Creek 11 miles above the mouth. The Bureau of Land Management (BLM) manages the upper 48 miles while the lower segment is managed by the Forest Service.

The river possesses several outstanding characteristics qualifying it for inclusion as an instream river (U.S.B.L.M. 1972, 13410-411). It cuts through the Klamath Mountains resulting in steep canyons, large rapids, and numerous recreational opportunities. The river is popular

with many types of boaters and is nationally famous for its anadromous fish.

The Rogue was divided into five segments for classification. One is wild, another is scenic, and three are recreational (See Figure 3). In 1972, the BLM and the Siskiyou National Forest issued a joint revised management plan for the river (U.S.B.L.M. 1972). The general goal of the Plan is to protect the values for which the river was designated. Special emphasis is placed on improving or maintaining fish and wildlife habitat, the free-flowing character of the river, and water quality, especially temperature (U.S.B.L.M. 1972, 13412). The two agencies have relied on the acquisition of scenic easements on private lands to protect the qualities of the river.

Boating use on the Rogue has increased dramatically in recent years resulting in the need for use regulations and permits limiting use. The Rogue has been the focus of several studies on recreational carrying capacity and use allocation (Pfister and Frenkel 1975, 1976; Donheffner and Muckleston 1976; and Shelby and Colvin 1979). These studies have been utilized by the Forest Service and BLM in allocating boating permits on the Rogue and have been applied to other rivers as well.

#### The Illinois River

The Illinois River is a major tributary of the Rogue, flowing into it from the south near Agness (See Figure 3). The Illinois was listed as a study river in the 1968 Act,

but was not designated until 1984. The entire river was studied, but only the 50.4 mile segment from the Forest Service boundary to the Rogue was designated. Nearly one-third of the designated river flows through the Kalmiopsis Wilderness Area.

The outstandingly remarkable values which were cited by the study report were scenic, recreational, fish, water quality (except at low flow), and botanical (U.S.F.S., Siskiyou National Forest 1978, 20-24). Most of the river area is undeveloped. Rafting the Illinois River Canyon is a challenging experience "in one of the most primitive settings in the continental U.S." (U.S.F.S., Siskiyou National Forest 1985, 5).

The river is classified as scenic, wild, and recreational in a downstream order (See Figure 3). The wild section is almost entirely contained within the Wilderness Area and the management objectives for it are the same as for the Wilderness (U.S.F.S., Siskiyou National Forest 1985, 14-18). The lower recreational section is managed in conjunction with the Agness Recreational Area of the Rogue Wild and Scenic River.

The Illinois Wild and Scenic River lies entirely within the boundary of the Siskiyou National Forest, but about ten percent of the land along the river is privately owned (U.S.F.S., Siskiyou National Forest 1985, 19-20). The privately owned land is subject to the zoning regulations of Josephine and Curry Counties. In its 1985 man-

agement plan, the Siskiyou Forest stated that it intended to rely on county zoning as much as possible to regulate activities on private land in both the scenic and recreational segments. In the wild section and where necessary along the rest of the river, the Forest Service planned to acquire scenic easements or fee title estates on a willing seller basis.

### The Owyhee River

The Owyhee River was added to the Wild and Scenic River System in 1984 by the same Act which designated the Illinois. The Owyhee starts in Idaho and Nevada and flows through the southeastern corner of Oregon before entering the Snake south of Ontario (See Figure 4). The river cuts through the Owyhee Uplands forming deep canyons. The dominant vegetation in the semi-arid region is sagebrush. The area is sparsely populated and agriculture, especially livestock, is the major economic activity (U.S.B.L.M. 1985, 3).

The Owyhee River from the Duck Valley Indian Reservation in Idaho to the Owyhee Reservoir was proposed for study by Congress in 1974. The study report, completed in 1979, recommended that the entire 192 mile segment be added to the System. Senator Mark Hatfield's (R-OR) 1984 bill dealt only with the Oregon section of the river.

The river's outstandingly remarkable values include the opportunity for primitive recreation and whitewater rafting, excellent wildlife habitat, and historic and

archeological sites (U.S.B.L.M. 1985, 10-11). Because of the river's remoteness, river use is less than on rivers with similar values.

The designated portion of the Owyhee starts at the Oregon-Idaho border and extends along most of the mainstem to the Owyhee Reservoir. A 14-mile stretch of the Rome Valley is excluded from the System because of the predominance of private land. The bill which designated the Owyhee recommended that the Rome Valley segment be protected under the Oregon Scenic Waterways System, then added to the federal System. There has been no attempt to add the Rome Valley area to the State Waterways System.

The combined segments of the Owyhee total 112 miles and are managed as wild (U.S.B.L.M. 1985, 19-20). The principal management goals are to maintain the primitive environment of the canyon and provide for primitive recreational experiences. Use limits have been set for the river, but actual use has not yet reached the limits.

#### Other Attempts to Designate Oregon Rivers

Attempts were made to add other Oregon rivers to the federal system. Governor Tom McCall attempted unsuccessfully to add all the state Scenic Waterway rivers to the federal System in 1971. By 1988, two rivers had undergone agency study processes: the John Day and the North Umpqua. The Klamath River was proposed as a study river in the 1987 session of Congress.

## State Scenic Waterways

The Oregon Legislature tried and failed to pass a state rivers protection bill in 1967 and again in 1969. In 1970, voters approved an initiative creating the State Scenic Waterways System. In June 1971, Governor Tom McCall requested that the Secretary of the Interior add all the Scenic Waterway rivers to the Wild and Scenic System. The named rivers were the Rogue, Illinois, Deschutes, Minam, South Fork Owyhee, and John Day. Secretary Morton responded that since the state system had been created by voter initiative and not legislative action, the state would have to make a formal application to add the rivers (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1973, 58,61). McCall made a formal application, but the request was denied again. The second refusal was because the rivers flowed through a large percentage of federal lands. Interior Department lawyers believed that this necessitated Congressional action to add the rivers to the federal System because federal funds would be required to administer the rivers (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1974, 787, 793). Section 2(a) of the Wild and Scenic River Act, which permits states to request inclusion of state protected rivers, required that the rivers be managed at no expense to the federal government. The section was amended in 1978 to allow federal funds to be used to administer federally owned lands in such cases (Wild and Scenic River Act 1986).

## The John Day River

The John Day River originates in the Blue Mountains of northeastern Oregon (See Figure 5). The mainstem of the river cuts through the Deschutes-Umatilla Plateau and empties into the Columbia River a few miles upstream of Biggs, Oregon. The river drains two distinct regions. The upper basin in the Blue Mountain region is characterized by mountains, rugged hills and alluvial valleys. Coniferous forests dominate in the upper elevations and sage-juniper vegetation below 4,000 feet. The lower basin is composed of basalt flows and loess deposits with the John Day entrenched in the plateau. The native vegetation is bunchgrass which has been mostly replaced by irrigated and dryland farming (Oregon, W.R.D. 1986, 23).

In 1974, Congress voted to study a 147-mile segment of the John Day for possible addition to the Wild and Scenic River System (U.S.N.P.S. 1979a, 1). The study segment extended from Service Creek to Tumwater Falls where the river meets the water backed up by the John Day Dam on the Columbia River (See Figure 5). The National Park Service study was completed in 1979 and recommended that the segment be added to the System. Its free-flowing, undeveloped condition and scenic, recreational, geologic, and cultural values were cited as qualifying the John Day for inclusion (U.S.N.P.S. 1979a, 16).

Considerable local opposition was generated by the proposed designation. Due to the public opposition and predominance of private lands in the river corridor, the Park Service's final recommendation was that the river be managed by the state and added to the federal System at the governor's request. Governor Victor Atiyeh agreed with the Park Service recommendation and the river's qualifications for federal protection, but said he would not request federal designation until public opinion was more favorable (U.S.N.P.S. 1979a, D-25). The study segment and sections of the North and South Forks were included in the Omnibus Rivers Bills. Opposition was again expressed by local residents, but the segments of the John Day were included in the final bill.

#### The North Umpqua River

The North Umpqua River originates in the Cascade Mountains north of Crater Lake National Park. It flows west before joining the South Umpqua near Roseburg. The Umpqua River continues westward, flowing into the Pacific Ocean at Reedsport (See Figure 6). The upper reach of the North Umpqua forms a deep canyon which is followed by a state highway. Several hydroelectric sites have been developed on the upper segment. The area is heavily timbered and the local economy is dependent on the logging industry.

The 1984 Act which designated the Illinois and Owyhee Rivers authorized a study of a 33.8-mile segment of the North Umpqua River, extending from below the Soda Springs

powerhouse to the mouth of Rock Creek (See Figure 6). The Umpqua National Forest's Suitability Study (1985, 6) found the segment eligible for federal protection as a recreational river. This determination was based on the river's outstandingly remarkable water quality, scenic, recreational, and fisheries values.

The Umpqua National Forest conducted the study of the North Umpqua as part of its forest planning process. The Draft Proposed Land and Resource Management Plan was released in 1987. The preferred alternative recommended that the North Umpqua be designated as a Wild and Scenic River (U.S.F.S., Umpqua National Forest 1987, II-13). Before further action was taken to designate the North Umpqua, it was also included in the Omnibus Rivers Bill.

#### The Klamath River

In December 1987, three Oregon Congressmen introduced a bill proposing a 12-mile stretch of the Klamath River for inclusion in the Wild and Scenic River System. The Klamath flows from Klamath Lake south into California. The river has been dammed in several places for hydroelectric production and the proposed segment was the last free-flowing stretch of the river in Oregon (See Figure 7). In California, 286 miles of the river are protected as Wild and Scenic. The Klamath bill was introduced to prevent construction of a dam and to protect the trout habitat and recreational values of the river. The Klamath River was included in the Omnibus Rivers Bill and proved to be a

critical issue in the legislative process. This will be discussed in Chapter Five.

#### Summary

Even before the passage of the 1988 Omnibus Rivers Bill, Oregon was a leading state in river protection. Designation of its three Wild and Scenic Rivers was not without conflict, however, and attempts to add other rivers to the System failed. Controversy and delays were caused by several issues, including proposed hydroelectric development on the Illinois and Klamath, logging on the Illinois, irrigation on the John Day, and protection of private land on the John Day and Owyhee. These conflicts between river protection and traditional resource uses and values are discussed in the next chapters.

## CHAPTER 4

PROBLEMS OF IMPLEMENTING THE WILD AND SCENIC RIVER ACT  
IN OREGONIntroduction

Most battles for resource preservation involve conflicts between environmentalists and economic interests concerned with potential development. This conflict is evident in Wild and Scenic River controversies. In fact, river designations in some ways are more subject to protest than designation of wilderness areas which are usually in high mountain areas, under exclusive federal jurisdiction, and with little potential for economic development. Potential Wild and Scenic Rivers, however, are linear corridors which have been developed or may be suitable for development, and designation is not restricted to federally owned lands (Doerkson 1975, 95). The multiple use aspects of rivers and their corridors make them subject to opposition from more diverse groups than those opposed to wilderness. Wilderness designation is usually opposed by logging and mining interests, while river designation generates opposition from logging, mining, hydroelectric, irrigation, and other interests.

Other conflicts have arisen because the Wild and Scenic River Act did not establish an agency specifically mandated to manage the rivers, but relied on existing agencies. This led to a lack of agency support for expansion

of the System. In addition, Wild and Scenic Rivers generally have lacked the public and environmental group support which has commonly been given to wilderness areas and national parks. The provisions of the Wild and Scenic River Act also make it susceptible to another kind of controversy. Because private lands are often involved, there is often a conflict between private property rights and the public good.

All of these conflicts and problems have been encountered in implementing the Wild and Scenic River Act in Oregon. This chapter discusses these three problems--conflicts with traditional water and river corridor uses, the problem of legitimization, and conflicts with traditional values of private property and local land control--and their role in the implementation of the Wild and Scenic River Act in Oregon.

#### Conflicts with Traditional Water and River Corridor Uses

Rivers have played a vital role in the economic development of this country. They often provided the first commercial transportation routes in the country and remain important for navigation in some areas. Rivers have been developed for hydroelectricity and for irrigation and have provided access to valuable timber and agricultural lands. Many mineral deposits are found in or near rivers. The Wild and Scenic River Act specifically addresses the issues of hydroelectric and irrigation development and mining. Management plans limit the amount of timber cutting and

road construction allowed in a river corridor. Proponents of these economic development opportunities often lead the opposition to Wild and Scenic River designation.

### Hydroelectricity

Hydroelectricity accounts for 90 percent of the electricity consumed in Oregon (Sawyer 1986, 30,33). This compares to 14 percent in the entire United States. Oregon shares with Washington and Idaho the network of hydroelectric plants on the Columbia-Snake system. Numerous smaller hydroelectric dams have been built around the state and more potential sites exist. The favorable conditions for hydroelectric development in Oregon create the potential for conflict between hydroelectric construction and Wild and Scenic River designations.

In the 1970s, serious power deficits were predicted for the Pacific Northwest. This led to the construction of expensive thermal plants. It also sparked new interest in the construction of hydroelectric dams, in some cases on sites which had been previously considered economically infeasible. The construction of new plants contributed to increases in the region's electric rates and many consumers responded by conserving. The region's economy also entered a period of severe recession in 1980, which further reduced demand for electrical energy, especially in the aluminum industry. In addition, the Pacific Southwest purchased less electricity from the Northwest because decreases in the price of petroleum made it again economical for the

Southwest to use most of its thermal plants. The result of these interrelated events was a surplus of electricity in the Pacific Northwest (NPPC 1986, 1-3-1-5).

The Wild and Scenic River Act expressly prohibits the construction of any dams on a protected river segment. Because of this and the potential for hydroelectric development in Oregon, the possible conflict between the two is great. To date, however, the conflict has been limited, in part because of the power surplus. The study reports on Oregon's Wild and Scenic Rivers list the potential for hydroelectric development. Most state that actual development has been precluded by other factors such as economics, state opposition, and concern for anadromous fish (U.S.N.P.S. 1979a, 34; U.S.F.S. 1985, 26; U.S.N.P.S. 1979b, 32). In only two instances has the issue of hydroelectric production been a serious issue in Wild and Scenic River designation in Oregon. On the Illinois River, a proposed dam delayed designation, and on the Klamath, designation was sought to stop a dam. The Klamath River conflict is discussed in Chapter Five.

#### Illinois River

The 1977 draft study report for the Illinois River listed potential hydropower sites on the river. It stated that Buzzard's Roost was the only site which had been seriously considered, but the application had been withdrawn by the Coos-Curry Electric Cooperative in 1968. Federal agencies and local governments responded negatively to the hy-

drelectric summary of the draft report because recent trends had changed the energy picture (U.S.F.S. 1978, 197). In August 1977, the Bonneville Power Administration (BPA), which markets power from the federally owned dams in the Pacific Northwest, announced that it could only supply the power needs of the Coos-Curry area until 1983. The Coos-Curry Cooperative responded by renewing its FPC application for the Buzzard's Roost site.

The Rural Electrification Association (REA), the FPC (changed to FERC in 1977), BPA, and the Cooperative denounced the Forest Service's evaluation of the hydroelectric potential on the Illinois and requested that development not be precluded by Wild and Scenic designation (U.S.F.S. 1978, 197-201,280-82). The REA suggested that the dam could be built and the river still designated with the dammed section classified as scenic because "The scenic beauty of a lake nestled between steeply wooded slopes is superior to a river under low-flow conditions" (U.S.F.S. 1978, 198).

The application process continued for the Buzzard's Roost dam. It was not until 1982 that a bill was introduced in Congress to designate the Illinois River and a bill did not pass until 1984. By that time, the region was experiencing a power surplus and there was no longer a demand for electricity from the Buzzard's Roost site.

### Other Limits on Hydroelectric Development

While past conflicts between hydroelectric development and Wild and Scenic Rivers in Oregon have not been serious, the future of such conflicts is uncertain. Recognizing that the demand for hydropower could increase, federal and state entities have taken actions to provide protection for some river environments.

#### The FERC and the Electric Consumer Protection Act

As a result of the energy crisis of the 1970s, Congress passed the Federal Energy Act. The Act included the Public Utilities Regulatory Policy Act (PURPA), which requires utilities to purchase power from independent producers at the "full avoided cost." This cost is based on the price the utilities would pay for power if they had to construct the facilities to produce it (Sawyer 1986, 14). Congress also provided incentives for the development of small hydroelectric projects. These included tax credits and loans for feasibility studies, license applications, and construction (Sawyer 1986, 34). These incentives led to a 2,000 percent increase in applications to FERC. Environmentalists expressed concern about the effect of small hydroelectric projects on the environment and future Wild and Scenic Rivers (Sumner 1981, Johnson 1983, Rennicke 1985, Palmer 1983, Reisner 1984).

A major concern with supporters of river protection was FERC's interpretation of the energy acts. The legisla-

tive history of the Acts indicates that the incentives were only intended for modifying existing facilities rather than for new dam construction (Johnson 1983, 20). FERC, however, interpreted the Acts as applying to new construction. FERC ignored the Nationwide Rivers Inventory and a 1980 Council on Environmental Quality directive requiring all federal agencies to develop alternatives to protect potential Wild and Scenic Rivers (Palmer 1983, 46).

These actions by FERC led to Congressional inquiries and proposed legislation to require compliance with the intent of the laws. In 1986, Congress passed the Electric Consumer Protection Act, which included provisions to clarify the incentives issue and place restrictions on FERC. In any hydroelectric licensing decision, FERC must give equal consideration to the possibility for energy conservation, to fish and wildlife values, and to environmental quality (Congressional Quarterly Almanac 1986, 142-43). PURPA incentives cannot be used for new construction unless FERC can prove that the new dam will cause "no substantial adverse effects." New projects also must meet standards set by fish and wildlife agencies. FERC must automatically disqualify applications for PURPA benefits for sites protected by state or federal river systems.

#### Oregon's Facility Siting Standards

The PURPA incentives led to the filing of numerous small hydroelectric applications in Oregon. The favorable hydrology and terrain as well as access to power networks

made construction feasible. In 1986, the Oregon legislature passed a bill requiring the preparation of administrative rules for the Energy Facility Siting Council to use in evaluating hydropower applications (Oregon 1987). The standards are to be used in decision making and in determining recommendations on facilities in Oregon which require a FERC application. While the Facility Siting Council has no authority over FERC decisions, the new restrictions on FERC require it to consider state attitudes toward projects.

Projects located in designated natural resource areas must be eliminated from consideration. These include State Scenic Waterways, Wild and Scenic Rivers, and rivers under formal consideration for Wild and Scenic status. The Facility Siting Rules require consideration of impacts on natural resources and the cumulative impacts of proposed projects, with special consideration given to anadromous fish (Oregon 1987).

#### Northwest Power Planning Council Protected Areas

Action taken by the Northwest Power Planning Council (Council) may also reduce future conflicts between hydropower development and Wild and Scenic Rivers. In August 1988, the Council adopted a proposal to establish stream reaches in the Northwest which are to be protected from hydroelectric development (N.P.P.C. 1988b, 1). The protection applies to approximately 40,000 river miles of which 17,560 are in Oregon.

The Council was created in 1980 with the passage of the Northwest Power Planning and Conservation Act (N.P.P.C. 1987, 3-5). It has the dual mandate to improve the regional power situation and to enhance the Basin's fish and wildlife. This dual mandate could lead to conflicts if new hydroelectric facilities become necessary. The Council decided early in its planning process that one way to reduce this potential conflict would be to identify stream reaches which were important for fish and wildlife and where hydroelectric development could have a significant impact (N.P.P.C. 1988a, 1-2). These reaches would be protected from future hydroelectric development.

The protected areas amendment to the Fish and Wildlife Program (N.P.P.C. 1987) will affect the federal agencies in the Northwest which are required by law to insure that their actions are in substantial compliance with the Council's plans. The amendments recommend that BPA deny access to the region's transmission system to any producer building a project in the protected areas (N.P.P.C. 1988a, 4). FERC is required by the 1986 PURPA amendments to consider the Council's recommendations in its licensing procedures.

The primary consideration in formulating the list of protected stream reaches was fish and wildlife values. Streams in Wilderness Areas and those designated as Wild and Scenic were included. Study rivers and rivers on the Nationwide Rivers Inventory (NRI) were not included unless they possessed fish or wildlife values worthy of protec-

tion. Comparison of the protected areas list and the NRI shows that the majority of rivers on the Inventory has fish and wildlife values considered by the Council as worthy of protection. Only four NRI river stretches were not recommended for protection.

#### Hydroelectricity Summary

Many factors have affected and will continue to affect the demand for hydroelectric power in Oregon. Thus far hydropower development has not played a major role in preventing designation of Wild and Scenic Rivers. Federal and state entities have taken steps to require that future hydroelectric licensing decisions give consideration to protecting rivers. These actions will reduce the direct conflict between hydroelectric development and Wild and Scenic River protection.

#### Irrigation Projects

The Wild and Scenic River Act's ban on dams and water resources projects precludes the development of irrigation projects on designated segments. This has created concern in the western states over lost opportunities for expansion of irrigated farmland.

West of the Cascades, arable parts of Oregon receive from 20 to 60 inches of precipitation annually (Oregon, Secretary of State 1987-88, 6). Excluding the higher mountains, the east side receives only five to 15 inches. Nearly all of that precipitation occurs during the winter.

Supplemental irrigation is required for some crops in western Oregon and in eastern Oregon, irrigation is required for crops other than dryland wheat.

Conflicts between potential irrigation projects and river protection have occurred during Wild and Scenic River designation processes for the John Day and Owyhee Rivers. Many farmers along the study section of the John Day are dependent on irrigation for hay production (U.S.N.P.S. 1979a, 22). Undependable stream flows make the construction of upstream storage projects appealing. While no projects were being seriously considered at the time of the John Day study, residents believed designation would preclude the development of any new irrigation storage facilities in the area (U.S.N.P.S. 1979a, D-38).

The Bureau of Reclamation (Bureau) conducted studies on two possible storage projects on the Owyhee in the 1950s and 1960s (U.S.N.P.S. 1979b, 32). Both projects were on the river segment proposed for designation. Neither project was determined to be economically feasible and the Bureau gave them no further consideration. But residents continued to be interested in the projects as a means to ease shortages of water in dry years. This led to the local irrigation district's opposition to designation (U.S.N.P.S. 1979b, 167). In most of the designated segment of the Owyhee, the entrenched canyon would make irrigation unfeasible, but downstream agricultural interests nevertheless favored dam construction over river designation.

In his response to the draft study report, Governor Robert Straub blamed the Bureau of Reclamation for what he called the "fruitless speculation" about the dams (U.S.N.P.S. 1979b, 159). He said that although the dams had never been considered feasible, the Bureau had never said so publicly. He suggested that if they would do so, opposition to designation, which the state favored, might be eased. In its response to the study report, the Bureau skirted the issue of the dams' feasibility and said they could neither support nor oppose designation (U.S.N.P.S. 1979b, 89-91).

The John Day River was not recommended for designation because of local opposition. Some of that opposition was centered around the desire for irrigation storage. On the other hand, the Owyhee River was added to the federal system and construction of the storage projects was prohibited.

#### Water Rights and Stream Flows

Congressional sponsors of the Wild and Scenic River Act were mainly from western states. One of their major concerns was that the Act not interfere with existing water rights or with a state's jurisdiction over water within its boundaries (U.S. Congress, Senate 1967, 51-53). The Senators were successful in insisting that their more specific language concerning water rights prevail over the more vague language of the Johnson Administration's bill. The issue of western water rights is frequently volatile, how-

ever, and the relationship between a state's right to regulate waters within its boundaries and the federal government's right to water on its lands has never been clear. It was therefore inevitable that disputes and conflicts would arise over the water rights provisions of the Wild and Scenic River Act.

Residents along both the John Day and the Owyhee Rivers were concerned that the Act would interfere with existing or future water rights (U.S.N.P.S. 1979a, 3; U.S.N.P.S. 1979b, 170). In the case of the Owyhee, the Park Service had stated during the hearing process that it might be necessary to acquire water rights to guarantee adequate stream flows for the river. A rancher who favored designation stated that if the provision were included, he would oppose protection of the river because "water isn't just for amusement here in the desert" (U.S.N.P.S. 1979b, 170).

Since low flows on the three designated rivers interfere with boating and result in pollution problems, federal agencies may request minimum stream flows for protected rivers. This could present problems where the streams are already fully appropriated, such as the Owyhee (U.S.N.P.S. 1979b, 39-40).

To date, the federal government has made no attempt to acquire water rights or to quantify its reserved right on any Oregon Wild and Scenic River (Jebousek 1988). In only one known case has the government quantified its water

right on any Wild and Scenic River. That was a tributary of the Rio Grande, New Mexico, in 1984 (Garn 1986). One reason water rights may not be requested for the rivers is that doing so would not guarantee a stream flow. The priority dates of 1968 for the Rogue and 1984 for the Illinois and Owyhee would make the rights junior to most other appropriators. These problems have led the managing agencies to suggest that upstream storage projects might be needed to augment flow (U.S.B.L.M. 1972, 13410; U.S.F.S. 1985, 22).

### Logging

Timber has long been important to the economy of Oregon. Its importance increased in the 1890s when favorable rail rates made shipping to the east economical (Loy 1976, 58). By 1950, Oregon was the nation's leading timber producing state. Since the high point in the 1950s, the percentage of timber employment in the state has declined, but it remains the leading employer in the manufacturing sector. The industry was hit especially hard by the recession of the early 1980s, but timber has remained economically important locally. Some communities are almost completely dependent on timber and any significant reduction in timber harvest seriously affects the local economy.

Since Wild and Scenic River designation places limits on timber harvesting in the river corridor, timber industry representatives have opposed designation of some Oregon rivers. Only three of Oregon's designated and study rivers

have significant timber potential: the Rogue, Illinois, and North Umpqua.

#### Timber Harvest Management in River Corridors

Regulations on timber harvesting in Wild and Scenic River corridors are developed in the river management plans following the recommendations of the Guidelines of the Park Service and Forest Service. The Guidelines state that timber harvesting may be permitted in scenic and recreational corridors if it causes no adverse impacts on the river area (U.S.N.P.S. & U.S.F.S. 1982, 39459). Harvesting is prohibited in river corridors which are classified as wild.

To help clarify the "no adverse impacts" provision, the Forest Service uses its National Forest Landscape Management System to regulate activities which would have impacts on specially managed areas (U.S.F.S. 1985, 15). This system provides guidelines for timber harvest practices which could be visually compatible with the special areas. There are four visual management objectives--Preservation, Retention, Partial Retention, and Modification--defined in Table 2. The table also shows which objectives are recommended for each river classification. The requirements may be more strict depending on the individual characteristics of each river.

On Forest Service land, the visual area outside the river corridor is managed to maintain the visual quality if this is compatible with the management plan for the area (Higgins 1988b). The Forest Service works with private

Table 2. U.S. Forest Service visual management objectives and recommendations for timber management in Wild and Scenic River corridors.

Definitions

Preservation - Allows ecological changes only.

Retention - Management activities are not visually evident.

Partial Retention - Activities may be evident but remain visually subordinate to the natural landscape.

Modification - Management activities may be visually dominant but appear natural.

River Classification

Visual Quality Objective

Wild

Preservation is the normal.  
Retention may be used for some limited recreation facilities.

Scenic

Retention foreground.  
Partial Retention middleground.

Recreational

Partial Retention foreground.  
Modification middleground.

Source: U.S. Forest Service Northwest Regional Office, 1988.

timber owners within the river corridor to encourage the maintenance of visual quality.

The management plans for the Rogue and Illinois Rivers allow limited harvesting in the scenic and recreational areas, but prohibit it in the wild areas. The Rogue plan, developed prior to the Landscape Management Program, requires that logging not be noticeable from the river in scenic areas. Selective harvesting is permitted within the recreational boundaries, but it must not be obvious to river users. On the Illinois River, the visual management objective of Retention is used in both the scenic and recreational areas. An additional requirement is that water quality not be harmed by logging activities.

Neither the Suitability Study nor the Draft Land and Management Plan for the North Umpqua discussed the impacts designation might have on logging (U.S.F.S. 1985, U.S.F.S. 1987). The river would be classified as recreational so some timber harvesting would be permitted. Timber cutting in the area is now managed to protect the visual resource. Designation would not necessarily place any new restrictions on logging.

#### Opposition to Designation from Logging Interests

During the hearings, no objections were expressed to the inclusion of the Rogue River based on lost opportunities for logging. Timber organizations stated that although they were not opposed to the principle of river protection, they were concerned about the lack of speci-

ficity of boundaries and the impacts of designation on logging (U.S. Congress, Senate, Committee on Interior and Insular Affairs 1965a, 159).

Logging interests also expressed little opposition to the designation of the Illinois River. Only one logging company opposed designation during the public comment process of the river study (U.S.F.S. 1978, 205). This logging company believed that most of the area involved would be added to the Kalmiopsis Wilderness, so it was already removed from logging. Their primary concern was with a stretch of private land on which they planned residential development. This area was excluded when the river was designated.

Preliminary comments received in response to the Umpqua National Forest Draft Land and Management Plan indicated that there was considerable local opposition to designation of the North Umpqua (Arney 1988). The Family Forest Task Force was a leader of opposition to the Land and Management Plan (Family Forest Task Force 1988). It opposed the Plan because it believed reduced timber harvests would have adverse impacts on the timber dependent communities in the area. The group also opposed designation of the North Umpqua, but favored continuation of restricted logging in the river area to protect its scenic qualities. Their opposition to designation was based on a belief that river use would increase and result in use restrictions on the river.

### Logging Summary

Forest Service personnel contend that river designations actually have little impact on logging (Higgins 1988b). Many of the river areas have been protected by Forest Service policies which preserved scenic values prior to designation. Current timber practices restrict timber harvests in many riparian areas. These factors combined with limited harvesting permitted in the corridors reduce the impacts of designation on logging.

Restrictions on logging have generated some opposition from logging companies and local communities in Oregon. Opposition from local communities may increase as more lands are withdrawn from logging and as economic factors continue to affect the timber industry. Declarations that designations will reduce the state's allowable timber harvest by minimal percentages will not appease local residents because these reductions may have significant financial impacts on their communities (Sommarstrom 1970, 75-76).

### Mining

Mining was very important to Oregon's economy in its early history. Several gold strikes were made along the Rogue and Illinois Rivers. Most of the metallic minerals have been depleted or have become unprofitable (Loy 1976, 58-61).

The provisions for mining in the Wild and Scenic River Act state that the Act shall not affect the mining and leasing laws of the United States with certain exceptions as discussed in Chapter Two. The potential for mining a variety of minerals existed on all the designated and studied rivers in Oregon, but with the exception of rock mining, mining generally was not considered feasible. Placer mining, however, continues on the Illinois River subject to Forest Service regulations (Conklin 1988).

Only two comments in opposition to designation were based on mining. These were on the Illinois and Owyhee (U.S.F.S. 1978, 207-09; U.S.N.P.S. 1979, 171). Opposition to designation of the Illinois River was expressed by an engineer from the Hanna Mining Company who pointed out that the feasibility for mining can change at any time depending on economic conditions and new technology (U.S.F.S. 1978, 209).

#### Summary of Traditional Water and River Corridor Uses

The major traditional water and river corridor uses conflicting with Wild and Scenic River designations in Oregon are hydropower and irrigation development, water rights, logging, and to a minimal degree, mining. In no case has any of these blocked the designation of a river. The John Day was not designated as a result of the original study, but the reason given was local public opposition. Threats to water rights and future irrigation projects were only part of the reason for that opposition.

The future degree of conflict between these issues and Wild and Scenic River protection is uncertain because of the many political, social, and economic variables involved. Because of other environmental legislation which has since been passed, the potential conflict may be less now than it was at the time the Wild and Scenic River Act was passed.

Few methods were available for protecting rivers in 1968. Since then, several measures have been created to protect rivers from development. For example, the National Environmental Policy Act of 1970 requires that the environmentally damaging effects of major federal actions be weighed against the benefits of the project. Restrictions placed on FERC in 1986, the Oregon facility siting regulations of 1986, and the 1988 Protected Areas amendment of the Northwest Power Planning Council require that more consideration be given to environmental issues in dam construction decisions. In addition, in the last decade, water management institutions, including those in Oregon, have begun to recognize instream uses of water, such as recreation and fish and wildlife, as beneficial. New logging regulations such as the Forest Practices Act also offer some protection for riparian areas. The Forest Service has recognized the value of some streams in recent years and has established special management areas to protect them. All of these actions have created new ways to protect rivers.

Political and economic factors have also played a role in reducing the threats to rivers. Few large dams have been constructed in the United States in the last several years. The enormous costs of dam construction usually require federal assistance. The last two presidential administrations have not been willing to fund such projects. President Carter objected to dams on environmental grounds. President Reagan objected to spending federal money for such projects. The current national deficit has made funding of dam construction and other water projects a lower priority than in the past.

Since there are now other ways to prevent certain kinds of activities on rivers, the Wild and Scenic River Act need not be used to merely block a proposed project. This may partially explain why public opposition to Wild and Scenic designation on the grounds of lost economic opportunities has been limited.

#### Legitimization

The conflicts between Wild and Scenic River designation and traditional river uses explain some of the problems of implementing the Wild and Scenic River Act in Oregon. Another problem was a lack of the necessary legitimization for the Act.

Bruce Mitchell (1987) identified legitimization as a crucial aspect of the integrated implementation of water resources policies. According to Mitchell, legitimization

involves statutory authorization, political commitment, and administrative policy (1987, 13). He contended that:

A statutory basis offers the most enduring support for integration, but the probability of real achievement increases geometrically when a statutory base is combined with political commitment (Mitchell 1987, 14).

Implementation of the Wild and Scenic River Act in Oregon illustrates Mitchell's point. River protection was given a statutory base in 1968, but the lack of political and administrative commitment hindered its implementation. The following discussion demonstrates that the Wild and Scenic River Act lacked administrative and political commitment from managing agencies and environmental groups in its early years. By the late 1980s, their commitment had increased and, as a result, real achievements began to be made in implementing the Act in Oregon.

#### Administrative Commitment

The Wild and Scenic River Act was a new concept in both water and land protection. When it passed, no agencies had experience with managing river corridors and many agencies had trouble adjusting to their new mandates. This became evident in the dilatory implementation of the Wild and Scenic River Act.

By 1978, only 20 rivers had been added to the Wild and Scenic System. Two government studies were conducted to determine the reasons for the slow additions. In response to a directive from President Carter, a Department of the Interior Task Force evaluated agency compliance with vari-

ous environmental statutes (U.S.D.I. 1979, 42-44). In its evaluation of the Wild and Scenic River Act, the Task Force concluded that the managing agencies were meeting the minimum requirements of the Act, but were not completing the required reports on the study rivers within the allotted time. A major problem cited in implementing the Act was lack of compliance with the section of the Act requiring agencies to consider potential Wild and Scenic Rivers in any planning process or proposed activity. Agencies disagreed over the scope of that section and tended to ignore it.

The Government Accounting Office (GAO) also reviewed implementation of the Act and cited the river study process as the major reason for delays in adding rivers to the System (U.S.G.A.O. 1978, 7). Potential rivers are recommended for study by Congress. The Departments of the Interior or Agriculture are then required to make detailed studies of the rivers to determine their eligibility for inclusion in the System. Originally ten years were allowed for completion of the studies. A 1974 amendment shortened the period to three years. The GAO study found that for the 58 authorized study rivers, only 22 studies had been completed by 1977 (U.S.G.A.O. 1978, 8). Reasons cited for the length of the study process included lack of funding for the studies, priority given to wilderness and other studies, and lack of guidelines for conducting the studies. In addition, GAO contended that time was wasted in preparing separate envi-

ronmental impact statements which contained similar information to the study reports (U.S.G.A.O. 1978, 10,15,16). Many of the problems were attributed to a lack of commitment to the Act on the part of the agencies (U.S.G.A.O. 1978, 14).

This protracted river study process was evident in Oregon. The Illinois River was proposed for study in 1968. The study report was not completed until 1978. During the long study process, a dam which had previously been considered unfeasible became more feasible because of the nation's energy shortage. Debate over the dam further slowed designation of the Illinois. The study process for the John Day and Owyhee Rivers was much shorter. Both rivers were named study rivers in 1974 and their study reports were completed in 1979. The study report for the North Umpqua took less than four years. Thus the study process has been accelerated, but still exceeds the three year mandate.

The shortened study time is attributable to two reasons. The first is the Congressional mandate of 1974. Since then, Congress has assigned completion dates for the study reports. Rivers considered threatened by development are usually given shorter completion times. The second reason is that the federal agencies are now better prepared to conduct the river studies. The preparation of plans and environmental assessments, a totally new concept in the early 1970s, is now commonplace for land management agen-

cies. Agencies now have guidelines to direct them in planning processes and have staff members trained in environmental assessment.

A controlling factor in federal agency attitudes toward the Wild and Scenic River Act has been the attitude of the administration in office. The Act was passed when the political climate favored environmental protection. Since passage of the Act, political attitudes toward environmental protection have varied with the administration in power. This can be illustrated by looking at the years in which rivers were added to the System (See Table 3). Although other factors are involved, the table suggests that river additions have been influenced to some extent by the administration in office. The Nixon administration, for example, did not place much emphasis on environmental protection and few rivers were added during that time.

President Carter was a strong proponent of river protection, but had little influence over Congress. Fifteen rivers were added during his term in addition to the 25 rivers added as part of the Alaska National Interest Lands Act. Of those 15 rivers, seven were added by state request. Five of the seven rivers were added as a result of an agreement between Secretary of the Interior Cecil Andrus and California Governor Jerry Brown (Palmer 1986, 155-56). On the last day of the Carter and Brown administrations, Brown requested federal protection for five northern California rivers protected under the state sys-

Table 3. Number of Wild and Scenic River designations per year and per presidential administration.

YEAR	NUMBER OF RIVERS ADDED	CUMULATIVE TOTAL	ADMINISTRATION
1968	8	8	JOHNSON (8)
1969	0	8	NIXON (4)
1970	1	9	
1971	0	9	
1972	1	10	
1973	1	11	
1974	1	12	
1974	0	12	FORD (8)
1975	3	15	
1976	5	20	
1977	0	20	
1977	0	20	CARTER (40)
1978	8	28	
1979	0	28	
1980	27*	55	
1981	5	60	
1981	0	60	REAGAN+ (15)
1982	0	60	
1983	0	60	
1984	5	65	
1985	1	66	
1986	6	72	
1987	3	75	
1988	44**	119	(44)

\* 25 added by the Alaska National Interest Lands Act

\*\* 40 added by the Oregon Omnibus Rivers Bill

+ Prior to the Oregon Omnibus Rivers Bill

tem. The move was made to block future dam construction and diversion of the water to southern California.

Environmental issues, including river protection were given low priority by the Reagan administration. Few rivers were added during President Reagan's first term. Secretary of the Interior James Watt developed a new category of candidate rivers during his tenure. Rivers were "eligible, but not suitable" for designation if developers in the area objected (Palmer 1986, 157). Following the 1984 elections and the establishment of a Democratic majority in Congress, more rivers were added to the System.

In addition to affecting the number of rivers added to the System, political ideologies have also impacted the potential for recommending and adding rivers to the System. The Act requires all agencies to consider "potential wild, scenic, and recreational river areas . . . in . . . all river basin project plan reports," and the Secretaries of Agriculture and the Interior are required to determine which rivers should be considered as potential additions (Wild and Scenic River Act 1986, Section 5(d)).

These provisions were largely ignored in the early years following the Act's passage. President Carter's 1979 Environmental Message and the subsequent Council on Environmental Quality directive required agencies to evaluate rivers on their land for possible designation. This spurred some agencies, especially the Forest Service, to consider river protection in their planning processes. The

trends started in the Carter administration continued under Reagan although the administration did not encourage river protection (Lundeen 1988). In March 1981, two months after Carter left office, the Chief of the Forest Service issued a memo to all National Forests requesting compliance with Carter's message (Weaver 1985, 14). The Inventory rivers were to be protected and land management plans were to include an assessment of rivers' eligibility for inclusion in the Wild and Scenic River System.

All the national forests in Oregon included an assessment of potential Wild and Scenic Rivers in their Draft Land and Resource Management Plans in the mid 1980s. The evaluations varied widely, however, and the Forest Service faced lawsuits from American Rivers and other environmental groups because some of the evaluations were considered inadequate (Coyle 1988). Agencies attributed the problems to the newness of the river evaluation concept and to the lack of guidelines for the evaluations (Lange 1988, Lundeen 1988).

There was little consistency in the type of evaluation given to rivers by each forest. The Malheur National Forest stated it was not required to assess rivers because there were no Nationwide Rivers Inventory rivers in its jurisdiction (U.S.F.S., Malheur National Forest 1987, III-57). The Winema Forest went beyond an evaluation of eligibility to determine that the Sprague River was not suitable because of the amount of private land involved (U.S.F.S.,

Winema National Forest 1987, E-16). Both forest plans were challenged by environmental groups. The groups objected to the Malheur plan because it failed to consider rivers not on the Nationwide Rivers Inventory (Doppelt 1988). The Winema plan was challenged because environmentalists believed the decision of suitability should be made in Congress and not by the local forester.

In its evaluation of the National Forest plans in Oregon, the Oregon Rivers Council found that 72 percent of the rivers studied were not recommended for Wild and Scenic designation (ORC 1988, 6). Ten river segments were recommended for designation in the preferred alternatives of the plans. Closer evaluation of the plans showed that while many of the rivers were not recommended, they were found eligible. The Forest Service required that interim management plans be developed and implemented to protect eligible rivers until Congressional action could be taken (Lundeen 1988). Some of the rivers which were not recommended needed further study. Other rivers were qualified for designation, but were not recommended because there were no threats to the rivers. The plans stated that designation could be delayed until more funds were available for river designation (U.S.F.S., Ochoco National Forest 1986, 93).

One explanation for the inconsistency in river evaluations was that regional foresters were given no guidelines on how to conduct the planning process (Lundeen 1988). The planning handbook was not issued until July 1988 after all

the draft plans in Oregon had been completed. One chapter of the handbook is devoted to Wild and Scenic Rivers. The Forest Service anticipated that future problems with river evaluations would be reduced by the planning handbook guidelines.

The Bureau of Land Management began its planning process in 1988. Guidelines for preparing their Resource Management Plans were issued and included recommendations for assessing potential Wild and Scenic Rivers. A BLM representative stated that the agency was taking steps to improve the river planning process (Snell 1988).

The Heritage Conservation and Recreation Service (HCRS) was designated to handle the planning process for the Wild and Scenic River Act. The HCRS was, however, abolished by the Reagan administration in 1981 and further work on the Nationwide Rivers Inventory was halted. Some of the HCRS river management functions were absorbed by the National Park Service, but with a drastically reduced staff and budget. By 1988, the small National Park Service river staff was showing signs of becoming more aggressive in river protection. One reason for this was that some members of the staff were formerly river protection advocates. Chris Brown, an appointee to the river protection unit in Washington, D.C., was once the president of American Rivers (Brown 1988).

The Park Service began taking a more active role in river protection in the late 1980s. In July 1988, it spon-

sored a Western River Workshop in Eugene, Oregon, which brought together people from all aspects of river and water management. Representatives of federal, state, and local agencies were in attendance as were environmentalists, river guides, and private individuals. The conferences included discussions of how to improve implementation of the Wild and Scenic River Act and other ways of protecting rivers. In the 20 years since the Act's passage, the workshop was the first time people involved in river protection had been brought together to discuss the issues.

The Park Service has taken two other steps to promote river conservation. The Mid Atlantic Regional Office in 1988 was developing a plan for protecting rivers on private lands (U.S.N.P.S., Mid Atlantic Regional Office 1988). The plan advocates citizen involvement early in the river study process and the development of a management plan as part of the study. This would allow local residents to determine how to protect their rivers. The citizens would be allowed to determine if a river should be recommended for designation, should be protected in some other way, or not protected at all. The Park Service was developing guidelines which could be used to study private lands in Congressionally mandated river studies and in cases where citizens requested Park Service assistance to protect a river. These approaches were used on the Wildcat Brook in New Hampshire where residents recommended designation, and was

being used to study three rivers in New Jersey. Wildcat Brook was designated by Congress in 1988.

Another program sponsored by the Park Service is the River Conservation Assistance Program of the Northwest Regional Office (U.S.N.P.S., Northwest Regional Office). This program provides advice and technical assistance to protect rivers. The service is available free of charge to any level of government or private organization. The Program has evolved from Section 11 of the Wild and Scenic River Act, which directed the Secretaries of the Interior and Agriculture to provide assistance in the protection of rivers at the state and local level.

After 20 years, the Wild and Scenic River Act appeared to have gained acceptance among agencies. The Forest Service and BLM inclusion of river evaluations in their planning processes and the Park Service river programs indicated a change in agency attitudes toward river protection. The forest planning process indicated, however, that river protection had not been fully accepted at the local level. But, many agency members appear to be committed to river protection. Acceptance by agencies and the commitment of some individuals show that the Act has gained legitimization among agencies.

#### Commitment by Environmental Groups

It is not just agency attitudes which have hindered implementation of the Wild and Scenic River Act. In the United States, the quasi-public environmental groups play

an important role in implementing environmental policies. These organizations have not actively supported the Act in the recent past (Sumner 1981, 47). For most of the period since passage of the Wild and Scenic River Act, the groups have had other priorities such as wilderness protection and have only been actively involved with Wild and Scenic Rivers when a specific river was threatened.

In the mid 1980s, this attitude began to change as gains were made in wilderness protection (Palmer 1986, 149-50). Economic conditions reduced dam construction starts and threats to rivers and environmental groups had time to take positive actions to protect rivers. American Rivers became a stronger lobbying force in Congress (Palmer 1986, 161).

This changed attitude is noticeable in Oregon. The Oregon Rivers Council (ORC), a state based river protection group, had become a strong proponent of river protection in Oregon by the late 1980s. It was actively involved in the Forest Service planning process and played a key role in the Omnibus River Bill proceedings.

#### Congressional Support

Another aspect of legitimization which has been required in effectively implementing the Wild and Scenic River Act is Congressional support. River designations have generally been considered a state issue. Designations require the support of the state Congressional delegation. Since designation has not been considered a national issue,

the sponsor of a rivers bill must have enough influence to get the bill through committee hearings and to gain enough votes for the bill's passage.

In Oregon, for example, Representative Jim Weaver in 1982 introduced a bill to designate the Illinois River. The bill did not make it out of committee. In 1984, Senator Hatfield was able to get a bill passed which designated both the Illinois and Owyhee Rivers, at least in part because he was the Chairman of the Appropriations Committee and a member of the Committee on Interior and Insular Affairs.

#### Conflicts With Traditional Values

Condemnation of private property and the perceived expansion of land management activities by the federal government are the two issues which have created the most frequent and the most vocal opposition to designation. Both are seen as invasions of the rights of individuals. The Wild and Scenic River Act has been labelled "communist" by some local landowners (Laiblin 1988).

These two issues were the major causes of concern among individuals at the hearings on the original Wild and Scenic River Act. They were of primary concern to individuals during the public comment phases of all the Oregon river studies. Public opposition on those grounds was the reason the John Day was not recommended for designation and the Rome Valley was excluded from the Owyhee designation.

## The Condemnation Issue

The sponsors of the Wild and Scenic River Act intended to protect rivers flowing through private as well as federal lands. To do this, they provided for the acquisition of private lands and the development rights of private property in the river corridors. The sponsors were aware that the possibility of condemnation would generate opposition among landowners. Therefore, they made it clear in the Committee hearings and in the reports on the bills that condemnation was to be used sparingly. Other provisions were made to protect the values of the rivers bordered by private lands. Cooperation with state and local zoning and the use of scenic easements were encouraged. Restrictions were placed on the amount of land the government could acquire through fee title condemnation.

The federal government has rarely used condemnation for fee title to manage Wild and Scenic Rivers. Scenic easements have been obtained through condemnation proceedings, but in most cases have been obtained from willing sellers. Condemnation proceedings have sometimes been used to settle the price for scenic easements (Higgins 1988a).

Because the majority of land along the Rogue, Illinois, and Owyhee is publicly owned, condemnation for fee title is prohibited. On the Rogue and Owyhee, federal managing agencies have relied on scenic easements for protection. On the Illinois, the Forest Service tried to use county zoning to control land use on privately owned par-

cels along the river. A Forest Service official stated in 1988 that acquisition of scenic easements might be necessary in areas where zoning regulations were not providing adequate protection for the river (Conklin 1988).

The fact that restrictions have been placed on condemnation and that it has been used rarely does little to ease the fears of a "government land grab." Many landowners have opposed designation because the government has the power to condemn land--whether or not it has actually done so. Often the opposition has been based on apparent misconceptions about the government's ability to acquire and regulate private land. Opponents have been very emotional and attempts by proponents of designation to reason with landowners have often been unsuccessful (Reed 1984, 182).

The acquisition of scenic easements also causes concern among local residents. The easements cannot affect existing land uses without the owners' consent, but they do affect future development of the property. Landowners are compensated for the development rights. In cases where the landowner is unwilling to sell or where the price cannot be agreed upon, the easement may be acquired through condemnation. The easements allow the managing agency to control future land use and to go on the property for cleanup or maintenance. Scenic easements do not allow public access to the property (Higgins 1972, 745-46). Specific aspects of the easements are worked out between the managing agency and the local residents.

Proponents of river protection have called the scenic easement provision of the Wild and Scenic River Act a chance for landowners to "have their cake and eat it, too" (Reed 1984, 171-72). Landowners retain the current uses of their land and receive compensation for not developing it. Many landowners, however, believe that easements will place unreasonable restrictions on them, allow public access, and decrease the value of their property. Preliminary studies along the Rogue River indicate that property values may increase because the area is protected from development (Bradley 1988).

Landowners along Oregon rivers have expressed concern over the possibility of condemnation and acquisition of scenic easements. The federal government has reacted by eliminating stretches from consideration which are mostly privately owned. For example, the entire Illinois River was studied, but only the portion inside the Forest Service boundary was designated. The Rome Valley segment of the Owyhee River was not designated. The John Day River was recommended for state protection rather than federal designation. The same pattern exists in other states and has been called "a blatant disregard of the Act's intent" (Sumner 1981, 48).

This elimination of private lands created concern in the 1984 Hearings on the bill to designate the Illinois and Owyhee. Senator Malcolm Wallop (R-WY), who was conducting the hearings, agreed with members of environmental groups

that it was not the intent of the Act to exclude private lands (U.S. Congress, Senate, Committee on Energy and Natural Resources 1984a, 106-08). He asked environmentalists to help develop methods of protection which would minimize federal costs and landowner opposition. Future amendments were hinted at, but have not been made.

#### Federal Management of Private Property

Many opponents of designation are not against protection of the river. They have no interest in developing the rivers, but wish to see them remain in their current condition. They oppose designation because it would involve federal land management of private property. This is the case even when private land cannot be condemned by the government.

In most western states, the federal government owns a large percentage of the land. Over 50 percent of Oregon's land area is owned by the federal government. Residents of areas which contain large blocks of federal land frequently resent federal land managers. Proposals of additional federal management often generate further resentment.

This resentment was evident during the Owyhee River study. Two residents of the Jordan Valley for example, expressed distrust and contempt for federal, state, and county governments (U.S.N.P.S. 1979b, 174-75). They believed designation would only lead to an invasion of "recreationists" who would vandalize and steal their property. They accused the BLM of mismanaging the land and said the

river should be left in the hands of the people who had been protecting it.

The opinion that local and private controls are adequate for river protection is common. Rivers which qualify for Wild and Scenic status are often in sparsely populated, remote areas. Residents are engaged in agriculture or other activities which have had little impact on the river. They have lived along the river all their lives and see no threats to the river except from federal designation.

Residents of the John Day River area stated that they saw no need for federal protection of the river and that existing management was adequate to protect the river. Residents had grudgingly accepted state management when the John Day was named a State Scenic Waterway by initiative in 1970. They could not understand how federal designation would benefit the area (U.S.N.P.S. 1979a, D-52-54).

In addition to the general resentment of federal management, many local residents oppose federal control because they contend it will lead to increased recreational use by outsiders. They believe this will result in an invasion of their privacy and property and will increase vandalism and littering. A major reason for this attitude is a false assumption by landowners that designation will require them to provide public access to their property. Public access can only be provided through access easements on some pieces of property. Federal land managers have done little, however, to ease the concerns of landowners.

The management plans have lengthy discussions of how recreational services will be provided, but have little or no discussion of how vandalism, littering, or trespassing will be controlled.

There is some truth to the landowners' contention that designation leads to increased use of the rivers. The designation process focuses national attention on the rivers and leads to more users in some cases (Reed 1984, 177). Supporters of designation and federal managers argue that because of increased demands for recreation, use will increase with or without designation. They contend that it is more desirable for the river and adjacent lands to be under federal control so that use and access can be regulated (Reed 1984, 177). A mandatory permit system to limit river use has been established on the Rogue River as part of the river's management. Voluntary permit systems are in place for the Illinois and Owyhee Rivers and there are provisions to adopt more restrictive regulations if the need arises (U.S.F.S. 1985, 33-34; U.S.B.L.M. 1985, 20).

The argument that present management is adequate may seem valid in some rural areas experiencing no development pressures. This is especially true in Oregon which has mandatory statewide land use controls. These land use regulations recognize the value of open spaces and aim to protect riparian areas and farmlands.

If preservation is a goal, then federal management has several advantages over state and local management. Desig-

nation provides more permanent protection for the rivers. Current local residents may want to protect the river, but ownership changes. Land use controls and zoning regulations are frequently subject to changes and variances to them are often granted. Local and state control cannot prohibit dam construction or regulate activities on federal lands.

Local control also overlooks another aspect of river protection. Not designating a river because of local opposition ignores the national significance of the rivers. The Wild and Scenic River Act was passed to establish a federal system of protected rivers for the benefit of all Americans. It recognized the interests of nonlocal citizens in the preservation of rivers (Asmussen and Bouchard 1970, 172). Nonlocal citizens, however have experienced difficulties in asserting their interests because of the House's precedent allowing Representatives to delete rivers from their districts if constituents objected to designation.

#### Summary of Traditional Values

It has been stated that the sponsors of the Wild and Scenic River Act probably did not see the Act as being "a bold new advance in social legislation" (Asmussen and Bouchard 1970, 163). But the provision for using condemnation to protect rivers on private lands and for the purpose of recreation was a new idea. According to Asmussen and Bouchard (1970, 163), the Act set up a direct conflict between

"the needs of the public for recreation and the sanctity of private real estate." The conflict between private rights and the public good has been at the heart of most Wild and Scenic River debates in Oregon.

The conflict will likely intensify as resources become more scarce. The easy solution to the problem of private lands and Wild and Scenic Rivers has been to exclude private lands from designation, as has frequently been done. This is counter to the intent of the Act and ignores the idea of the public good which is being recognized through concepts such as the public trust doctrine, a common law principle which gives the public inalienable rights in certain water and other resources (Matthews 1987, 1). The doctrine places "reasonable limits on private uses in order to allow the exercise of broader public trust rights" (Wilkinson 1985, 336).

Application of the public trust doctrine is an indication that as the demand for recreation and preservation of natural areas increases, the right to private property may be challenged in more cases. In the area of river protection, more pressure may be brought to preserve rivers which flow through private lands.

#### Summary of Problems of Implementation

The implementation of the Wild and Scenic River Act in Oregon has encountered several problems: conflicts with traditional water uses, lack of legitimization of the Act, and conflicts with traditional values. The conflict with

traditional water uses seems to have had less impact than the other two problems. Designation of the Illinois River was slowed because of a potential hydroelectric dam, but no designation was prevented by a development issue. In its early years, the Wild and Scenic River Act lacked legitimization from both the managing agencies and environmental groups. Events in the 1980s indicate that the Act now has more support from environmental groups and that agencies are working harder to carry out the provisions of the Act.

The major problem of implementation probably has been the conflict with traditional values. The issue of private rights versus the public good will continue to hinder implementation of the Act. The past strategy of eliminating privately controlled rivers from designation ignores the intent of the Act and the public value of the rivers. Future demands for river recreation and preservation could stimulate a demand for the protection of rivers on private land.

Omnibus rivers bills have been viewed as a new direction in river protection which could result in the protection of more rivers. Supporters of river preservation contended that the proposal of several rivers for protection at one time would generate public support, allow opportunities to educate local residents about provisions of the Act, and reduce their opposition (Krause, 1988, 30).

In 1988, omnibus rivers bills were introduced in the House and Senate proposing designation for many Oregon

rivers. In October, the Oregon Omnibus Rivers Bill was enacted. The bill was a landmark in river protection. It evolved out of the new process of studying the eligibility of rivers for designation in Forest Service and BLM plans. The designation of the 40 Oregon rivers represented more than a 50 percent increase in the number of Wild and Scenic Rivers nationwide. The legislation faced considerable opposition, however, and several proposed rivers were removed from it. The following chapter discusses the Oregon Omnibus Rivers Bill and the problems encountered in its passage.

## CHAPTER 5

## THE OREGON OMNIBUS RIVERS BILL

Introduction

Late in 1987, Oregon's Republican Senator Mark Hatfield announced that he planned to introduce a bill proposing Wild and Scenic designation for as many as 25 Oregon rivers (Church 1987, D3). The bill was to be based on the rivers studied as part of the Forest Service's Land and Resource Management Plans in Oregon. In March 1988, Hatfield introduced his bill and Committee hearings were conducted in the spring and summer (Hayakawa 1988a, D3). By late summer it appeared the bill would not pass before Congress' scheduled early adjournment for the election year, but in late September, Hatfield and House sponsors of a companion bill pushed the bills through Congress. The Oregon Omnibus Rivers Bill passed on October 12, 1988 (Hayakawa 1988i, A1,14).

Passage of the Omnibus Bill was not without problems. The legislative history of the Bill and an analysis of the problems encountered indicated that while the Omnibus Rivers Bill was a new approach to river protection, many of the old issues and problems remained and were unsolved by the new approach. This chapter presents the legislative history of the Oregon Omnibus Rivers Bill and discusses the problems encountered during the designation process.

### Legislative History

The idea of introducing an omnibus rivers bill was suggested to Senator Hatfield and other Oregon Congressmen by the Oregon Rivers Council (ORC) (Doppelt 1988). The ORC did not expect a bill to be introduced until the 1989 session of Congress. The ORC plan was to gain approval for the bill from the state Congressional delegation and then to build up a constituency for the bill in the state. ORC planned to work with local communities to gain their support for protection of rivers flowing through private lands.

Senator Hatfield, however, felt the time was right for the bill to pass and made plans to introduce it in the 1988 session of the 100th Congress (Hayakawa 1988b, C2). Hatfield and co-sponsor Senator Robert Packwood (R-OR) introduced their Omnibus Rivers Bill on March 4, 1988 (Hayakawa 1988a). It called for instant designation of 40 Oregon rivers. The initial list of rivers had been based only on Forest Service recommendations. The BLM supplied a list of eligible rivers in response to a request from Senator Hatfield and they were included in the proposed bill. Hatfield announced that he planned to conduct field hearings on the bill later that spring and that he expected the bill to pass by October (Warren 1988).

On March 16, Oregon's Democratic Representatives Peter DeFazio, Les AuCoin, and Ron Wyden introduced an omnibus bill in the House proposing designation for 45 rivers (Cor-

vallis Gazette-Times 1988b, B4). One of the additional rivers in their bill was the Klamath River which Hatfield refused to include in his bill. On March 24, Republican Representative Denny Smith introduced a bill identical to Hatfield's (Corvallis Gazette-Times 1988c, B1). Among the Oregon Congressional delegation, Republican Robert Smith was the lone opponent to the concept of river protection.

The bill's sponsors announced that the bills were discussion documents and that they expected rivers to be added or removed as concerns and issues were brought up. To facilitate the discussion process, Hatfield scheduled field hearings in May and June for the Senate Subcommittee on Public Lands, National Parks and Forests. The hearings were held in Oregon City, Bend, and Grants Pass. Hearings were conducted in the Senate in July. In response to requests from residents of eastern Oregon, Hatfield held an informal hearing in Baker in August. Congressmen DeFazio, AuCoin, and Wyden held an informal hearing in Eugene in July.

In September, following the hearings, Senator Hatfield announced his plan to introduce a revised rivers bill to the Senate Committee on Energy and Natural Resources (Hamilton and Finley 1988, D1). The revised bill proposed designation for 43 rivers, the study of ten rivers, and the development of citizen management plans for six privately controlled rivers. But opposition to the bill from various interests forced Hatfield to withdraw it from Committee

consideration. The Oregon governor's office requested a delay to allow time to consider the impacts of the bill. The Sandy River and Opal Creek which Hatfield planned to include were unacceptable to members of the Oregon House delegation. Proponents of the bill were concerned that the delays and disputes over provisions in the bill would jeopardize the chance of passing the bill before the scheduled October adjournment.

Oregon Governor Neil Goldschmidt's office requested a delay in introduction of the revised bill partially in response to a request from the Oregon timber industry (Hayakawa 1988d, B1). The industry had expressed concerns that the bill was moving ahead more rapidly than they had expected. Industry representatives wanted more time to assess the potential impacts of the bill. The governor's office also wanted time to review the changes Hatfield had made to the bill. Hatfield granted the Governor's request, but made plans to introduce the bill the following week (Hayakawa 1988d, B1).

Protection of the Sandy River near Portland caused disagreement between the city of Portland, environmental groups, and Representative Ron Wyden (Hayakawa and Church 1988, B4). A tributary of the Sandy, Bull Run, is the primary source of water for Portland. Language placed in the proposed bill at Wyden's request would have allowed the city to generate electricity at a proposed pump storage facility on Bull Run. Environmentalists were concerned the

operation would reduce water flowing into the Sandy River. A compromise removed any reference to hydroelectric generation, but protected Portland's right to use Bull Run water for its municipal water supply.

Another concern was Opal Creek, a tributary of the North Santiam River. Timber interests and Representative Denny Smith opposed its inclusion for study status which would have prevented construction of a timber access road. Denny Smith contended that Opal Creek was included in the rivers bill because environmentalists were trying to protect an area which had been excluded from the 1983 wilderness bill (Hayakawa 1988f, A1). Smith further stated that removal of Opal Creek was essential to his support of the bill.

The bills which passed out of the Senate and House committees on September 22 were considerably altered from Hatfield's proposed bill (Blumenthal 1988a, A1,8). The compromise language on the Sandy River was included and Opal Creek was deleted. Several other rivers were also removed from the bills. The Nestucca, South Fork Crooked, and Burnt Rivers were removed because of concerns over water supply and irrigation projects.

Hatfield's proposal for citizen management plans for privately controlled rivers was also removed from the bill (Hayakawa 1988e). The Senate Committee staff had determined that local groups could not be given exclusive authority over management plans. Removal of that proposal also

caused the removal of the Alsea and Lower Williamson Rivers and the reduction in length of proposed segments of the John Day, lower McKenzie, and Joseph Creek. Removal of these rivers and segments insured that no proposed river corridor was less than 50 percent publicly owned; thus fee condemnation would not be permitted.

One major difference remained between the Senate and House bills and proponents were again concerned that lengthy negotiations leading to a compromise would prevent the bill's passage (Hayakawa 1988f, A1). Senator Hatfield and the bill's House sponsors disagreed over continuation of the FERC licensing process for the Salt Caves Dam on the Klamath River. The Klamath was included in both bills as a study river. The details of the Klamath River are discussed in a following section. The Senator and the Representatives announced agreement on a compromise on October 5 (Corvallis Gazette-Times 1988g, B3). Two days later the bill passed in the Senate.

Further difficulties and delays were encountered in the House. Representative Bob Smith staunchly opposed the bill. This was significant because 85 percent of the proposed rivers were in Smith's district. He opposed the bill in part because he contended that it threatened the property rights of his constituents (Blumenthal 1988b, A3). He also objected to efforts by outsiders to block the Salt Caves Dam on the Klamath, which was in his district.

Smith initially attempted to stall the legislation by insisting that hearings be held in the House Agriculture Committee because Forest Service lands and private farm lands would be affected (Hayakawa 1988g, B12). He requested hearings before the Agriculture Committee even though it had never before been involved in Wild and Scenic River legislation. Smith hoped the bill would be delayed in the committee and not pass before adjournment. Representative AuCoin took steps to insure that although the bill was heard in the Agriculture Committee, it would not be stalled there.

During the Agriculture Committee hearings, Smith attempted to block passage of the bill with amendments. His efforts were countered by attempts to block or amend the Umatilla Basin Project, an irrigation project Smith wanted for his district. Smith was temporarily successful in amending the Omnibus Rivers Bill. He attached a provision to protect private property, water and grazing rights, and agricultural or timber practices on private lands or leased federal lands. His amendment would have applied to all federal Wild and Scenic Rivers and would have probably led to debate and delays in passing the bill on the House floor (Hayakawa and Church 1988, B3). The amendment was adopted by the Agriculture Committee and then nullified on a technicality when the Committee adjourned after voting to drop further consideration of the rivers bill. The bill sent to the House floor was unamended by the Agriculture Committee.

Bob Smith vowed to continue his fight against the rivers bill on the House floor (Hayakawa and Church 1988, B3). To avoid further amendments to the bill, its proponents planned to have the bill voted on under suspension of rules. This is a commonly used tactic to reduce delays in the consideration of bills because the suspension of rules permits no amendments to the bill on the floor. Under this procedure, bills are voted on by voice vote and a two-thirds majority is required for passage. Smith announced that he and fellow Republicans had enough support to deny the two-thirds majority. Les AuCoin countered Smith's opposition by substituting the Senate bill which had the Umatilla Project attached (Hayakawa 1988i, A1,14). Smith was therefore faced with preventing passage of a bill he wanted for his district if he opposed the rivers bill. The combined bill passed by voice vote on October 12, 1988. Bob Smith dissented, but did not actively oppose the bill. Smith considered the combination of the two bills unfair politics, while Oregon's other Congressmen praised the bill as a landmark in environmental protection (U.S. Congress, House 1988, 10114-118).

The final bill, which was signed without ceremony by President Reagan on October 28, 1988, designated 40 Oregon rivers and named seven others as study rivers (See Table 4). Of the 45 rivers initially proposed for designation, five were dropped from consideration and two proposed rivers were moved to study rivers. Two new rivers were

Table 4. Rivers included in the 1988 Oregon Omnibus Rivers Bills.

PROPOSED RIVERS (COUNTIES) (S. 2148)	MILEAGE	
	PROPOSED	DESIGNATED
Alsea River (Benton, Lincoln)	74	None
Big Marsh Creek (Klamath)	13	15
Burnt River (Baker)	32	None
Chetco River (Curry)	41.4	44.5
Clackamas River (Clackamas)	49	47
Crescent Creek (Klamath)	18	10
Crooked River (Jefferson)	17.3	15
Deschutes River (Deschutes, Jefferson, Wasco)	163.4	173.4
Donner und Blitzen River (Harney)	68.5	72.2
Eagle Creek (Union, Baker)	22	27
Grande Ronde River (Wallowa)	45	43.8
Imnaha River (Wallowa)	68	77
John Day River (Wheeler, Gilliam, Sherman)	202	147.5
Joseph Creek (Wallowa)	32	8.6
Little Deschutes River (Klamath, Deschutes)	97	12
Lostine River (Wallowa)	19	16
Lower Williamson River (Klamath)	25	None
McKenzie River (Linn, Lane)	18	12.7
Metolius River (Jefferson)	29	28.6
Minam River (Wallowa, Union)	23	39
Nestucca River (Yamhill, Tillamook)	47.5	None
North Fork Crooked River (Crook)	32.3	32.3
North Fork John Day River (Grant, Umatilla)	109.2	54.1
North Fork Owyhee River (Malheur)	8	8
North Fork Powder River (Baker)	6	6
North Fork Smith River (Curry)	13	13
North Fork Sprague River (Klamath)	25.3	15
North Umpqua River (Douglas)	33.8	33.8
Powder River (Baker)	13.1	11.7
Quartzville Creek (Linn)	8.7	12
Roaring River (Clackamas)	13.7	13.7
Salmon River (Clackamas)	33.5	33.5
South Fork Crooked River (Crook)	25	None
South Fork John Day River (Grant)	48	47
South Fork Imnaha River (Wallowa)	9	None*
Sycan River (Klamath)	47	59
Upper Rogue River (Douglas, Jackson)	40.3	40.3
Wenaha River (Wallowa)	18.7	21.55
West Little Owyhee River (Malheur)	51	51
White River (Hood River, Wasco)	47.2	46.5

\*Included with Imnaha River

Table 4. Continued

PROPOSED RIVERS (COUNTIES) (H.R. 4164)	MILEAGE	
	PROPOSED	DESIGNATED
Elk River (Coos)	23	19
North Fork, Middle Fork Willamette River (Lane)	42.3	42.3
Sandy River (Clackamas)	21.5	24.9
Steamboat Creek (Douglas)	24.4	Study
Upper Klamath River (Klamath)	19	Study
NEW RIVERS		
Malheur (Grant, Harney)		13.7
North Fork Malheur (Baker, Grant)		25.5
Squaw Creek (Deschutes)		15.4
STUDY RIVERS (COUNTIES)		
Blue River (Lane)		
Chewaucan River (Lake)		
North Fork Malheur River (Grant, Harney, Malheur)		
South Fork McKenzie River (Lane)		
Steamboat Creek (Douglas)		
Wallowa River (Wallowa)		
Upper Klamath River (Klamath)		

Source: U.S. Congress, Senate, Congressional Record,  
October 7, 1988.

added to the bill and five new rivers were recommended for study. Some of the lengths of the segments to be designated were also adjusted.

#### Additional Opposition to Passage of the Omnibus Rivers Bill

The struggle to pass the Omnibus Rivers Bill in Congress was just part of the opposition the bill faced. Serious opposition was raised at the field hearings and by local groups organized to fight the bill. The result was that most of the controversial rivers were removed from the bill. The issues generally were a repetition of those addressed in previous Wild and Scenic River designations in Oregon. The following section summarizes the Omnibus Rivers Bill in terms of the three problems which influenced past Wild and Scenic River debates: traditional water and river corridor uses, legitimization, and traditional values of private property. The discussion is based on testimonies at public hearings and articles in Oregon newspapers.

#### Conflicts with Traditional Water and River Corridor Uses

The Omnibus Rivers Bill generated considerable opposition on the grounds of lost economic opportunities. Opposition was expressed by supporters of a hydroelectric dam, a municipal water supply project, and various agricultural, logging, and mining interests.

## Hydroelectricity

In 1986, the city of Klamath Falls applied for permits to construct a hydroelectric dam on the last remaining free-flowing stretch of the Klamath River in Oregon. The Salt Caves Dam was a revised version of a plan introduced by Pacific Power and Light in the 1970s. The dam was proposed in an attempt to ease the economic recession in an area with an unemployment rate of fourteen percent (Valens 1987, 26-7). After Klamath Falls voters refused to fund the project through bond sales, the funds were borrowed from a private firm. Power sales were to be used for a variety of economic development projects.

Opposition to construction came from several groups because of fish and wildlife, recreational, and cultural values of the river. The stretch of the Klamath where the dam site is located is noted for its wild trout fishery and world renowned whitewater. In addition, the Shasta and Klamath Indian tribes consider the river a sacred place. Dam construction was opposed by environmentalists, fishermen, rafters, the Indian tribes, some state agencies, the governor, and many local residents (ORC 1988).

Despite the broad base of opposition, the city administration was determined to carry out the application process through FERC. The FERC application process is primarily an adjudication procedure in which the agency determines the merits of a hydroelectric project (Cole 1986, 643-44). For projects generating more than five megawatts

of power, FERC must consider the comments of other interested federal and state agencies.

The city's application met with mixed reactions at the state level. The Oregon Department of Environmental Quality granted conditional approval of the dam. This was challenged in a law suit brought by outdoor and conservation groups (The Oregonian 1988b, B3). The state Land Use Board of Appeals ruled that Klamath County's amended land use plan permitting dam construction did not meet state planning standards and sent the plan back to the county.

In December 1987, a bill had been introduced in the House to stop the Salt Caves project by making the Klamath a Wild and Scenic River (Corvallis Gazette-Times 1987, A8). Sponsor DeFazio had tried to get Senator Hatfield to sponsor a companion bill in the Senate. Hatfield refused, saying he wanted to give Klamath Falls a chance to complete the FERC process (Hayakawa 1988b, C2).

At field hearings on the bill, Hatfield expanded on his reasons for not supporting designation of the Klamath (Hatfield 1988). He said he believed citizens should have the right to pursue their rights through established legal channels without legislative intervention. Hatfield also stated that the Klamath River is part of a California-Oregon interstate water compact and he did not want possible legal complications over that to interfere with passage of the omnibus bill. However, he later cautioned the city manager of Klamath Falls that exclusion of the

river from his bill did not guarantee approval of the dam permits (Goetze 1988, B3).

The Klamath River remained an area of disagreement between the House and Senate bills throughout the Omnibus Rivers Bill process. Senator Hatfield continued to support the right of Klamath Falls to pursue FERC licensing of the dam. Sponsors of the House bill wanted to protect the Klamath from the dam. Before the Omnibus Rivers Bill could be voted on, a compromise was required to resolve the differences over the continuation of the FERC application during the study period.

The bill which the House and Senate sponsors agreed on named the Klamath a study river. The Bureau of Land Management was required to complete the study by April 1, 1990, the same completion date as FERC's Salt Caves environmental impact statement. The House version of the bill would have granted a three-year moratorium for licensing or construction of dams, but the compromise bill allowed the licensing process to continue. A three-year moratorium is normally granted to study rivers under Section 7(b)(i) of the Wild and Scenic River Act.

If the BLM study recommends designation for the Klamath, a bill would have to be introduced in Congress to designate it. If FERC issues a license for the dam, it is doubtful designation would have the support of Senator Hatfield. If the river study by BLM recommends designation for the Klamath, FERC's decision could be affected.

There are several indications that a license might be denied by FERC. First, the dam is opposed by Oregon's Department of Fish and Wildlife and the stretch of the Klamath is on the Northwest Power Planning Council's protected areas list. Second, an initiative ballot to add rivers, including the Klamath, to Oregon's State Scenic Waterways System passed November 8, 1988. And third, the BLM has asked to intervene in the FERC process for the Salt Caves Dam, citing potential adverse impacts on fish, wildlife, timber, and recreation on federal lands they administer (Ulrich 1988, B1).

#### Municipal Water Supply

Local government officials and residents expressed opposition to the designation of the Nestucca River (Creel 1988, Rossner 1988, Custer 1988). The city of McMinnville planned to raise the level of an existing water supply dam on the Nestucca. Debate over these plans and concerns about multiple use in the area led to the Nestucca River being dropped from the final bill.

#### Agriculture

Irrigation interests in eastern Oregon opposed inclusion of some rivers in the bill (Lilly 1988). Concerns were expressed over low flows on the Burnt River and North and South Forks of the Crooked River. Irrigation districts from those areas testified that the rivers should not be designated because of possible future irrigation develop-

ments in the area. The Burnt and South Fork Crooked Rivers were excluded from the final bill.

Several farmers and ranchers expressed opposition to designation based on perceived impacts to agricultural practices (Hayakawa 1988h, C1,12). They were concerned that management plans would restrict changes to agricultural practices. Because legislators have recognized the compatibility of river protection and agriculture, the management guidelines for Wild and Scenic Rivers allow existing agricultural practices to continue. Part of the farmers' concerns were based on the mistaken perception that designation would restrict existing practices.

#### Logging

Timber industry representatives in Oregon expressed concerns similar to those expressed in earlier Wild and Scenic River Act hearings; i.e., that without the development of management plans prior to designation, the impacts of designations on the timber industry could not be assessed (Geisinger 1988). The Forest Service estimated that the originally proposed Senate bill would result in a reduction of allowable harvest of 3.7 million board feet per year or a reduction of less than one-tenth of one percent (Higgins 1988b). Industry estimates of the impacts, however, were much higher because they were based on a worst case scenario. No harvesting would be allowed because all rivers would be classified wild and restrictions would be placed on logging outside all river corri-

dors (Higgins, 1988b). The Forest Service estimates were based on recommended classifications for the rivers.

Opposition to the bill was expressed by other timber industry representatives and private citizens. A common refrain was that the Oregon Forest Practices Act provided adequate protection for streams and rivers and that no more regulations were needed.

The timber industry also took its opposition to key state level offices. As a result, in September, Oregon Governor Neil Goldschmidt requested that Senator Hatfield delay committee consideration on the bill (Hayakawa 1988d, B1). The request was made so that his office could have time to evaluate each river in the bill and was made partially in response to concerns expressed by the timber industry.

### Mining

The mining industry was represented at the hearings by Jim Dingman of the Southern Oregon Resources Alliance. Dingman claimed that environmental protection had made the mining industry an "endangered species" (Dingman 1988). He stated that the impacts of designation on mining should be assessed and that miners should be compensated for their losses. No one testified against the bill based on impacts the bill would have on a specific mining activity.

### Summary of Traditional Water and River Corridor Uses

The proportion of people opposing the Omnibus Rivers Bill on the grounds of lost economic development was about the same as in previous Oregon Wild and Scenic River processes. Opponents, however, were more effective in organizing against the bills than they had been in the past. The timber industry appealed to Governor Goldschmidt for assistance and received it. A statewide organization created to oppose the bill had members who opposed designation on economic grounds. The pro-development interests were successful in getting several rivers removed from the Omnibus Rivers Bill including the Nestucca, Burnt, South Fork of the Crooked River, and Opal Creek. In addition, the lengths of the river segments to be protected were adjusted to remove disputed areas from the bill. Disputes among the bill's sponsors over protection for the Klamath River nearly prevented passage of the bill in 1988.

Some of the opposition to designation occurred because of widespread economic difficulties, not because any specific development was threatened. This was true of the timber and mining industries. Both industries suffered economic hardships as a result of the recession of the early 1980s, and both, at least in part, blamed environmental preservation actions for their hardships. It should also be noted that the Salt Caves Dam was proposed by Klamath Falls as a money making project to stimulate the economy of a region still suffering from the recession.

## Legitimization

The introduction and passage of the Oregon Omnibus Rivers Bill were evidence of the acceptance and legitimization given to the Wild and Scenic River Act in the 1980s. The bill was based primarily on rivers studied in the Forest Service planning process. Environmental groups not only testified in favor of the bill but were active participants in its creation. While opposition to the bill was vocal, the majority of people testifying supported the bill. River designation was endorsed by newspapers in major Oregon cities. The key factor in the passage of the Omnibus Rivers Bill was the commitment to river protection by Senator Hatfield and other members of Oregon's Congressional delegation.

### Administrative Commitment

The changed attitude of federal agencies towards river protection played a major role in the development of the Omnibus Rivers Bill. The rivers proposed for designation had been found eligible by the National Forests in Oregon through their Land and Resource Management Plans or had been recommended by the BLM in response to a request from Senator Hatfield. The Forest Service planning processes provided the Oregon Rivers Council with a list of eligible rivers to present to Senator Hatfield and other Congressional members.

The Forest Service and BLM testified in favor of the Omnibus Rivers Bill at the Subcommittee hearings in Washington, D.C. They offered only technical amendments to the bill. Agency representatives did express concern about protecting rivers flowing through private lands and suggested that they could be better managed by state river protection systems (Hayakawa 1988c, C5).

#### Commitment by Environmental Groups

Environmental groups were more actively involved with the Omnibus Rivers Bill designation process than in the past. The idea of introducing an omnibus rivers bill was suggested to Senator Hatfield by the Oregon Rivers Council. Members of the ORC, Oregon Natural Resources Council, and Sierra Club worked with the Senator's office to write and revise the bill. The three groups were involved in lobbying efforts in Congress to insure passage of the bill and to prevent objectionable amendments. In his speech introducing the bill to the Senate for a vote, Senator Hatfield expressed his appreciation to Bob Doppelt of the Oregon Rivers Council, Rick George of the Oregon Natural Resources Council, and Liz Frenkel of the Sierra Club for their assistance in developing the bill (U.S. Congress, Senate 1988, 15244).

The ORC made several attempts to reduce opposition from local landowners along privately controlled rivers. It sponsored forums to educate landowners about the provisions of the Wild and Scenic River Act and proposed the

inclusion of Local Citizen Management Plans in the Omnibus Rivers Bill. The ORC also conducted research into areas of dispute over the Wild and Scenic River Act and determined that the federal government had only condemned a small percentage of land since the Act passed and none since 1974 (Wisner 1988a, B4). It reported preliminary research indicating that land values increased when scenic easements were attached to property. Although the ORC's attempts to reduce local opposition were largely unsuccessful, its willingness to work with local residents indicated a commitment to river protection and a recognition that landowners were entitled to influence how the rivers should be protected.

#### Public Support

The general public had neither opposed nor supported river designations during past proceedings. Public comments to designation had been limited to the local areas. As anticipated by proponents of the omnibus bill concept, a statewide rivers bill generated more support than had single river bills.

The majority of witnesses at the public hearings for the Omnibus Rivers Bill testified in favor of the bill. Designation was supported by local conservation groups, recreation groups, and the majority of public citizens who testified (Lilly 1988). Designation was endorsed by newspapers in many of the state's principal urban centers: Portland, Salem, Corvallis, Eugene, and Bend. The Orego-

nian (1988a, B2; 1988c, C6; 1988d, E2), the Corvallis Gazette-Times (1988b, A4; 1988d, A4; 1988f, A4), and the Salem Statesman Journal (1988) encouraged the inclusion of controversial rivers such as the Klamath, Alsea, and Opal Creek. Passage of a statewide initiative in 1988 to expand the Oregon Scenic Waterways System is another indication of public support for river protection.

#### Congressional Support

Passage of the Omnibus Rivers Bill demonstrated the need for support of river protection by influential Congressmen. Senator Hatfield's position on the Public Lands, National Parks and Forests Subcommittee of the Committee on Energy and Natural Resources allowed him to schedule field hearings at an early date and to have hearings in the Senate in July. His influence as the ranking Republican on the Appropriations Committee and the respect given to him by other members of Congress allowed him to surmount legislative difficulties in getting the bill passed. He was also able to attach the Umatilla Project bill to the rivers bill which reduced Representative Bob Smith's opposition. Representative Les Aucoin played a key role in the bill's passage in the House. His position on the Appropriations Committee allowed him to counter Bob Smith's opposition.

All but one of Oregon's Congressional delegation supported the Omnibus Rivers Bill, but Senator Hatfield's influence was essential to its passage. Had he not introduced the bill in the Senate, the House bill sponsors

probably would not have been able to get the bill passed. Hatfield's commitment to the bill was crucial to pushing a relatively unimportant bill through a Congress anxious to adjourn for the election year.

#### Conflicts with Traditional Values

The Omnibus Rivers Bill was based on rivers recommended to Senator Hatfield by the Forest Service and BLM. The rivers proposed, however, were not restricted to federal lands and approximately a fourth of the rivers flowed through significant stretches of private land. This inclusion of private lands led to vocal opposition because of the possibility of condemnation and resentment of federal management of private lands. Most of the opposition to the Omnibus Rivers Bill was due to this conflict with traditional values.

#### The Condemnation Issue

Several of the rivers proposed in the Omnibus Rivers Bill involved private lands, but in most cases, condemnation for fee title was prohibited because 50 percent or more of the land within the river corridor was publicly owned. An exception to this was the Alsea River. The Alsea River flows from the Coast Range to the Pacific Ocean on the central Oregon coast (See Figure 2). The river originates on Forest Service and BLM land, but is predominantly privately controlled. In its 1986 Proposed Land and Resource Management Plan, the Siuslaw National Forest

determined that the Alsea might qualify as a recreational river, but "the small amount of Forest Service land did not warrant a study of suitability" (U.S.F.S., Siuslaw National Forest 1986, III-9,22). The river was included in the original omnibus bill without further study.

No one from the Alsea area opposed the river's designation at the field hearings in Oregon City. Four weeks later when hearings were held in Bend, opposition to the Alsea designation was well organized (Westlund 1988, A1,6). Local residents presented Senator Hatfield with a petition bearing the signatures of 3,127 people opposed to inclusion of the Alsea. Most of their opposition was based on a fear of the government's authority to condemn property.

To reduce opposition to the Alsea's designation, the Oregon Rivers Council conducted a forum to provide local residents with information about the provisions of the Wild and Scenic River Act. A panel was organized to explain aspects of the bill and designation. It included an aide to Senator Hatfield, representatives of the Forest Service and BLM, and two local residents. A professional moderator was on hand to help resolve differences. The panel attempted to explain the condemnation and easement provisions of the Act. Many in the crowd spoke against the condemnation provisions of the Act and the acquisition of scenic or access easements. They opposed federal management of their lands and wanted the Alsea River area left alone.

As a result of this and other vocal opposition from the Alsea area, Senator Hatfield announced at the Grants Pass hearings that he would direct his staff to remove the possibility of land condemnation from the Oregon bill (Salsgiver 1988). The removal of the possibility of condemnation did little to appease the Alsea group or other residents along proposed rivers. Their continued opposition to the bill was based on problems they contended would be associated with federal management of private lands.

#### Federal Management of Private Property

While the condemnation issue was the rallying point for opposition to designation of the Alsea, other issues were raised as well. Residents claimed they had been responsible for preserving the Alsea and that they could do a better job of managing the river than the federal government. Floyd Stout, leader of the Alsea opposition, cited the Yellowstone National Park fires of the summer of 1988 as an example that the government was unable to properly manage resources (Stout 1988). Most citizens testified that the river had adequate protection through local zoning and state land use laws. They did not want additional regulations or understand the need for them.

The Alsea was to be classified as a recreational river. Under the river classification system of the Wild and Scenic River Act, recreational is the most developed class of river and the class which allows the most future development. It does not mean the river area is to be man-

aged for increased recreation, but that was how the Alsea residents interpreted the classification. They contended the classification would lead to increased river use and the attendant problems of permit systems and littering (Bragg 1988, B1). Another frequently expressed concern was that landowners would have to provide public access to their property. They continued to express this opinion even when agency personnel assured them there was adequate public access to the Alsea and that no access easements would be needed.

The Alsea residents and their Alsea River Alliance were the most vocal opponents to designation, but residents along other proposed rivers also voiced concerns. Residents along the John Day River in central Oregon and along the Grande Ronde and Wallowa Rivers and Joseph Creek in northeastern Oregon protested the inclusion of those rivers in the Omnibus Rivers Bill. In these cases, it was not condemnation of property which was an issue, but increased federal management. Citizens were concerned that use of their property would be restricted. Said one landowner of the Joseph Creek area, the condemnation issue "was a red herring. Our concern is over management--it depends entirely on who is doing the management" (Hayakawa 1988h, C1,12).

The lack of predetermined management plans was another major concern. Landowners said that if they knew what would be in the plans they would know whether they should

support designation (Hayakawa 1988h, C1,12). Many did not trust the agencies to develop management plans consistent with the intentions of the bill's sponsors.

To appease the landowners along privately controlled rivers, the Oregon Rivers Council made a proposal for "Local Citizen Management Plans" (Wisner 1988a, B4). The plans would allow a panel of local citizens to develop management plans to protect the rivers. A three-year period would be allowed for formulating the plans. Citizens could seek federal or state protection for the river or could develop regulations based on county zoning or other local efforts. After the three-year period, Congress would be required to approve the plans. The Citizen Management Plans were based on the Park Service Mid Atlantic Region's guidelines for protecting rivers on private lands.

The proposal failed to reduce the protests of local residents. Members of the Alsea River Alliance held fast to their contention that the river already had adequate protection. Mimi Stout, whose husband led the Alsea River Alliance, said the plans would be acceptable only if all the members of the panel were residents of the Alsea Valley (Wisner 1988a, B4). She expressed concern that outsiders would be included in the planning process. The ORC proposal stipulated that federal agencies would organize the panels, but could not participate in the planning. The ORC wanted to be included on the panels, but the proposed plans did not require ORC participation.

Senator Hatfield announced his intention to include the Citizen Management Plans in a revised bill that he would introduce in Congress (Hamilton and Finley 1988, D1). The Alsea, sections of the John Day, Joseph Creek, and the lower sections of the McKenzie, Nestucca, and Williamson would be covered by the plans. As noted earlier, introduction of the bill was delayed by Governor Goldschmidt's office. The major concern was the effect of the rivers bill on the Oregon timber industry, but the validity of the Citizen's Management Plans was also questioned. The plans were removed from the revised bill by the staff of the Senate Committee on Energy and Natural Resources after it had determined that local groups could not legally be given exclusive authority to determine federal agency policies (Hayakawa 1988e). The plans would have been acceptable if agency personnel had been involved with their development, but local citizens opposed that. Since the Citizen's Management Plans could not be used to manage privately controlled rivers, rivers and segments with significant stretches of private land were deleted from Senator Hatfield's revised bill.

These revisions to the bill insured that no proposed river had less than 50 percent publicly owned lands and thus the possibility of fee title condemnation was removed. The Omnibus Rivers Bill was also amended to insure that another river met the 50 percent requirement. The South Fork Imnaha River, which is contained entirely in the Eagle

Cap Wilderness Area, was initially proposed as a separate river segment. It was included with the Imnaha River to add enough federally owned land to the Imnaha to prevent fee title condemnation (U.S. Congress, Senate 1988, 15243).

Opposition to the bill continued despite the changes which removed private lands. Alsea residents reported they were happy with the removal of their river from the bill, but that they would continue to fight the bill (Wisner 1988b, B1,2). They joined the statewide Oregon Rivers Conservation Council to oppose the bill. The president of the Council, a resident of the North Fork John Day area, said the group was not opposed to the idea of river protection, but questioned the need for federal intervention (Corvallis Gazette-Times 1988e, B3). He added that not enough study had been given to the rivers before they were included in the bill.

#### Summary of Traditional Values

The opposition to river designation based on perceived threats to the traditional values of private property rights was much more organized than in past designation proceedings. Proponents of the omnibus bill approach to river protection had claimed that a statewide bill would allow for greater public support (Krause 1988, 30). The same was true of opposition to designation, however. Opponents not only testified at field hearings, but organized groups to oppose the bill. Petitions with thousands of signatures were presented to Congressmen. Members of the

groups also travelled to Washington, D.C. to testify and lobby against the bill (Hayakawa 1988c, C5). In the past, river hearings in Washington, D.C. had only been attended by agency personnel and representatives of national environmental groups. In addition, the groups appealed to the governor for assistance in removing their rivers from the bill.

Attempts by the Oregon Rivers Council to gain the support of local residents organized against designation met with little success. The educational forums failed to remove misconceptions about the bill. The proposal for Local Citizen Management Plans was unacceptable to the opponents who remained adamant in their contention that existing river protection was adequate and that federal land management in the area would impinge on their rights.

#### Summary and Evaluation of the Omnibus Bill Approach

The Omnibus Rivers Bill was a milestone in river protection legislation. Never before had so many rivers been protected at one time under the Wild and Scenic River Act. The omnibus bill was praised as a new approach to river protection which would overcome many of the past designation problems. But the Omnibus Rivers Bill encountered many of the same problems as earlier efforts to designate Oregon rivers and met with similar results. The problems and successes of the omnibus approach are discussed below.

## Problems

The major problem associated with the Omnibus Rivers Bill was the private property issue. Most of the privately controlled stretches of rivers were eliminated from the bill because of public opposition. The history of past river designations has shown that the major opposition comes from private landowners who fear condemnation and government regulation of their land. The omnibus bill approach did not overcome that opposition and may have increased it.

One reason the Omnibus Rivers Bill created greater local opposition was because of the way the proposed bills were announced. Although the bills were considered discussion documents by their sponsors, they were introduced in Congress with all the possible river segments listed. This gave landowners the impression that inclusion of the rivers was predetermined without local input. Most local residents had heard nothing of plans to designate the rivers prior to announcement of the proposed legislation.

The lack of studies or plans for the rivers also increased local opposition. Most of the rivers included in the bills were based on Forest Service evaluations of Wild and Scenic eligibility of rivers. Those evaluations generally were cursory and involved no citizen input. Because the BLM planning process was just beginning, the rivers it recommended had undergone even less study. Local residents objected to the inclusion of rivers before the impacts of

designation had been determined (Corvallis Gazette-Times 1988e, B3). Opponents also objected to the lack of management plans or guidelines for the rivers (Hayakawa 1988h, C1,12).

Studies by the Park Service Mid Atlantic Region have demonstrated that it is possible to gain local landowner support for river designation (U.S.N.P.S., Mid Atlantic Region 1988). To do so, local residents must be involved early in the designation process and they must perceive a need for protection of the river. Neither situation existed in Oregon. Citizen input was not solicited until after the proposed bills had been announced. The Oregon Rivers Council had intended to solicit local support for designation along privately controlled rivers. Senator Hatfield's decision to introduce the omnibus bill in 1988 did not allow ORC time to gather that support. The ORC's proposal of Local Citizen Management Plans came too late in the process. By the time they were proposed, local residents were hostile to any river protection plan.

The result of the elimination of privately controlled rivers was that nearly all of the rivers designated by the Omnibus Rivers Bill were on public land, some of it already reserved for nonutilitarian uses. Of the 40 new Wild and Scenic Rivers, significant portions of eight are in Wilderness Areas: the Chetco, Eagle Creek, Imnaha, Minam, North Fork John Day, North Fork Smith, Salmon, and Wenaha. The Wild and Scenic River Act prohibits dam construction which

could be Congressionally authorized under the Wilderness Act. Otherwise, wilderness land use regulations are more restrictive and there will be no change in the Forest Service's management of those rivers.

Another criticism of both the Wild and Scenic River Act and the Omnibus Rivers Bill was that they have only protected isolated segments of rivers (Sumner 1981, 45). No attempt has been made to protect entire rivers or watersheds. The Omnibus Rivers Bill as initially proposed would have protected the Alsea and Nestucca Rivers from their headwaters to their mouths, but both rivers were excluded from the final bill. The Omnibus Rivers Bill does protect an extensive portion of the upper Descutes River Basin (the Deschutes, White, Metolius, and Crooked Rivers) and added the North Fork Owyhee and West Little Owyhee Rivers to extend river protection in that area. However, 14 of the segments designated by the Omnibus Rivers Bill are isolated stretches less than 20 miles long.

#### Successes

The Omnibus Rivers Bill was a successful approach to designating a large number of studied rivers on public land. Many of the rivers which the Forest Service and BLM found eligible for designation lacked the popularity which has led to designation of other, better known rivers. Proponents of designation for those less well-known rivers might have had trouble attracting enough support to designate the segments individually.

Another positive aspect of the omnibus bill approach was that it was further evidence of the legitimization of the Wild and Scenic River Act. As expected by advocates of the omnibus approach, the introduction of a statewide rivers bill generated support for designation from the general public. The Omnibus Rivers Bill had the backing of federal agencies, environmental groups, the general public, and most of the Oregon Congressional delegation.

The support of the majority of the Congressional delegation overcame a long standing problem with the Wild and Scenic River Act. In the 1968 House hearings, Chairman Aspinall established a precedent for allowing representatives to exclude rivers in their districts (Asmussen and Bouchard 1970, 173). The majority of rivers in the Omnibus Rivers Bill were in Representative Bob Smith's district and he firmly opposed designation. The other Oregon Congressmen guided the bill through the legislative process so that it passed over Smith's opposition.

The Omnibus Rivers Bill may have established a precedent in river protection. Both Senator Hatfield and Bob Doppelt of the Oregon Rivers Council were approached by people in other states interested in the success of the Omnibus Rivers Bill (Hatfield 1988, Doppelt 1988a). In November 1988, two announcements were made which indicated that the Omnibus Rivers Bill may have set a precedent for future river protection legislation. Senator Brock Adams (D-WA) announced his intention to introduce an omnibus

rivers bill for Washington in 1989 (Corvallis Gazette-Times 1988h, B1). Representatives of the Forest Service, BLM, and Park Service announced that they will recommend Congressional designation for over 300 rivers on federal lands (Washington Post 1988, A7).

## CHAPTER 6

## SUMMARY DISCUSSION AND CONCLUSIONS

Summary of the Problems of Implementation

Many problems have been encountered in the implementation of the Wild and Scenic River Act in Oregon. For this paper, those problems were generalized into three areas: conflicts between river preservation and traditional water and river corridor uses, the delayed legitimization of the Act, and conflicts between the public good and the traditional values of private property rights. The Oregon Omnibus Rivers Bill overcame some of the problems, but failed to successfully deal with others. The problems encountered in Oregon and the effectiveness of the Omnibus Rivers Bill have implications for future river additions in the state and may have implications for other states as well.

Opposition to river protection in Oregon came from proponents of traditional water and river corridor uses. The opposition had a limited impact on the number of rivers designated. Prior to the Omnibus Rivers Bill, no designations had been prevented because of potential economic development. Four rivers were excluded from the final Omnibus Rivers Bill because of possible negative effects on irrigation, water supply, and logging projects. The possibility of hydroelectric development on the Klamath River caused it to be recommended for study so that the FERC licensing process of the Salt Caves Dam could continue.

Lack of legitimization for the Wild and Scenic River Act was apparent in the early years of its implementation in Oregon. As in other states, the preparation of study reports was slow and little effort was made to request designation for the rivers on the Nationwide Rivers Inventory. Environmental groups supported individual designations, but did not actively promote expansion of the System. In the 1980s, the increased commitment of federal agencies and environmental groups became apparent. The National Forests in Oregon included an assessment of potential Wild and Scenic Rivers in their Land and Resource Management Plans. The Oregon Rivers Council was actively involved in efforts to designate rivers and was instrumental in the passage of the Omnibus Rivers Bill.

The conflict between river preservation and the traditional values of private property rights has been the major source of opposition to river designations in Oregon. Prior to 1988, the conflict had resulted in the exclusion of several rivers and river segments from the Wild and Scenic System. The private property issue also resulted in the exclusion of several rivers from the Omnibus Rivers Bill.

The success of the Omnibus Rivers Bill in overcoming the problems of designation was mixed. The omnibus approach was not an effective method for resolving the private property problem. The lack of river studies and management plans caused increased opposition to designa-

tion. As a result, several rivers were removed from the bill. The Omnibus Rivers Bill did, however, successfully designate rivers on public land and is the most successful approach thus far to designating rivers recommended by the Forest Service and BLM. The Omnibus Rivers Bill demonstrated the increased acceptance of the Wild and Scenic River Act by federal agencies, the public, and environmental groups.

#### Implications for Future Designations

Problems encountered in implementing the Wild and Scenic River Act in Oregon have several implications for future designations. Although proponents of river protection in other states will face different circumstances, lessons can be learned from the experiences in Oregon. Proponents in Oregon and other states are likely to face increased opposition from economic interests and from local residents opposed to federal management.

Economic arguments against designations are most likely to occur in areas beset by economic problems. These difficulties have caused industries and local residents to view resource preservation as potential threats to their livelihood. Supporters of river designations in other states where local economies are dependent on extractive industries may encounter similar opposition.

The private property issue will continue to be a major impediment to future river designations in Oregon and elsewhere. Most rivers which have been protected are on public

land, but demand is increasing for protection of rivers bordered by significant amounts of private land. If Wild and Scenic protection is to be extended to such rivers, proponents need to find strategies to overcome local concerns about condemnation and the uncertainties of federal management.

The strategies proposed by the National Park Service Mid Atlantic Region offer promise for protecting rivers on private lands. The development of management plans before designation and the early involvement of local residents in the process could overcome uncertainties and misconceptions about the effects of designation. An educational program emphasizing the values of the proposed river and the need for protection could help generate local support.

Research into the actual impacts of designation on land values and recreational use may help reduce local opposition. For example, a survey of landowners' attitudes toward Wild and Scenic River management along designated rivers could provide information about the perceived impacts of designation along proposed rivers. Federal agencies could also use the information to develop or modify river management plans. Research should be conducted independently of environmental groups and managing agencies so that the results might be more acceptable to local residents.

Because proponents of designation have emphasized the recreational values of proposed rivers, local residents

view designation as benefiting only recreational interests. This perception has been strengthened by the fact that the rivers bordered by private lands are classified by the Act as recreational. An emphasis on the resource management and preservation aspects of the Act might make designation more palatable to local residents. An amendment to the Act revising the river classifications might also be needed to more accurately describe the types of rivers being protected.

The Oregon Rivers Council attempted to incorporate new river protection strategies into the Omnibus Rivers Bill process. The proposals were made after residents were already vehemently opposed to the bill and therefore did not alter their opinions. Similar opposition was encountered in Washington in response to Senator Evans' planned omnibus bill. Local citizens' groups organized to oppose designation despite Evans' intent to involve local residents in the development of the bill (Corvallis Gazette-Times 1988i, B3).

It might also be necessary to develop alternatives to the Wild and Scenic River Act. A common theme throughout the Western River Workshop in 1988 was that Wild and Scenic designation was not an appropriate means of dealing with all rivers suitable for protection. Other types of river protection were advocated, including the establishment of fishing and canoeing rivers, canal routes, and local protection strategies. The momentum gathered by the increased

support for the Wild and Scenic River Act in the 1980s may allow river protection supporters to develop methods of protecting rivers which are not suitable for Wild and Scenic designation.

Increased support for the Wild and Scenic River Act may overcome many of the problems of designating rivers which qualify under the Act. If designation has the support of the federal agencies involved, environmental groups, and the public, it may be possible to develop approaches to overcome the opposition from other influential interests.

#### Conclusions

The conflict between river preservation and traditional values has been a major impediment to implementing the Wild and Scenic River Act in Oregon. Rivers or river segments have been removed from consideration because of the private property issue in every Oregon designation proceeding. Lack of legitimization for the Act has been another major hindrance to its implementation. Until the 1980s, the Act lacked the support of the managing agencies, environmental groups, and the public. Conflicts with traditional water and river corridor uses played a relatively small role in implementation. Until the omnibus bill, no river designations had been prevented because of that conflict.

The increased legitimization of the Act played a key role in the effectiveness of the Oregon Omnibus Rivers

Bill. The proposed addition of such a large number of rivers gained the support of environmental groups and the public throughout Oregon. Several rivers were excluded from designation because of concerns over traditional water and river corridor uses. Although the Omnibus Rivers Bill was effective in bringing an unprecedented number of rivers into the Wild and Scenic River System, it was not an effective approach to overcoming conflicts with traditional values.

These findings have several implications for Oregon and other states. The Wild and Scenic River proceedings in Oregon indicate that opposition to river protection may increase in local areas where economies are dependent on resource based industries. Increased legitimization of the Act, especially from the public, may help offset that opposition. The conflict between river protection and traditional values of private property rights will continue to be a major problem in implementing the Wild and Scenic River Act. Proponents of river protection will need to develop more effective approaches for gaining local support. Proponents in other states may find the omnibus approach an effective method of designating rivers on public lands, but like proponents in Oregon, they may need to find a better approach if they intend to protect more of the privately owned river corridors.

## REFERENCES

- Arney, Dick. 1988. Recreation Staff Officer, Umpqua National Forest. Personal communication, 28 April.
- Ashworth, William. 1971. Hell's Canyon: the deepest gorge on earth. New York: Hawthorn Books, Inc.
- Asmussen, Dennis G. and Bouchard, T.P. 1970. Wild and Scenic Rivers: private rights and public goods. In R.A. Cooley and G. Wandesforde-Smith, eds. Congress and the environment. pp. 163-74. Seattle: University of Washington Press.
- Beaumont, Peter. 1983. Water resource management in the USA: a case study of large dams. Applied Geography. 3:259-75.
- Bessey, Roy F. 1964. The public issues of the middle Snake River development: controversy over Hell's Canyon and Nez Perce reaches. Washington Division of Power. Resource Bulletin No. 9.
- Blumenthal, Les. 1988a. Panels exclude Alsea River from waterways legislation. Corvallis Gazette-Times. 23 September, A1,8.
- \_\_\_\_\_. 1988b. Senate OKs rivers bill. Corvallis Gazette-Times. 8 October, A3.
- Bradley, William. 1988. Bureau of Land Management. Land acquisition and easements. Comments at the Western River Workshop, Eugene, Oregon, 15 July 1988.
- Bragg, John. 1988. Alsea supporters speak against act. Corvallis Gazette-Times. 2 July, B1.
- Brown, Chris. 1988. National Park Service. The Wild and Scenic River designation process. Comments at the Western River Workshop, Eugene, Oregon, 15 July.
- Church, Foster. 1987. Legislation asks wild, scenic, recreational tags for Oregon rivers. The Oregonian. 5 December, D3.
- \_\_\_\_\_. and Alan R. Hayakawa. 1988. More congressional hot water awaits bills on rivers, irrigation. The Oregonian. 7 October, B3.
- Cole, D.H. 1986. Comprehensive plan requirement. Environmental Law. 16:640-51.

- Congressional Quarterly Almanac. 1968. Scenic rivers. 90th Cong., 2d sess., 1968. V. 24. Washington, D.C.: Congressional Quarterly Service, pp. 485-89.
- \_\_\_\_\_. 1986. Hydroelectric Power Licenses. 99th Cong., 2nd Sess., V. 42. Washington, D.C.: Congressional Quarterly Service, pp. 142-46.
- Conklin, William. 1988. Siskiyou National Forest. The management plan. Comments at the Western River Workshop, Eugene, Oregon, 15 July.
- Corvallis Gazette-Times. 1987. Bill would block dam construction. 11 December, A8.
- \_\_\_\_\_. 1988a. Oregon rivers worth saving. Editorial. 15 March, A4.
- \_\_\_\_\_. 1988b. More of Klamath River added to proposal. 17 March, B4.
- \_\_\_\_\_. 1988c. Denny Smith backs rivers bill. 25 March, B1.
- \_\_\_\_\_. 1988d. Rivers bill a boon, no bane. Editorial. 6 June, A4.
- \_\_\_\_\_. 1988e. Group plans to fight rivers bill. 25 September, B3.
- \_\_\_\_\_. 1988f. Alsea should be in bill. Editorial. 26 September, A4.
- \_\_\_\_\_. 1988g. Rivers bill. 6 October, B3.
- \_\_\_\_\_. 1988h. Rivers proposal. 13 November, B1.
- \_\_\_\_\_. 1988i. Rivers bill fought in Washington. 27 November, B3.
- Coyle, Kevin. 1988. American Rivers. Avoiding (or resolving) appeals to Wild and Scenic River analyses in Forest and Land Management Plans. Comments at the Western River Workshop, Eugene, Oregon, 15 July.
- Creel, Dennis. 1988. Hampton Tree Farms. Comments at the Senate Subcommittee on Public Lands, National Parks and Forests. Field Hearings on the Omnibus Oregon Wild and Scenic River Act of 1988, S. 2148, Oregon City, Oregon, 3 May.

- Custer, Rich. 1988. McMinnville Water and Light. Comments at the Senate Subcommittee on Public Lands, National Parks and Forests. Field Hearings on the Omnibus Oregon Wild and Scenic River Act of 1988, S. 2148, Oregon City, Oregon, 3 May.
- Dingman, Jim. 1988. Southern Oregon Resource Alliance. Comments at the Subcommittee on Public Lands, National Parks, and Forests. Field Hearings on the Omnibus Oregon Wild and Scenic River Act of 1988, S. 2148, Oregon City, Oregon, 3 May.
- Doerkson, Harvey R. 1975. Regional problem analysis in the Pacific Northwest. Pulman, Washington: Washington State University.
- Donheffner, Paul E. and Muckleston, Keith W. 1976. Motorboat use on the Wild Rogue River: an investigation of use between Watson Creek and Blossom Bar. WRRRI No. 52. Corvallis, Oregon: Water Resources Research Institute.
- Doppelt, Robert. 1988a. Oregon Rivers Council. Comments at the Oregon National Wildlife Federation Annual Meeting, Corvallis, Oregon, 9 January.
- \_\_\_\_\_. 1988b. Oregon Rivers Council. Comments at the Western River Workshop, Eugene, Oregon, 14 July.
- Dunne, Thomas and Leopold, L.B. 1978. Water in environmental planning. New York: W.H. Freeman and Company.
- Family Forest Task Force. 1988. The family forest plan. Roseburg, Oregon.
- Garn, Herbert S. 1986. Quantification of instream flow needs of a Wild and Scenic River for water rights litigation. Water Resources Bulletin. 22:745-51.
- Geisinger, Jim. 1988. Northwest Forestry Association. Comments at the Subcommittee on Public Lands, National Parks, and Forests. Field Hearings on the Omnibus Oregon Wild and Scenic Rivers Act of 1988, S. 2148, Oregon City, Oregon, 3 May.
- Goetze, Janet. 1988. Most at hearing support bill adding wild, scenic rivers. The Oregonian. 4 May, B3.
- Graham, Frank Jr. 1971. Man's dominion: the story of the conservation movement. New York: M. Evans and Company.

- Hamilton, Don and Finley, Carmel. 1988. Hatfield to introduce river protection bill. The Oregonian. 10 September, D1.
- Hatfield, Senator Mark. 1988. Comments at the Senate Subcommittee on Public Lands, National Parks and Forests. Field hearings on the Omnibus Oregon Wild and Scenic Rivers Act of 1988, S. 2148, Oregon City, Oregon, 3 May.
- Hayakawa, Alan R. 1988a. Hatfield moves to add rivers to federal system. The Oregonian. 5 March, D3.
- \_\_\_\_\_. 1988b. Hatfield proposal to protect rivers stirs state whirlpool. The Oregonian. 13 March, C2.
- \_\_\_\_\_. 1988c. Protection of Alsea River opposed by landowners. The Oregonian. 27 July, C5.
- \_\_\_\_\_. 1988d. Action on wild rivers bill delayed. The Oregonian. 16 September, B1.
- \_\_\_\_\_. 1988e. Paddlers aim to maneuver [sic] among twists, turns of wild rivers bill. The Oregonian. 19 September.
- \_\_\_\_\_. 1988f. Senate, House panels OK different rivers bills. The Oregonian. 23 September, A1.
- \_\_\_\_\_. 1988g. Smith wants House version of rivers bill to be considered by another committee. The Oregonian. 24 September, B12.
- \_\_\_\_\_. 1988h. Rivers bill hits rough currents. The Oregonian. 2 October, C1,12.
- \_\_\_\_\_. 1988i. Rivers bill OK'd in House. The Oregonian. 13 October, A1,14.
- \_\_\_\_\_ and Foster Church. 1988. Senate vote near on rivers bill as tentative pact reached. The Oregonian. 6 October, B4.
- Higgins, Joseph F. 1972. Easements for Wild and Scenic Rivers. Journal of Forestry. 70:744-47.
- \_\_\_\_\_. 1988a. Pacific Northwest Regional Office, U.S. Forest Service. Comments at the Forum on the Alsea River, Corvallis, Oregon, 7 June.
- \_\_\_\_\_. 1988b. Impacts on timber management. Comments at the Western River Workshop, Eugene, Oregon, 15 July.

- Jebousek, Larry. 1988. Head of Adjudication Division, Oregon Water Resources Department. 1988. Interview by author, 1 September, Salem, Oregon. Notes. Oregon Water Resources Department.
- Johnson, Philip. 1983. Will small dams create big problems? *National Wildlife*. 21(6):18-21.
- Knudsen, Douglas M. 1976. A system for evaluating scenic rivers. *Water Resources Bulletin*. 12:281-89.
- Krause, Timothy. 1988. A strategy for Wild and Scenic Rivers in the Northwest. *The Northwest Environmental Journal*. 4:5-39.
- Laiblin, Grant W. 1988. Unpublished letter to the editor. *Corvallis Gazette-Times*. 25 May, A4.
- Lange, Dave. 1988. Comments at the Western River Workshop, Eugene, Oregon, 14 July.
- Leopold, L.B. 1969. Quantitative comparison of some aesthetic factors among rivers. U.S. Geological Survey Circular No. 620. Washington, D.C.: U.S.G.P.O.
- \_\_\_\_\_. and Marchand, M.O. 1968. On the quantitative inventory of the riverscape. *Water Resources Research*. 4:709-17.
- Lilly, John. 1988. 1988 Oregon Omnibus Wild and Scenic River Bill (S. 2148) Oregon Field Hearing Summary. Unpublished paper.
- Loy, William G., ed. 1976. *Atlas of Oregon*. Eugene: University of Oregon Press.
- Lundeen, Dean. 1988. U.S. Forest Service. Comments at the Western River Workshop, Eugene, Oregon, 14-15 July.
- Matthews, Olen Paul. 1987. The public trust doctrine--a new doctrine in water law? Paper presented at the Annual Meeting of the Association of American Geographers, 23 April.
- Mellor, Steve. 1988. U.S. Forest Service, Columbia Gorge National Scenic Area. Final boundary determination. Comments at the Western River Workshop, Eugene, Oregon, 15 July.
- Michalson, E.L. and Hamilton, Joel. 1973. A methodology study to develop criteria for Wild and Scenic Rivers. Moscow, Idaho: Water Resources Research Institute.

- Mitchell, Bruce. 1979. Geography and resource analysis. London: Longman.
- \_\_\_\_\_. 1987. A comprehensive-integrated approach for water and land management. Center for Water Policy Research. Occasional paper #1. Armidale, N.S.W., Australia: University of New England.
- Nash, Roderick. 1973. Wilderness and the American mind. Revised edition. New Haven: Yale University Press.
- Northwest Power Planning Council (N.P.P.C.). 1986. Northwest conservation and electric power plan. V. 1. Portland, Oregon.
- \_\_\_\_\_. 1987. Columbia River Basin fish and wildlife program. Portland, Oregon.
- \_\_\_\_\_. 1988a. Protected area background and text of proposed amendments. Unpublished paper.
- \_\_\_\_\_. 1988b. Unpublished letter concerning protected areas amendments. 16 August.
- Oregon. 1987. Oregon Administrative Rules. Chapter 345, Division 79.
- Oregon. Secretary of State. 1987. Oregon blue book 1987-88. Salem, Oregon.
- Oregon. Water Resources Department (Oregon, W.R.D.). 1986. John Day River Basin report.
- Oregon Rivers Council (O.R.C.). 1988. Opposition grows to Salt Caves project. Free Flow. Spring 1988.
- The Oregonian. 1988a. Scenic rivers bill timely. Editorial. 6 March, B2.
- \_\_\_\_\_. 1988b. Dam approval at Salt Caves draws lawsuit. 27 August, B3.
- \_\_\_\_\_. 1988c. Don't ignore Klamath. Editorial. 26 September, C6.
- \_\_\_\_\_. 1988d. Good job on rivers bill. Editorial. 16 October, E2.
- Palmer, Tim. 1983. "Free" energy: the headlong rush to develop economical hydroelectric projects could have staggering environmental costs. Sierra. 68:40-47.
- \_\_\_\_\_. 1984. A time for rivers: the System at midstream. Wilderness. 48(166):12-19.

- Palmer, Tim. 1986. Endangered rivers and the conservation movement. Berkley: University of California Press.
- Pfister, Robert E. and Frenkel, Robert E. 1975. Rogue River study--report 2: the concept of carrying capacity: its application for management of Oregon's scenic waterway system. WRRRI No. 32. Corvallis, Oregon: Water Resources Research Institute.
- \_\_\_\_\_. 1976. Rogue River study--report 1: field investigations of river use within the wild river area of the Rogue River, Oregon. WRRRI No. 51. Corvallis, Oregon: Water Resources Research Institute.
- Reed, Scott W. 1984. The scenic St. Joe: a study of resistance to federal river protection. The Northwest Environmental Journal. 1:171-85.
- Reisner, Marc. 1984. Power, profit, and preservation: the invasion of small-scale hydropower. Wilderness. 48(166):27-34.
- Rennicke, Jeff. 1985. American's Wild and Scenic Rivers. Sierra. 70:54-58.
- Richardson, Elmo. 1973. Dams, parks, and politics: resource development and preservation in the Truman-Eisenhower era. Lexington: University of Kentucky Press.
- Rossner, John. 1988. Oregon Farm Bureau. Comments at the Senate Subcommittee on Public Lands, National Parks and Forests. Hearings on the Oregon Omnibus Wild and Scenic River Act of 1988, S. 2148, Oregon City, Oregon, 3 May.
- Salem Statesman-Journal. 1988. Editorial. 22 September.
- Salsgiver, Mike. 1988. Aide to Senator Mark Hatfield. Comments at the Forum on the Alsea River, Corvallis, Oregon, 7 June.
- Sawyer, Stephen W. 1986. Renewable energy: progress, prospects. Association of American Geographers Resource Publications in Geography. Washington, D.C.: Association of American Geographers.
- Shelby, Bo and Colvin, R. 1979. Rogue River use levels. WRRRI No. 63. Corvallis, Oregon: Water Resources Research Institute.

- Shelby, Bo and Colvin, R. 1981. Carrying capacity for the Illinois River. WRRRI No. 72. Corvallis, Oregon: Water Resources Research Institute.
- Shelby, Bo and Danley, Mark. 1980. Allocating river use. U.S. Forest Service.
- Snell, Frank. 1988. Bureau of Land Management. The Wild and Scenic River study process in forest and land management plans. Comments at the Western River Workshop, Eugene, Oregon, 14 July.
- Sommarstrom, Allan. 1970. Controversy in the North Cascades. In Congress and the environment. eds. R.A. Cooley and G. Wandesforde-Smith. pp. 65-82. Seattle: University of Washington Press.
- Stout, Floyd. 1988. Unpublished letter to the editor. Corvallis Gazette-Times. 20 October, A4.
- Sumner, David. 1981. Rivers running free: building the Wild and Scenic System. Sierra. 66:42-50.
- U.S. Bureau of Land Management (U.S.B.L.M.). 1972. Rogue National Wild and Scenic River: notice of revised development and management plans. Federal Register. 37(131):13408-416. 7 July.
- \_\_\_\_\_. 1985. Owyhee River National Wild River management plan.
- U.S. Congress. House. 1988. Introduction and passage of S. 2148 to amend the Wild and Scenic River Act of 1968. 100th Cong., 2nd Sess., Congressional record. (12 Oct).
- U.S. Congress. House. 1968. Committee on Interior and Insular Affairs. National scenic rivers system: hearings before the Committee on Interior and Insular Affairs. 90th Cong., 2nd Sess., 8-19 March.
- U.S. Congress. Senate. 1988. Introduction and passage of S. 2148 to amend the Wild and Scenic River Act of 1968. 100th Cong., 2nd Sess., Congressional record. (7 October).
- U.S. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on Public Lands and Reserved Water. 1984a. Designating the Illinois and Owyhee Rivers in Oregon as Wild and Scenic Rivers: report of the Committee on Energy and Natural Resources. 98th Cong., 2nd Sess., Report No. 460. 18 May.

- U.S. Congress. Senate. Committee on Energy and Natural Resources. Subcommittee on Public Lands and Reserved Water. 1984b. Wild and Scenic River System designations and amendments to the Act of October 2, 1968. 98th Cong., 2nd Sess., 6 March.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. 1965a. National wild rivers system. 89th Cong., 1st Sess. Report No. 792.
- \_\_\_\_\_. 1965b. National wild rivers system: hearings before the Committee on S. 1446. Part 2. 89th Cong., 1st Sess., 17-18 May.
- \_\_\_\_\_. 1965c. Wild rivers system--St. Croix Waterway: hearings before the Committee on Interior and Insular Affairs. Part 1. 89th Cong., 1st Sess., 22-23 April.
- \_\_\_\_\_. 1967a. Wild and Scenic Rivers: hearings before the Committee on Interior and Insular Affairs. 90th Cong., 1st Sess., 13-14 April.
- \_\_\_\_\_. 1967b. National Wild and Scenic Rivers System: report of the Committee on Interior and Insular Affairs. 90th Cong., 1st Sess., Report No. 491.
- \_\_\_\_\_. 1973. Hearings on amendments to the Wild and Scenic River Act S. 921, S. 1101, S. 1391. 93rd Cong., 1st Sess. 16 July.
- \_\_\_\_\_. 1974. Hearings to amend the Wild and Scenic River Act S. 3835 and H.R. 3903. 93rd Cong., 2nd Sess., 15 August.
- U.S. Congress. Senate. Select Committee on National Water Resources. 1961. Report. 87th Cong., 1st Sess.
- U.S. Congress. Senate. Select Committee on National Water Resources Activities in the United States. 1960. Water recreation needs in the United States, 1960-2000. 86th Cong., 2d Sess. Committee Print 17.
- U.S. Department of the Interior (U.S.D.I.). 1979. Report of the water policy implementation task force on environmental statutes. Washington, D.C.: U.S.G.P.O.
- U.S. Forest Service (U.S.F.S.). Deschutes National Forest. 1986. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Fremont National Forest. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.

- U.S. Forest Service (U.S.F.S.). Malheur National Forest. 1987. Proposed Land and Resource Management Plan.
- U.S. Forest Service (U.S.F.S.). Mt. Hood National Forest. 1988. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Northwest Regional Office. 1988. Visual management objectives for wild, scenic and recreational rivers. Unpublished paper.
- U.S. Forest Service (U.S.F.S.). Ochoco National Forest. 1986. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Rogue River National Forest. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Siuslaw National Forest. 1986. Proposed Land and Resource Management Plan.
- U.S. Forest Service (U.S.F.S.). Siskyou National Forest. 1969. Rogue River Plan.
- \_\_\_\_\_. 1978. A proposal: Illinois Wild and Scenic River.
- \_\_\_\_\_. 1985. Illinois Wild and Scenic River management plan.
- \_\_\_\_\_. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Umatilla National Forest. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Umpqua National Forest. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- \_\_\_\_\_. 1985. North Umpqua River Wild and Scenic suitability study.
- U.S. Forest Service (U.S.F.S.). Wallawa-Whitman National Forest. 1986. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Willamette National Forest. 1987. Proposed Land and Resource Management Plan and Draft Environmental Impact Statement.
- U.S. Forest Service (U.S.F.S.). Winema National Forest. 1987. Proposed Land and Resource Management Plan.

- U.S. Government Accounting Office (U.S.G.A.O.). 1978. Federal protection and preservation of Wild and Scenic Rivers is slow and costly. Washington D.C.: U.S.G.P.O.
- U.S. Heritage, Conservation and Recreation Service (HCRS). 1980. The nationwide rivers inventory: a report on natural and free-flowing rivers in the Northwest United States.
- U.S. National Park Service (U.S.N.P.S.). 1979a. John Day Wild and Scenic River report and draft environmental assessment.
- \_\_\_\_\_. 1979b. Owyhee Wild and Scenic River study.
- \_\_\_\_\_. 1987. Summary status of the Wild and Scenic Rivers Program. Unpublished paper.
- U.S. National Park Service (U.S.N.P.S.). Mid Atlantic Regional Office. 1988. The Wild and Scenic River Act: protecting rivers on private lands. Draft. Philadelphia, Pennsylvania.
- U.S. National Park Service (U.S.N.P.S.). Pacific Northwest Regional Office. River Conservation Assistance Program. Brochure. Seattle, Washington.
- U.S. National Park Service and U.S. Forest Service (U.S.N.P.S. and U.S.F.S.). 1970. Guidelines for evaluating wild, scenic, and recreational river areas proposed for inclusion in the National Wild and Scenic River System under Section 2, Public Law 90-542. February.
- \_\_\_\_\_. 1982. National Wild and Scenic Rivers System: Final revised guidelines for eligibility, classification, and management of river areas. Federal Register. 47(173): 39454-466, 7 September.
- U.S. Outdoor Recreation Resources Review Commission (ORRRC). 1962. Outdoor recreation for America. A report to the President and to the Congress by the Commission. Washington, D.C.: U.S.G.P.O.

- U.S. President. 1965. Public papers of the presidents of the United States. Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1963-. Lyndon B. Johnson.
- \_\_\_\_\_. 1968. Public papers of the presidents of the United States. Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1963-. Lyndon B. Johnson.
- \_\_\_\_\_. 1979. Public papers of the presidents of the United States. Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1977-. Jimmy Carter.
- Ulrich, Roberta. 1988. KF dam project hits snag. The Oregonian. 11 October, B1.
- Valen, Marc. 1987. Salt Caves Dam must die. Wild Oregon. 14(3):26-27.
- Walsh, R.G., Sanders, L.D., and Loomis, J.B. 1985. Wild and Scenic River economics: recreation use and preservation values. Englewood, Colorado: American Wilderness Alliance.
- Warren, Bob. 1988. Aide to Representative Peter DeFazio. Comments at the Oregon National Wildlife Federation annual meeting, Corvallis, Oregon, 9 January.
- Washington Post. 1988. More than 300 rivers slated for protection. Corvallis Gazette-Times. 18 November, A7.
- Weaver, Diane. 1985. Is protection for wild rivers flowing in the right direction? Forest Planning. 6(5):12-16.
- Westlund, Chuck. 1988. Alsea-area residents say bill unnecessary. Corvallis Gazette-Times. 31 May, A6.
- Wild and Scenic River Act. U.S. code. 1982. Supp. 1986. Vol. 4, secs 1271-87.
- Wilkinson, Charles, F. 1985. Western water law in transition. Colorado Law Review. 56(3):317-45.
- Wisner, George. 1988a. Rivers group offers deal on Alsea. Corvallis Gazette-Times. 10 September, B4.
- \_\_\_\_\_. 1988b. "Squeaky" citizens get Alsea off bill. Corvallis Gazette-Times. 23 September, B1,2.

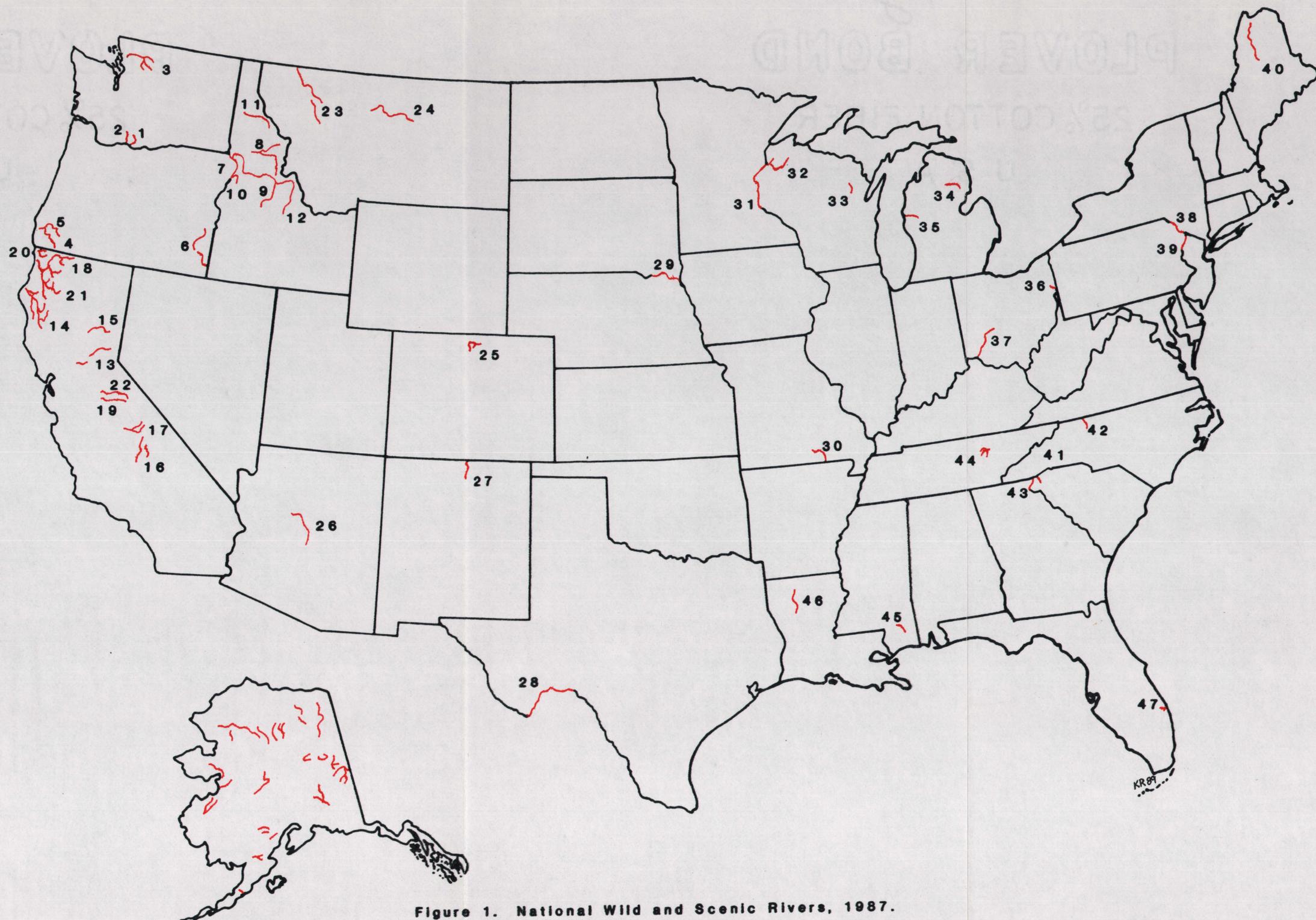


Figure 1. National Wild and Scenic Rivers, 1987.

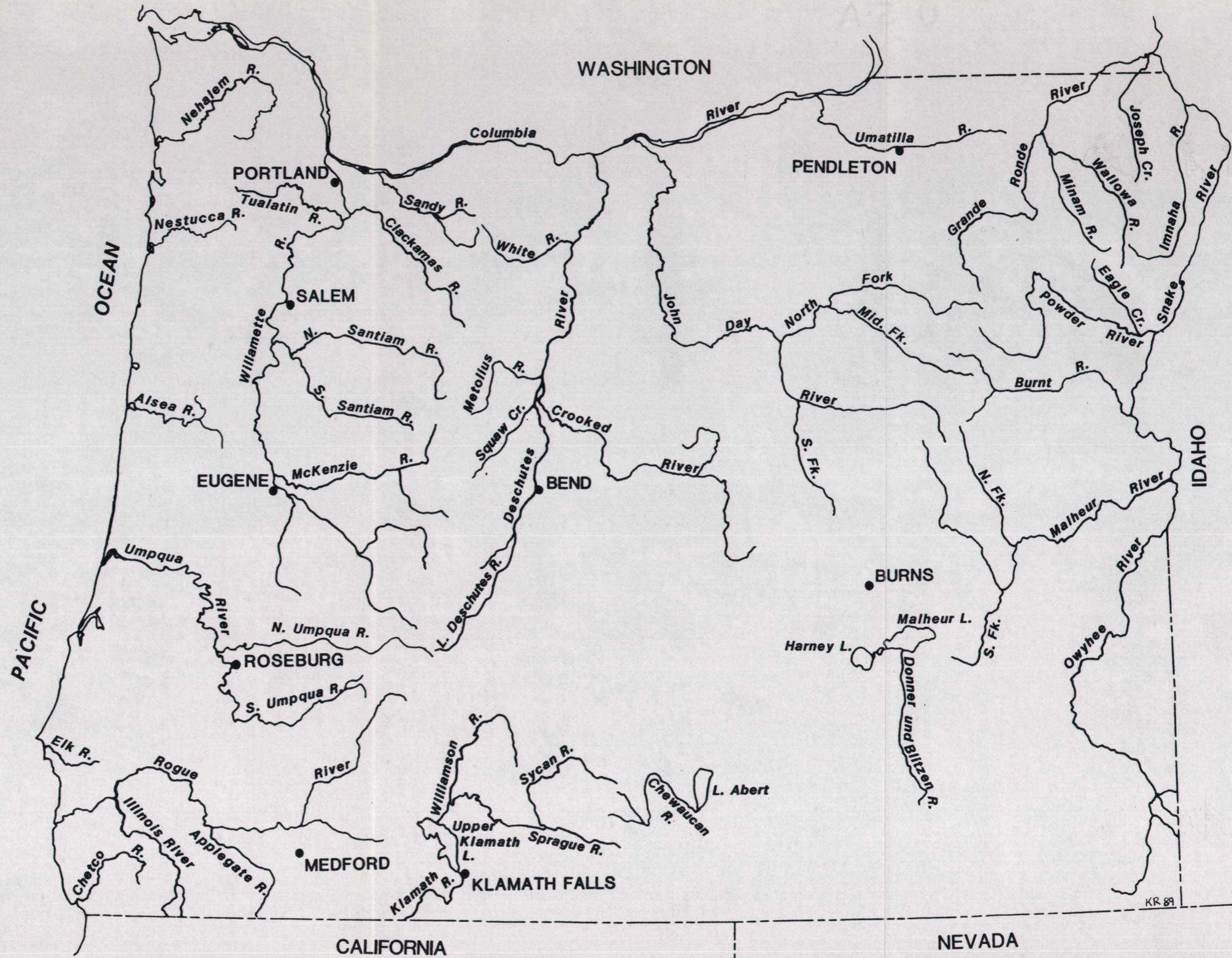


Figure 2. Oregon's major rivers.

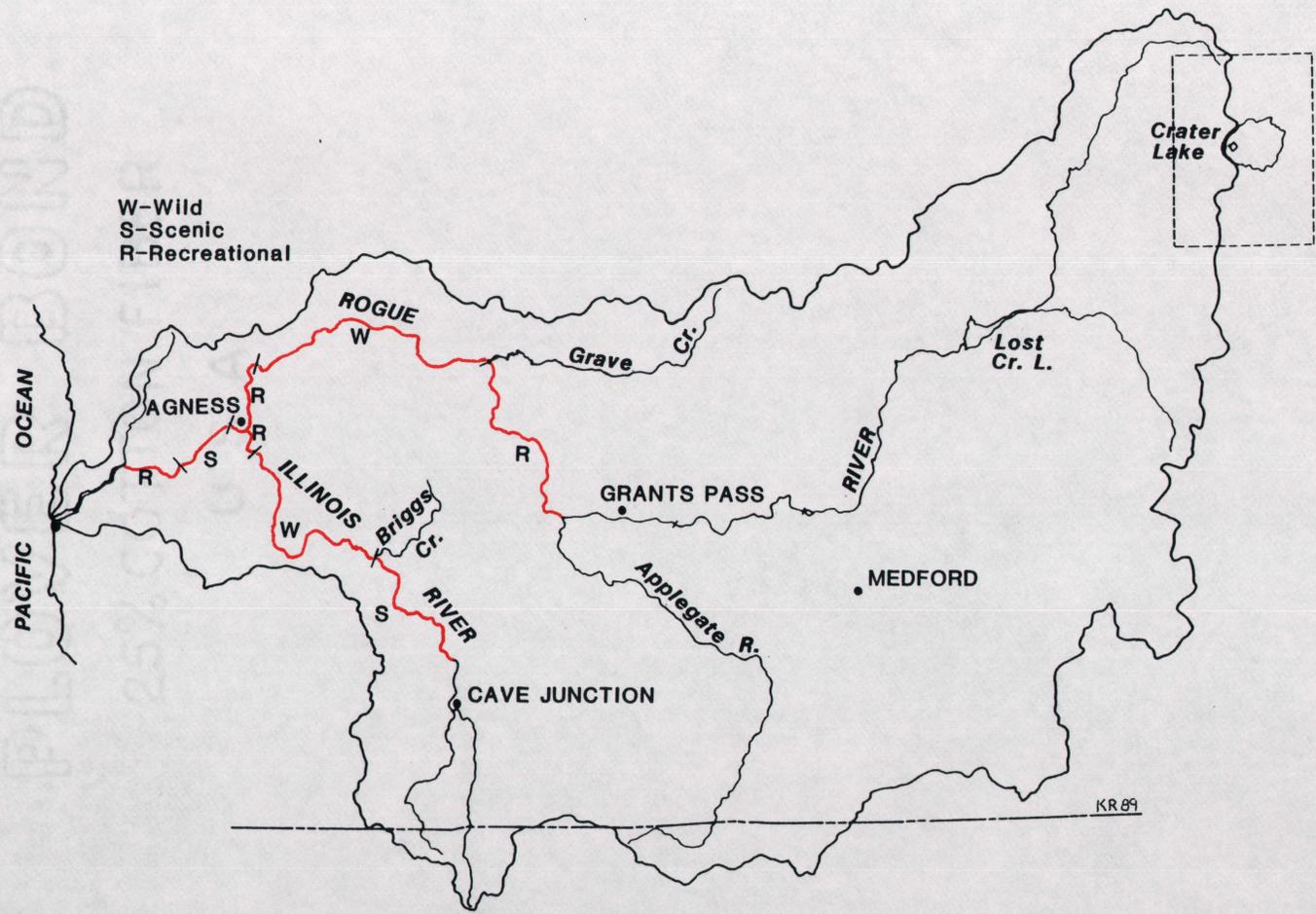


Figure 3. Rogue and Illinois Wild and Scenic Rivers.

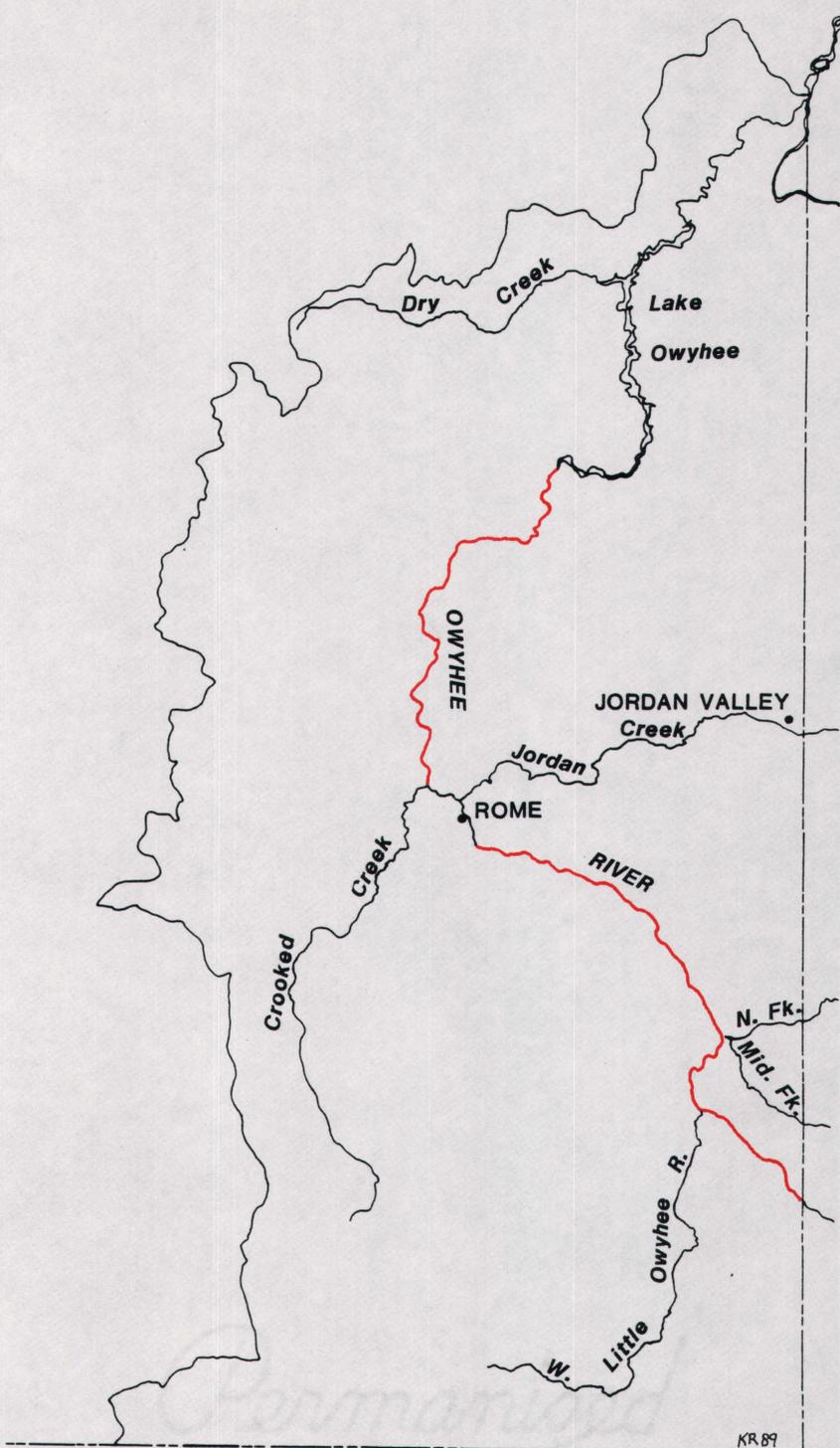


Figure 4. Owyhee Wild and Scenic River.



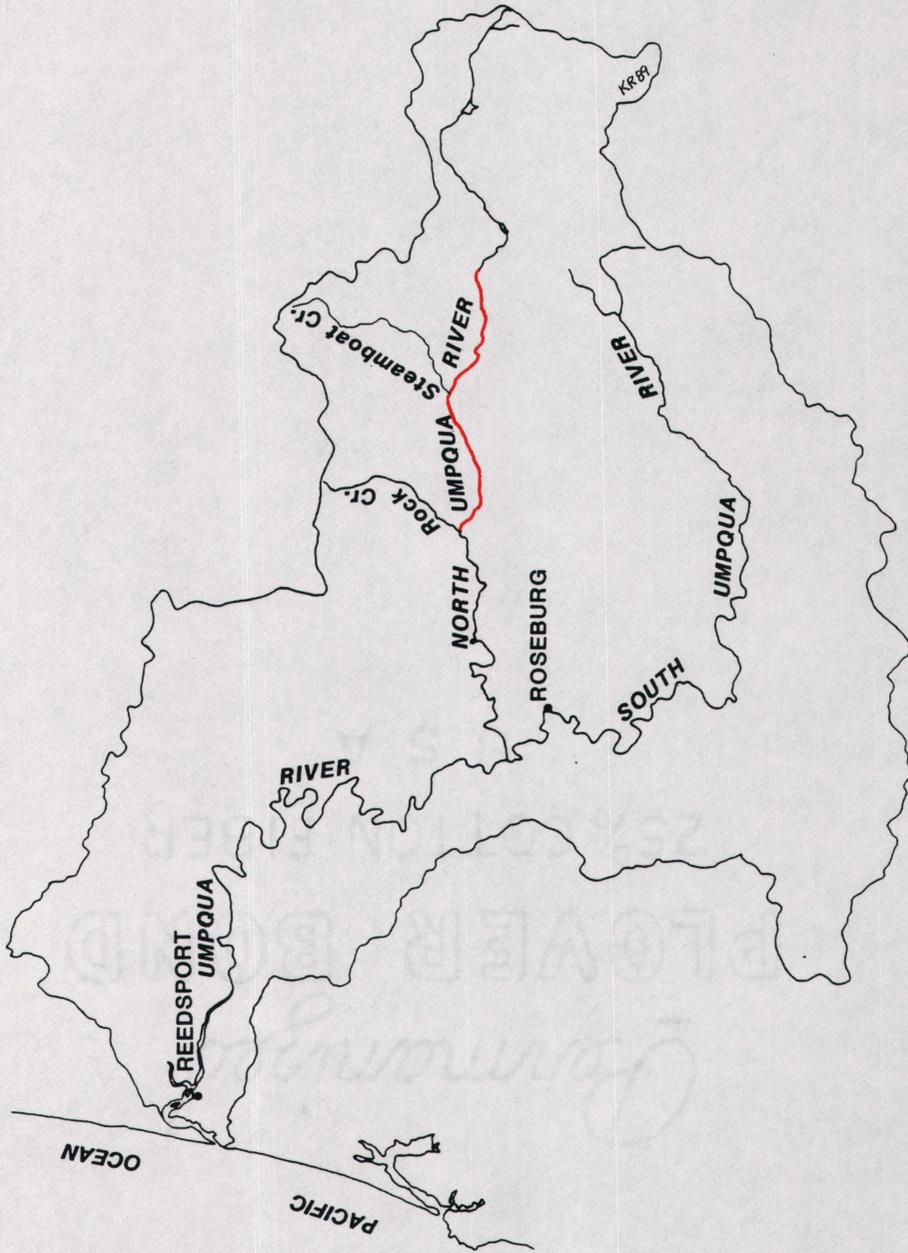


Figure 6. North Umpqua River Study Segment.

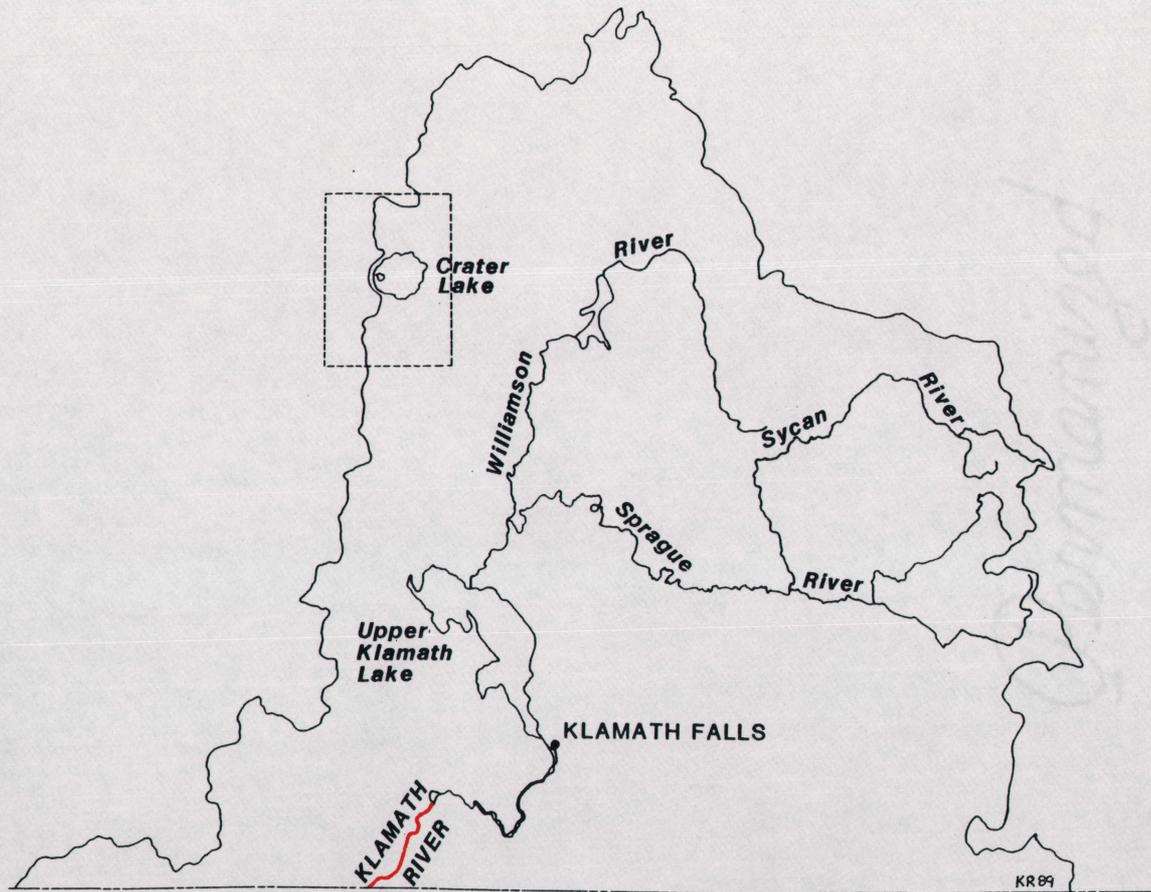


Figure 7. Klamath River Study Segment.