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A DETAILED ANALYSIS OF THE EFFECTS OF THE WILDERNESS ACT
OF 1964 AND THE WILD AND SCENIC RIVERS ACT OF 1968 UPON
LANDS OWNED BY THE STATE OF IDAHO AND THE POSSIBLE
EFFECTS UPON LANDS OWNED BY OTHER STATES OF THE FEDERAL
UNION

Presented To

THE CONGRESS OF THE UNITED STATES OF AMERICA

and to

THE UNITED STATES DEPARTMENT OF AGRICULTURE, FOREST SERVICE

Prepared by

The Office of the Attorney General of Idaho

THE HONORABLE ROBERT M. ROBSON

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F O R E W O R D

The State of Idaho has encountered and is about to encounter difficulties with the Federal Government in administering the trust of endowment lands granted by Congress for the support of common schools and for the support of other specified institutions, 26 Stat. 215 (1890), as amended. These grants constitute a trust of the highest, most sacred order which require the State of Idaho to act as trustee and administer the lands for the benefit of the designated beneficiaries, United States v. Fenton, 27 F.Supp. 816 (D.Ida.1939). The difficulties have been created by recent Congressional legislation, principally the Wild and Scenic Rivers Act, 82 Stat. 906. Specifically, this act poses a challenge to State ownership of the beds of navigable rivers which was established by the cases of Pollard v. Hagan, 3 How. 212 (1845) and Scott v. Lattig, 227 U.S. 229 (1912). Other difficulties involving the use of State land have also arisen because of this legislation.

This presentation explains the State's position in detail on each separate issue and contains some suggested remedial legislation.

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ACREAGE OF STATE LAND WITHIN WILDERNESS,
PRIMITIVE & WILD AREAS (ENDOWMENT LANDS)

Idaho Primitive Area

<u>T</u>	<u>R</u>	<u>Sec.</u>	<u>Acreage</u>
16N	12E	16	392.42
17N	12E	16	640
		36	640
17N	13E	16	640
19N	14E	16	640
21N	12E	16	640
		36	<u>640</u>
Total			4,232.42

Sawtooth National Recreation Area

<u>T</u>	<u>R</u>	<u>Sec.</u>	<u>Acreage</u>
7N	14E	16	320
8N	14E	16	640
10N	13E	16	360
		36	<u>599.72</u>
Total			1,919.72

Upper Priest Lake Scenic Area

<u>T</u>	<u>R</u>	<u>Sec.</u>	<u>Acreage</u>
62N	4W	4	138.00
63N	4W	18	270 (Approx.)
		19	76.10
		20	320 (Approx.)
		21	160 (Approx.)
		28	621.47
		29	109.60
		33	<u>240</u>
Total			1,935.17

Approximate acreage of State land within the proposed boundaries of the Middle Fork Clearwater, Selway & Lochsa wild rivers.....160 acres.

Approximate acreage of State land within the proposed boundaries of the Middle Fork Salmon Wild River -- included in acreage of Idaho primitive area.

Total Acreage within
all Areas..... 8,247.31 acres

An undetermined amount of State land is also found in the navigable river bottoms within the above areas. Areas not mentioned have no State land, other than river bottoms, within them.

I.

WILD AND SCENIC RIVERS ACT, 82 Stat. 906

The Wild and Scenic Rivers Act has a substantial impact on the State of Idaho. Two river systems are presently designated as wild rivers, the Middle Fork of the Salmon River and the Middle Fork of the Clearwater River including the Lochsa and Selway Rivers, § 3(a)(1),(7), 82 Stat. 907, 908. Five other Idaho rivers are designated for potential addition to the classification of wild rivers: the main stem of the Bruneau River, a segment of the Moyie River from the Canadian border to its confluence with the Kootenai River, the main stem of the Priest River, the main stem of the Saint Joe River, and the segment of the Salmon River from the town of North Fork to its confluence with the Snake River, § 5(a)(2),(14),(19),(22),(23), 82 Stat. 910, 911. The Forest Service, U. S. Department of Agriculture has published rules and regulations for the two river systems presently included as wild rivers, Federal Register, Vol. 30, No. 192 - Tuesday, October 9, 1969, p. 15565. Following is a list of conflicts between the Wild and Scenic Rivers Act and certain interests of the State of Idaho:

A. Middle Fork of Clearwater, Lochsa and Selway Rivers.

1. Endowment Lands Affected by Provisions of the Act.

Under § 8, Wild and Scenic Rivers Act, 82 Stat. 915 (Exhibit No. 1), provision is made for regulation of activities within the bed of a wild river or within 1/4 mile of the bank of such a river:

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

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United

States for the periods specified in section 7, subsection (b), of this Act.

"Sec. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that--

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

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

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

"Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

"(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance or leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system."

More specific restrictions upon the nature of activities which will be permitted in the described area appear in the rules and regulations published by the Forest Service, Federal Register, vol. 30, No. 192--Tuesday, October 9, 1969, p. 15565 at p. 15566, (Exhibit No. 2); the following appears regarding the Middle Fork, Clearwater River system:

COORDINATION

"Coordination direction is established to insure the proper relation between resource uses, land uses, or activities. General coordinating requirements are applicable to the entire area within the river boundaries. Special coordinating requirements which apply only to lands within either the recreational or wild river sections of the river are also listed.

GENERAL COORDINATING REQUIREMENTS

* * *

"Range. 1. Manage grazing along rivers to protect riparian vegetation and to

prevent damage to stream banks and channels.

* * *

3. Priority will be given to wildlife needs if conflict occurs between wildlife and commercial or recreation stock use.

"Timber. 1. Consider timber for recreation, watershed protection, and esthetic values rather than for commercial production.

2. Commercial timber harvest will generally be confined to areas outside the boundaries of the river area. Commercial operations could be needed to meet objectives under the recreational river coordinating requirements.

* * *

"Land Occupancies. 1. Present permitted uses on Federal land which are not compatible with river management objectives will be ultimately terminated.

2. All improvements and structures should be designed and located to accomplish their intended use in a way that is compatible with or enhances the river environment.

3. Access to private lands shall be by means which have the least adverse effects on the river environment.

* * *

"Minerals. 1. Insure protection of surface resources as provided for under Public Law 90-542 and applicable State laws on private lands or through scenic easements.

2. Recognize rights of mining claimants on claims located before passage of the Wild and Scenic Rivers Act. Gain cooperation of the miner to reduce impact on the river environment.

"Transportation. 1. Access roads to serve private lands are to be controlled by scenic easements to insure compatibility with development of the special planning area and with river environment protection.

2. Locate roads and trails to avoid encroachment on river banks and to harmonize with objectives for which the river area is established.

"Landownership Adjustment. 1. The Forest Service will develop a landownership adjustment plan for non-Federal lands within the river area. This plan will establish prescriptions necessary to conform to the Act, including a listing of constraints, standards and guidelines necessary to insure that the broad objectives for the river will be met.

2. Acquire lands in fee title where needed to fully (sic) protect and develop the river environs through a willing buyer-seller relationship."

* * *

RECREATIONAL RIVER COORDINATING REQUIREMENTS

"There are, in addition to general coordinating requirements applicable to the entire river area, specific coordinating requirements which apply to lands within the river segments classified as recreational. These specific requirements are listed below.

* * *

"Range. There should be no concentrated domestic stock grazing or holding corrals on the rivers' shorelines on public lands. (This does not pertain to winter feeding of small herds of domestic stock or to pasture grazing on private lands.)

"Timber. 1. Timber cutting will be done only for the following:
(a) Public safety and/or recreational purposes in selected areas.
(b) Control of fire, insects and disease, when such cutting is determined to be the only practical method of control.
(c) Approved road and trail locations.

2. Timber cutting will be compatible with or enhance key recreational and scenic values.

3. The values of standing trees for watershed, aesthetic or other recreational purposes will be considered in the choice of measures for controlling fire, insects and disease.

* * *

"Land Occupancies. 1. On private land secure scenic easements to achieve necessary scenic environmental controls. Limit only those uses and developments which interfere with public use and enjoyment of the river or detract from scenic values.

* * *

3. Access to private lands and occupancy roads across public lands shall be by means which have the least adverse effect on the river system and landscape values.

"Transportation. 1. Design road improvements and construct to the carrying capacity of the zone and optimum enhancement of recreation values.

* * *

3. Interior access facilities should be designed, located, constructed and maintained to minimize alteration of the natural landscape and impairment of the scenic values."

* * *

WILD RIVER COORDINATING REQUIREMENTS

* * *

"Timber. Timber cutting will not be permitted in the wild river area except when compatible with existing classifications and primitive recreation experience such as clearing trails, control of fire, tent poles, etc.

"Land Occupancy. * * *

2. Any new improvements on private land will be compatible and in harmony with the surrounding environment. There will be no new habitation or substantial additions to capacity at existing habitations.

"Transportation. Trails will be designated to standards consistent with wild river objectives. Within the wilderness they will conform to wilderness requirements."

Within the area encompassed by this maze of restrictions are approximately 160 acres of endowment lands granted from

the United States to the State of Idaho upon its admission to the Federal union, to be held in trust and administered for the designated beneficiaries, United States v. Fenton, 27 F. Supp. 816 (D.Ida.1939), (see map #4). This land contains both merchantable timber and some potential grazing areas.

When the State of Idaho, in exercising its duties as trustee of the endowment lands, sells standing timber or issues a grazing lease on these lands, immediate difficulties arise. The purchaser must be free to construct adequate logging roads in order to remove the severed timber and transport it to a sawmill.

a. The first problem to arise concerns the applicability of the Forest Service regulations regarding timber, supra, to endowment lands of the State of Idaho. The Act and regulations are unfortunately vague on the point of whether such restrictions apply only to timber on Federally owned land or whether they apply to any land within the system, including private and state endowment land. If the latter approach is to be taken, the State of Idaho would be unable to fulfill its duties as trustee of the endowments because the application of such regulations would run counter to the principle of selling standing timber for the purpose of maximizing the endowment funds. The State of Idaho, therefore, suggests remedial legislation by Congress as outlined below.

b. One potential remedy would be an exchange by the State of the endowment lands with the Federal Government for similar lands of equal value located in an area which is not thusly restricted. There is, however, some language in the Act which may becloud the possibility of such an exchange. Authority for exchanges is expressed in § 6 of the Act. Subsection (d) allows the Secretary of the appropriate department to execute exchanges generally, however, subsection (a) has some limiting language which may preclude this approach. It provides:

"The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in lands of any component of the national wild and scenic rivers system . . . but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, . . ." [emphasis added]

Two impediments to an effective exchange program are created by the underscored language from § 6(a) of the Act, supra.

First, there are instances where a complete and effective exchange would involve Federal acquisition of more than an average of 100 acres per mile of river on both sides. This problem does not appear to present itself on the Middle Fork, Clearwater River system because of the small acreage; however, it is a significant matter along other rivers in the State of Idaho. Second, and more important, is the provision that lands owned by a state may be acquired only by donation. The clear import of this language prohibits exchanges between the Federal Government and states where acquisition of land for a wild rivers system is involved. Cases construing and defining the word "donation" state that it is a transfer made gratuitously for no consideration, i.e., a gift. State ex rel Western Const. Co. v. Board of Com'rs of Clinton County, 166 Ind. 162, 76 N.E. 986 (1906); State v. Southern Pine Co., 205 Miss. 80, 38 So.2d 442 (1949); Staley v. Paddock, 301 S.W.2d 878 (Mo.App. 1957). An "exchange" of lands does not fit the definition of a "donation" of lands, and § 6(a) of the Act may therefore forbid such exchanges. Here, too, corrective legislation, as outlined below, can avert potential difficulties.

c. A remaining difficulty is that of access. If exchanges cannot be consummated and the State of Idaho is therefore required to try to continue managing the endowment lands as it is required to do, a grazing lessee or timber purchaser must be assured of adequate access over Federal land so as to be able to use the State land economically.

The appropriate Secretary is given authority to grant easements and rights-of-way over land constituting a component of a wild river system under § 13(g) of the Act. This grant of authority is limited by language requiring such rights-of-way to be consistent with the purposes and policies of the Act. The State of Idaho does not seek to interfere with the purposes or policies of the Wild and Scenic Rivers Act in any way as it applies to Federal land. The State's concern, rather, is with its ability to obtain the maximum benefit from its endowment lands. The following language appears in § 13(g) of the Act:

"The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of the Act."

It will be noted that the authority to grant rights-of-way is entirely permissive in nature. Nothing requires that the State of Idaho receive an easement for access to endowment lands in any circumstance. Nor is there any limit upon the restrictions to be contained in a right-of-way beyond the provision that the purposes and objectives of the Act must be met. The State of Idaho faces the possible situation of being able to sell, lease or sell standing timber from endowment lands within the Middle Fork, Clearwater River segment of the wild and scenic rivers system, yet either being unable to get any access over Federal land at all or of being able to get the needed right-of-way but with such restrictions that it is not economically sound for the potential user of the land. In either event, the endowment funds are denied their proper increase.

d. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS. In order to resolve some of the ambiguities contained in the Wild and Scenic Rivers Act and enable not only the State of Idaho but also every other state in the Federal Union to maximize the returns on their endowment lands affected by the Act, the following changes are recommended:

(1) Provisions in § 10(e) specify that any Federal agency charged with administration of a Wild and Scenic River Area may contract with state agencies to include state land within the programs and policies followed in administering the Act. This subsection should be amended to provide that, in absence of such a contract, the restrictions of the Wild and Scenic Rivers Act, supra, and of the Wilderness Act, 78 Stat. 890, shall not apply to State land located within a Wild and Scenic Rivers Area.

(2) Provisions in § 3(b) of the Act allowing the appropriate Secretary to promulgate rules and regulations developing a plan for development of wild or scenic rivers should be amended to clarify the point that any such rules, regulations and plans of development apply only to federally owned public domain land within a designated river system and that they specifically do not apply to any endowment lands granted by the Federal Government to any state which are located within some component of a wild or scenic river system.

(3) General administrative powers over wild and scenic rivers are provided by § 10 of the Act in terms of placing primary emphasis upon esthetic, scenic, historic, archeologic, and scientific features. The State of Idaho does not dispute the merits of these objectives. A clarifying amendment to this section should specify that nothing therein shall be

construed to restrict in any way the use and management by any state of any endowment lands contained within the boundaries of a wild or scenic rivers system.

(4) Restrictions contained in § 6(a) of the Act whereby state-owned lands may be acquired for inclusion in a wild or scenic river system only by "donation" from such a state should be amended so as to provide that any state may elect to exchange its lands within a river system with the appropriate department of the Federal Government for similar lands of equal value within such state. A change in § 6(a) should be made to provide that when any such exchange is involved, the restriction that not more than an average of 100 acres per mile on both sides of a river may be acquired for the wild river system will not apply. This will enable a state to request and obtain an exchange of lands when the size of the exchange may encounter the danger of violating the 100 acres per mile limitation. In no event should state endowment lands nor any interest in such lands located within a wild or scenic rivers system be subject to taking by any Federal agency by condemnation. To accomplish this objective, amendments to both subsection (a) and subsection (d) of § 6 of the Act would be necessary.

(5) Provisions in § 13(g) allowing the appropriate Secretary to issue rights-of-way over land in a river system should be amended to provide that any state has a vested right of access under the Act, to be evidenced by an appropriate instrument of conveyance from the department concerned, when such a right-of-way provides the only economically practical means of ingress and egress. The right to access should not rest on the discretion of the appropriate Secretary. Provisions that such means of access must be compatible with the purposes of the Act are not in question here so long as those provisions do not make ingress and egress economically unsound in a state's efforts to obtain a maximum return on its endowment lands located with a wild or scenic rivers system.

In support of this request, the State of Idaho cites the general common law principle of real property that where a grantor, the Federal Government here, grants lands to which there is no access except over lands retained by said grantor, the grantee, the State of Idaho here, has an easement by necessity across the grantor's land to gain access to the granted lands, the endowment lands here. Smith v. deFreitas, 329 F.2d 629 (3rd Cir. 1964); Rischall v. Buchmann, 132 Conn. 637, 46 A.2d 898 (1946); Joyce v. Devaney, 322 Mass. 544, 78 N.E.2d 641 (1948). It is the position of the State of Idaho that where Congress has granted to it certain endowment lands with the expressed intent that the granted lands be used to

maximize the return therefrom and where such endowment lands are entirely surrounded by other Federally owned land so that the only practical access to the endowment lands is across Federal land, then an easement by necessity arose in favor of the State of Idaho and its grantees over such surrounding Federal land. It would follow that a grantor may not thereafter destroy such an easement; therefore, the State of Idaho has a present easement by necessity to all isolated endowment lands within the area embraced by the Wild and Scenic Rivers Act. The legislative relief sought here from Congress would merely clarify this right.

2. Ownership and Control of the Beds of Navigable Rivers Included in the Wild and Scenic Rivers System.

The general principle of law that every state owns the beds of navigable rivers within its respective borders is well established. Pollard v. Hagan, *supra*; Scott v. Lattig, *supra*. Equally well established is the principle that for purposes of determining ownership of the bed of a river, the test is whether or not it is navigable in fact and this is a Federal question. In the case of United States v. Holt State Bank, 270 U.S. 50 (1926) it was said:

"The rule long since approved by this court in applying the Constitution and laws of the United States is that streams or lakes which are navigable in fact must be regarded as navigable in law; that they are navigable in fact when they are used, or are susceptible of being used, in their natural and ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water; and further that navigability does not depend on the particular mode in which such use is or may be had,--whether by steam boats, sailing vessels or flat boats,--nor on absence of occasional difficulties in navigation, but on the fact, if it be a fact, that the stream in its natural and ordinary condition affords a channel for useful commerce."

The Court made additional comment on the test of navigability in United States v. Utah, 283 U.S. 63 (1930) in saying:

"The test of navigability is thus determinative of the controversy and that is a

federal question. This is so, although it is undisputed that none of the portions of the rivers under consideration constitute navigable waters within the United States, that is, they are not navigable in inter-state commerce, and the question is whether they are navigable waters of the state of Utah. State laws cannot affect title vested in the United States."

Under the federal test, the Moyie River in Idaho has been held to be navigable in the case of United States v. Wallace, 157 F.Supp. 931 (D.Ida.1957). The Honorable Fred M. Taylor, District Judge, stated:

"Defendant contends that the land embraced within the boundaries of the mining claim was subject to location because it was and is a part of the bed of the Moyie River, a navigable stream, and thus owned by the State of Idaho.

"It is fairly well settled that the State owns and controls the bed of a navigable stream, even though the Federal Government may control the waters flowing therein under the Commerce Clause of the Constitution of the United States. Const. art. 1, §8, cl. 3. Many streams have been held by the courts to be navigable which might seem to be non-navigable.

* * *

"In the United States v. Appalachian Electric Power Company, 1940, 311 U.S. 377, 61 S.Ct. 291, 85 L.ed 243, it was held that a stream would come under Federal jurisdiction even though it was not navigable in its natural state, and in spite of falls, rapids, and other obstructions, provided it could or might be made subject to navigation (if only for the floating of logs or small boats) by means of locks, artificial channels, or other 'reasonable improvements'.

* * *

"On consideration of the evidence in the case at bar, and in light of the above and other decisions of the Supreme Court of the United States, it is the opinion

of this Court that the Moyie River is a navigable stream. The stream, however, and the bed thereof is only that which is within its ordinary and natural banks.

* * *

"Since that portion of the land in question occupied by the buildings, occasionally flooded, is not within the bed of the stream said land is the property of the United States and defendants have no right title or interest in and to the same.

* * *

"In the accordance with the above and foregoing the plaintiff is entitled to judgment as to all the land here in question except that portion found to be within the bed of the Moyie River."

In addition to the foregoing case law, § 13(f) of the Act preserves state ownership of the beds of navigable rivers within their respective borders, in the following language:

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

Separate treatment is provided for non-navigable rivers under § 9 of the Act which withdraws lands within and in 1/4 mile of a river subject thereto from entry under Federal mining laws.

The State of Idaho maintains that the Middle Fork of the Clearwater River and the Selway and Lochsa Rivers are navigable in fact and owned by the State, (see Exhibit No. 3.). For several years the Idaho Department of Highways has used gravel from the bed of the Middle Fork of the Clearwater River to maintain U. S. Highway #12 which is adjacent to the river for a stretch of approximately 100 miles. (Map No. 4)

The Forest Service appears to treat this river system as falling under Federal jurisdiction, § 9 of the Act, according to the River Plan published in the Federal Register, supra. See Exhibit No. 2. If this is done, the State of Idaho will be forced to obtain gravel to maintain this highway from other, much more costly sources. The added expense might easily be so great that the State of Idaho will be unable to maintain the highway.

A letter dated January 16, 1970 from Neal M. Rahm of the United States Forest Service, Region 1, Missoula, Montana, to Gordon C. Trombley, Idaho Land Commissioner (see Exhibit No. 4.) indicates that even if the river in question is navigable, the Forest Service will nevertheless take the position that dredge mining may be prohibited under § 13(d) of the Act, providing:

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

It appears to be Mr. Rahm's position that the authority of the Forest Service to control water quality may be sufficient for it to prohibit any dredge mining, even where the navigability is firmly established.

a. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS.

Although § 13(f) of the Act, supra, preserves for the states ownership of the beds of navigable rivers within any wild or scenic river system, other provisions of the Act, principally § 13(d), supra, nonetheless grant authority to the Forest Service to place such restrictions upon the exercise by the states of the incidents of ownership of the beds of navigable rivers. The practical effect of such regulations may be a deprivation to the states of enjoyment of the value of these lands. To remedy this situation, it is suggested that § 13(d) of the Act be amended to read that, notwithstanding any other provision therein, the right of the states to the title, use and possession of beds of navigable rivers embraced by the Act will in no way be impaired and access across Federal land should be guaranteed where needed to reach such river beds.

3. Regulation of Professional Outfitters and Guides Within the Middle Fork, Clearwater River System.

Forest Service regulations contained in the River Plan, Middle Fork of the Clearwater including the Lochsa and Selway, supra, contain the following provisions regarding the activities of professional outfitters and guides operating within this river system:

"

COORDINATION

Coordination direction is established to insure the proper relation between resource uses, land uses or activities. General coordination requirements are applicable to the entire area within the river boundaries. Special coordinating requirements which apply only to lands within either the recreational or wild river sectors of the river are also listed.

"

General Coordinating Requirements

Recreation

* * *

5. Plan and administer commercial services, including outfitters and guides, in such fashion as to serve the public needs while maintaining river values.

* * *

"Recreational River Coordinating Requirements

There are, in addition to general coordinating requirements applicable to the entire river area, specific coordinating requirements which apply to lands within the river segments classified as recreational. These specific requirements are listed below.

Recreation

* * *

4. Plan and administer outfitter and guide services to serve public need while at the same time maintaining zone values."

The authority for these Forest Service regulations would appear to be § 13(a) of the Act, which provides:

"Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however,

designate zones where, and establish periods when no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected."

The State of Idaho, through its Outfitters and Guides Board, licenses and regulates the operations of outfitters and guides within the State under authority of its police powers and Title 36, Chapter 54, Idaho Code. The Idaho Outfitters and Guides Board is specifically authorized to establish big game hunting areas for licensed outfitters. Thus, while the State of Idaho is exercising the general authority to control and license outfitters and guides, the Forest Service will seek to control outfitting and guiding within areas designated under the Act and Forest Service regulations promulgated pursuant thereto. This duality of control can lead only to misunderstanding.

It should be noted at this point that in the past the Forest Service has issued camp permits for commercial operators on land administered by it. At first some confusion resulted when commercial camp permits were issued to persons other than those licensed by the Idaho Outfitters and Guides Board. The licensed outfitter had no permits to camp on Forest Service land and the camp permit holder was not licensed to hunt big game in the area in which he had a camp permit. These initial difficulties have been resolved to a point where, presently, the Forest Service and the Idaho Outfitters and Guides Board have reached a rapport so that one single individual may hold both a license to hunt big game and Forest Service camp permits in the same area.

In the letter from Mr. Rahm of the Forest Service to Gordon Trombley, Idaho State Land Commissioner, it was indicated that the Forest Service only intended to continue the present camp permit regulations and nothing more. However, the language in the River Plan, supra, assumes much more sweeping powers. It speaks in terms of planning and administering commercial services, including outfitting and guiding. It is the position of the State of Idaho that planning and regulating outfitting and guiding anywhere within the State is a proper exercise of its police power in providing for public safety, even within areas covered by the Act and such regulatory power should remain in the several states. See Kesler v. Department Pub. Safety, Financial Responsibility Div., State of Utah, 369 U.S. 153 (1962).

a. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS.

The State of Idaho recommends that § 13(a) of the Act be amended to provide that nothing contained in the Act shall in any way diminish the exclusive jurisdiction of the several states over fish and wildlife within their borders, including the exclusive control and administration of all hunting and fishing, whether done commercially by outfitters and guides or otherwise. Additional provision should be made that the several states also have exclusive control and jurisdiction over all float trips and similar navigation of any river included in the Act, whether done commercially or otherwise.

There is presently pending before Congress H.R. 71, H.R. 916 and S. 1232, which are designed to settle the question of ownership of fish and wildlife which are found on Federally owned land by placing exclusive ownership and control thereof in the several states. These bills are the result of an unfortunate experience to which the State of New Mexico was subjected when officials administering the Carlsbad Caverns National Park began killing deer for the expressed purpose of conducting biological research on feeding habits, all of which was done without consultation with or permission from the State of New Mexico. The details appear in the case of New Mexico State Game Commission v. Udall, 410 F.2d 1197 (10th Cir. 1969) where it was held that the Federal Government had not exceeded its authority to protect Federal lands by killing the deer.

The State of Idaho urges passage of one of the above bills to preserve the rights of states to own and control fish and game animals within their borders. With an excess of 2/3 of the land mass of the State of Idaho in Federal ownership, the general principle of law that a state owns the wild animals within its borders has a hollow ring for the State of Idaho if Congress does not pass legislation to correct the situation created by the case of New Mexico State Game Commission v. Udall, supra.

B. Middle Fork of Salmon River.

1. Endowment Lands Affected by Provisions of the Act.

Regulations promulgated by the Forest Service under authority of the Act, Federal Register, Vol. 30, No. 192 -- Tuesday, October 9, 1969, p. 15572, provide:

" A WILD AND SCENIC RIVER

* * *

The Middle Fork is to be administered by

the Forest Service in a manner that protects and enhances the values which caused it to be included in the National Wild and Scenic Rivers System. To accomplish this, the river area will be managed to:

- Maintain the natural free-flowing condition of the river.
- Protect water quality.
- Protect scenic, recreational, geologic, fish and wildlife, historic, archeologic and other similar values.
- Maintain the essential primitive conditions of the shorelines.
- Provide recreation opportunities in harmony with the wild and scenic nature of the river.

* * *

" RECREATIONISTS TODAY

* * *

In 1930, running the rapids below the mouth of Wilson Creek was termed 'suicidal'. But, with the advent of the rubber boat and white-water kayaks, the adventurous can now regularly run the full length of the Middle Fork. Guided float-boating parties are a regular service for those who wish to enjoy the wild and scenic river.

The river has been little changed by the activities of man. It remains free flowing with its banks largely in natural condition.

* * *

" PROTECTION AND DEVELOPMENT
WATER - FREE FLOWING AND HIGH QUALITY

The Middle Fork, fed by many large creeks and smaller streams, has been classified a Wild River, except for a short section of Scenic River near Dagger Falls, because of its high quality water, free-flowing condition, and other values.

* * *

Objectives of the Forest Service in administering the water resource in the Wild and Scenic River include maintaining or restoring satisfactory conditions in the watersheds; maintaining river banks in essentially primitive conditions; providing

exceptional opportunities for river oriented recreation; and keeping the waters of the Middle Fork in an unpolluted, free-flowing condition, with no new impoundments, diversion, straightening, riprapping, nor other modification.

After midsummer, the waterflow drops off, and it is difficult to float the upper river except with the smallest float boat. In late summer, floating use is almost entirely below Indian Creek. . . .

RECREATION - AN OPPORTUNITY

The Middle Fork Salmon Wild and Scenic River is well known nationally for outstanding opportunities it offers for white-water float boating, fishing, and general enjoyment of a rugged, back-country river canyon. . . .

Float boating the river during the summer months is very popular. Most boaters float the river with commercial boat outfitters. Others float in private parties. Large rubber rafts are used by most floaters. Boaters spend 5 to 7 days on the river and enjoy fishing, camping and sightseeing. Boating use is increasing each year and will likely double by 1975. No boat motors of any type are permitted.

* * *

Two campgrounds and a boat-launching ramp are located within the Scenic River area at the end of this [Dagger Falls] road. Boaters, campers, fishermen, and sightseers are presently using these facilities.

* * *

The Forest Service will administer the recreation resource of the Middle Fork Salmon River to provide relatively primitive recreation opportunities in harmony with the nature of the river, and to protect the scenic, fish and wildlife, archeologic, and other outstanding recreation values.

During 1968, approximately 1,600 people floated the Middle Fork. Recent trends indicate that float boating use will likely double by 1975. * * *

An objective of the Forest Service is to develop criteria and establish guidelines as to the optimum use capacity of the area consistent with Wild and Scenic River values. Management efforts will be focused on proper distribution and use of the area. When it becomes necessary, a limitation on the amount of use will be needed.

* * *

TRAVEL TO AND THROUGH

* * *

Any landing field found to be non-essential or undesirable for meeting administrative or visitor needs in the Wild River area may eventually need to be phased out. Access for big game harvest, fire control, and other needs will be carefully analyzed before any closure is implemented.

* * *

Water transportation for recreational purposes is of national significance. Float boating is the only practical means of transportation through the deep narrow canyons of the lower river area.

* * *

Trail machine use has been fairly popular on the trail within the upstream portion of the Wild and Scenic River area outside the Idaho Primitive Area. Such use generally is not in harmony with other uses in this Wild and Scenic River area and will be terminated. Trail machine use will be permitted only on the main Dagger Falls road.

WILDLIFE AND FISH

Maintaining a balance between the big game and its limited winter range is a major challenge of both game and land managers. Idaho Department of Fish and Game biologists and Forest Service officers work together to maintain and improve big game habitat.

* * *

The needs of all species of wildlife . . . receive management consideration. Special

management attention is given to the small population of bald eagles, a rare species.

* * *

FOREST AND RANGE LANDS

* * *

Commercial timber harvesting is considered to be inconsistent with the management of this Wild and Scenic River.

* * *

PROSPECTING AND MINING

. . . The Wild and Scenic Rivers Act withdraws from further mineral entry the bed of the Wild River, its banks and the land within one quarter mile on each side of the river. The Scenic River area is not withdrawn by the Act but will be withdrawn administratively.

* * *

ADMINISTRATION

* * *

. . . as recreation demands increase, the following user requirements will eventually need to be implemented:

- Limits on size and number of boat parties.
- Assignment of camp spots.
- Use of a permit system for entry into the area.

* * *

IDAHO STATE LANDS

Lands within the Wild River area owned by State of Idaho agencies comprise 1,013 acres and include one partial school section and six ranches.

The partial State school section is under lease and used in conjunction with adjacent private property.

The Idaho Fish and Game Department purchased six ranches from private landowners in the early 1940's to reduce competition for forage between domestic livestock and big game. Some of these lands are leased to commercial outfitters for hunting camps and for grazing outfitter pack and saddle

stock. Two of these ranches have blocks of privately owned land within them.

The Forest Service will cooperate with the State to achieve coordination of management consistent with Wild River objectives."

See Exhibit No. 2.

The restrictive nature of the regulations just quoted parallels those in the Middle Fork, Clearwater River Plan and so, too, do the problems regarding use of State lands. The Forest Service regulations indicate that 1,013 acres of State land are affected. Part of one section is endowment land, located within 1/4 mile of the river. Two landing fields, one at Thomas Creek and the other at Loon Creek, belong to the State of Idaho and are administered by the Idaho Department of Aeronautics. The remaining acreage belongs to the Idaho Department of Fish and Game.

As in parts I., A., 1. of this presentation, supra, where the adverse effect of the River Plan for the Middle Fork of the Clearwater River on State endowments was noted, here, too, the River Plan for the Middle Fork of the Salmon River has the same kinds of adverse effects on endowment lands, Fish and Game lands and State airfields. The same problems of use and access exist. One additional problem should be noted. The State of Idaho is engaged in a program of expanding and developing its airports throughout the State. This may include the need to expand the Thomas Creek and Loon Creek fields. Of necessity, this will involve the need to acquire Forest Service land within 1/4 mile of the Middle Fork of the Salmon River.

a. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS

In addition to the proposed legislation in part I., A., 1., d., supra, the State of Idaho requests congressional authorization to enter an agreement with the Forest Service for extension, maintenance and improvements upon landing fields now located on land covered by the Wild and Scenic Rivers Act.

2. Ownership and Control of the Bed of the Salmon River.

The prime source of evidence of navigability of this river appears in the River Plan quoted above. In addition, attention is directed to the Affidavits in Support of Navigability of the Middle Fork, Salmon River (Exhibits No. 5, 6, and 7).

a. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS

The difficulties in maintaining State ownership of the bed of the Middle Fork of the Salmon are the same as those encountered with the Middle Fork of the Clearwater River. The remedies suggested in part I., A., 2., a. of this presentation are adopted for the Middle Fork of the Salmon River.

3. Regulation of Professional Outfitters and Guides Operating Within the Middle Fork Salmon River System.

The River Plan quoted above describes extensive proposals for the Forest Service to regulate the activities of professional outfitters and guides within the River system of the Middle Fork of the Salmon. These plans present the same difficulties involved in the Middle Fork of the Clearwater River.

a. SUGGESTED REMEDIAL LEGISLATION FROM CONGRESS

The situation here requires the same Congressional action requested on behalf of the Middle Fork of the Clearwater River for control of the operations of outfitters and guides. The legislation requested in part I., A., 3., a., for the Middle Fork Clearwater River System is hereby adopted for the Middle Fork of the Salmon River.

C. Rivers for Possible Inclusion in the Wild and Scenic Rivers System--Bruneau, Moyie, Priest, Saint Joe, Salmon.

One section of the Act contains special provisions for rivers designated for potential classification as wild or scenic. In § 12 it is stated:

"(a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of Section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for

potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this act.

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

In § 5(a) of the Act, five Idaho rivers are listed for potential classification as wild or scenic rivers:

1. Endowment Lands Along Rivers in § 5(a).

(a) Priest River. The State of Idaho owns approximately 39 sections - 24,960 acres - along the Priest River and its drainage area. (See Map No. 2).

(b) St. Joe River. There are approximately three sections - 1,920 acres - of endowment land along the St. Joe River as well as approximately 320 acres of land owned by the Idaho Department of Fish and Game. U.S. Highway 95A runs parallel to the river and in places within 1/4 mile of it for approximately 10 miles. The bed of the St. Joe River is a valuable source of gravel for maintaining much of Highway 95A, not, however, limited to the area paralleling the river. (See Map No. 3).

(c) Main Salmon River. Approximately 2-3/4 sections - 1,760 acres - of endowment land are located immediately adjacent to the Main Salmon River. (See Map No. 5). U.S. Highway 95 parallels the Salmon River for approximately 30 miles. The bed of the Salmon River serves as a valuable source of gravel to maintain this highway. The expense involved in obtaining alternative sources of gravel would be excessive.

(d) Moyie River. No endowment lands are located along the Moyie River. However, U.S. Highway 95 does parallel the river for brief stretches, and the bed of the river is a potential source of gravel for maintaining the highway. (See Map No. 2).

(e) Bruneau River. Five sections - 3,200 acres - of endowment land are located along the Bruneau River. (See Maps No. 8, 9, 10).

The nature of the duties and responsibilities of the State of Idaho with regard to these endowment trust lands has been discussed at length herein and will not be repeated. The language in § 5(b) of the Act appears to be sufficient to protect the rights of the State of Idaho and of the designated beneficiaries of the endowment funds from actions taken by the appropriate Secretary under § 5(a) which may adversely affect the use of the endowment lands. No amendments to the Act appear to be needed while the rivers discussed above remain classified as potential wild or scenic rivers. However, once any or all do acquire such a designation, then most or all of the amendments suggested for the Act with regard to the Middle Fork Clearwater and Middle Fork Salmon Rivers will apply. The extent of such applicability will depend upon the contents of the river plans developed for each of the respective rivers.

2. Ownership of the Beds of the Main Salmon, Moyie, St. Joe, Bruneau and Priest Rivers.

The issue of ownership of the beds of these rivers depends upon the then navigability under principles discussed above. In the event they are navigable, the amendments to the Act recommended in part I., A., 2., a. of this presentation would be applicable. It should be noted here that the United States District Court for the District of Idaho found that the Moyie River was navigable in the case of United States v. Wallace, supra.

II.

WILDERNESS ACT, 78 Stat. 890

The Wilderness Act, Exhibit 8, is designed to preserve certain lands which are owned by the United States in their wilderness character. The Act designates previously declared wilderness, wild, and canoe areas as "wilderness areas" and places them under the provisions of the Act. 16 U.S.C.A. §1132(a)(Supp.1970). Areas which have been previously designated as "primitive" by the Secretary of Agriculture or the Chief of the Forest Service are to be, before September 3, 1974, reviewed by the Secretary of Agriculture and a recommendation made to the President for inclusion or exclusion of each primitive area in the wilderness system. If recommended by the President and approved by an Act of Congress, the area will be included within the wilderness system. Areas classified as "primitive" on or before September 3, 1964, shall continue to be administered under the rules and

regulations affecting that area as of September 3, 1964, until Congress determines otherwise. 16 U.S.C.A. § 1132(b) (Supp. 1970).

A. Selway River.

The only area in the State which had been designated as a wilderness area prior to the Wilderness Act was the Selway-Bitterroot Wilderness Area which does not encompass any State land except that which may exist in the bed of the Selway River. Map No. 4. The Selway-Bitterroot Wilderness Area has presumably been included in the wilderness system. Unlike the Wild and Scenic Rivers Act, the Wilderness Act does not impose or include lands not owned by the Federal government. 16 U.S.C.A. §1131(a) (Supp. 1970). Therefore, assuming that the bed of the Selway River is in State ownership, it would be improper to include the bed within the area designated as a wilderness. However, since the Selway River has been included in the Wild and Scenic Rivers Act as a wild river, regulation of the use of the bed would be subject to that Act. The propriety of that regulation has been discussed at Pages 1 through 16.

The Wilderness Act does, however, restrict access to the bed. The Wilderness Act assures access to State-owned land in the following manner:

"In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land." 16 U.S.C.A. § 1134(a) (Supp. 1970).

The above section appears to give the Secretary of Agriculture the option of either providing access over lands within the wilderness area or, in the alternative, providing land of

equal value for exchange. There does not appear any criteria in the Act nor has any regulation been adopted relating to the procedure for obtaining access.

Since access may be both difficult to receive and difficult to construct, it is recommended that an exchange be considered.

B. Salmon River and Endowment Land.

The Idaho and the Salmon River Breaks Primitive Areas abut the main Salmon River for a length in excess of 50 miles on opposite sides of the Salmon River. Map No. 6. The Idaho Primitive Area contains approximately 4,232 acres of State endowment land. Neither primitive area has been included in the wilderness system, and under the provisions of the Wilderness Act will be managed under the rules and regulations of the Chief of the Forest Service as they existed on September 3, 1964, until Congress determines otherwise. 16 U.S.C.A. §1132(b) (Supp. 1970). The regulations relating to the conduct of activities within the primitive areas are attached as Exhibit 9. 16 C.F.R. § 251.20 and § 251.21(a) (Supp. 1966); 36 C.F.R. § 251.20 (1960).

The pertinent provisions in the regulations relating to a right of access to private land within the boundaries of the primitive area are as follows:

"Provided, that roads over national forest lands reserved from the public domain and necessary for the exercise of a statutory right of ingress and egress shall be allowed under appropriate conditions determined by the Chief, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice or public hearing to exclude the portion affected by the roads." (36 C.F.R. § 251.20(a) (Supp. 1966)).

"Within such designated wilderness when the use is for other than administrative needs of the Forest Service and of other Federal agencies when authorized by the Chief and emergencies, the landing of aircraft and the use of motorboats are prohibited on national forest land or water unless such use by aircraft or motorboats has already become well established, use of motor vehicles is prohibited and the use of other

motorized equipment is prohibited except as authorized by the Chief. These restrictions are not intended as limitations on statutory rights of ingress and egress or of prospecting, locating and developing mineral resources." (36 C.F.R. § 251.20(b) (Supp. 1966)). [emphasis added]

The above sections of the Federal regulations as quoted were in existence on September 3, 1964. Section 251.20(a) quoted above incorporates an amendment made in June of 1963 wherein the right of ingress and egress to or from privately owned property was made contingent upon the existence of a "statutory right for ingress and egress." Prior to 1963 the regulation did not require a "statutory right for ingress or egress" but only required that the access be necessary to reach private property. The former language stated as follows:

"Provided, That roads over national forest lands reserved from the public domain and necessary for ingress and egress to or from privately owned property shall be allowed under appropriate conditions determined by the forest supervisor, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice or public hearing to exclude the portion affected by the roads."

What is meant by a "statutory right of ingress and egress" and why the amendment in 1963 was made is unclear. There is no road to any of the endowment land or the Salmon River within either of the primitive areas, and the State has no express grant of a right-of-way to these lands from the Federal government. It is urged, however, that a right-of-way does exist for ingress and egress to these lands in accordance with the argument advanced at Pages 10 and 11.

If access is to be denied these lands, then it is recommended that consideration be given to the exchange of the lands involved for other lands owned by the Federal government.

III.

SAWTOOTH NATIONAL RECREATION AREA

Senate Bill 853, 91st Congress, First Session

A. Salmon River and Endowment Land.

Senate Bill No. 853 of the 91st Congress, First Session, is attached as Exhibit 10, and the amended bill introduced in 1969 to include the White Cloud area is attached as Exhibit 11. Senate Bill 853 as amended incorporates all of the land shown within the area designated as "Proposed Sawtooth National Recreation Area" on Map 7. Included in this area are approximately 1,919 acres of State endowment land plus that land lying within the bed of the main Salmon River which is subject to claim by the State. The Sawtooth National Recreation Area Bill is designed for the purpose of retaining the existing scenic, historic and pastoral setting. Uses now being made of private property are allowed to continue, but in the event a change is made which interferes with the purpose of the Bill, then that use may be restricted. Section 4 of the Act provides that any property or interest within the Recreation Area owned by the State of Idaho or any political subdivision may be acquired by the Secretary of Agriculture but only with the consent of the owner. Under Section 5 of the Bill, the Secretary of Agriculture is authorized to adopt regulations setting standards for the use, subdivision and development of privately owned property within the boundaries of the Recreation Area. To assure that private land within the boundaries of the area is used in a manner consistent with the regulations, the Secretary is authorized to obtain scenic easements, giving him the right to control the use of lands in order to protect the esthetic values. While the Act does not expressly provide that the Secretary of Agriculture shall have jurisdiction over State land within the area, the general import of the Act, Section 4 and the reference in Section 5 to private property, is to the contrary.

B. Suggested Remedial Legislation from Congress.

It is recommended that, to assure the unimpaired management of the endowment lands, specific language be incorporated into the Act exempting State land from its coverage. In the event that no exception is made, it is recommended that, following the provisions of Section 4, an exchange of the State land within the area for Federal land lying outside be made to assure an unimpaired authority to manage the State lands.

S U M M A R Y

The foregoing is a detailed discussion of certain specific difficulties created by the Wilderness Act of 1964 and by the Wild and Scenic Rivers Act of 1968. These difficulties are not peculiar to the State of Idaho, but, to the contrary, are imminent for any other state affected by these statutes. In summarizing this presentation, it is important to stress what the State of Idaho is seeking to do and what it is not seeking to do.

The purpose for which this presentation was prepared is to clarify, and to some extent modify, the application of these statutes insofar as they affect the ownership, control, use, disposition and management of state lands located in proximity to areas created by the statutes in question. Specifically, the State of Idaho seeks to preserve its right of reasonable ingress and egress to all state lands hereinbefore discussed. Insofar as endowment lands are concerned, the State seeks legislation which will guarantee that it may continue to fulfill the fiduciary duties placed upon it by terms of these grants, in order to use the lands so as to generate the maximum return to their respective beneficiary funds.

To this end, the State of Idaho suggests that Section 10(e) of the Wild and Scenic Rivers Act be amended to provide that state lands within a wild and scenic river area boundary will not be subject to the restrictions of that Act or of the

Wilderness Act unless such state, by contract, agrees to bring its lands within the purview of these acts. In line with this approach, the State of Idaho suggests that Section 3(b) of the Wild and Scenic Rivers Act be amended to provide that any rules and regulations promulgated by any department of Federal government regarding administration of a wild or scenic river area shall not be applicable to state lands located within such area unless the state has entered an agreement as outlined above. To this end, it is also suggested that Section 10 of the Wild and Scenic Rivers Act, outlining general administrative powers over wild and scenic river areas, be amended to provide that nothing contained therein shall restrict the use and management by any state of its lands located within the boundaries of a wild or scenic rivers system.

In order to facilitate both the realization of the objectives contained in the Wild and Scenic Rivers Act and at the same time the fulfillment by all states of the duties imposed upon them by their admission bills, regarding maximization of the return from the endowment lands, the State of Idaho has proposed that Section 16(a) of the Wild and Scenic Rivers Act be revised. That section presently states that state-owned lands may be acquired for inclusion in a wild and scenic river system only by "donation" from a state. By amending this provision to specify that any state may request an exchange whereby it would grant title to state lands within wild and scenic river boundaries in exchange for other Federal lands, both of the above

objectives would more nearly be fulfilled. In the event that such an exchange is not forthcoming, there would still remain the problem of states acquiring access over and across Federal lands within a wild and scenic river boundary area in order to reach state land. To facilitate such access, the State of Idaho suggests that Section 13(g) of the Wild and Scenic Rivers Act, allowing the appropriate secretary to issue rights-of-way over land within a wild and scenic river system, be amended to provide that states have a right of access to such state lands, thereby providing that access does not rest upon the decision of the administering agency.

A separate matter of concern to every state is the preservation of title and ownership within the several states to the beds of navigable rivers within their respective borders which are affected by this Act. Section 13(f) of the Wild and Scenic Rivers Act clearly preserves for the states the ownership of beds of navigable rivers within their boundaries which have been scheduled for inclusion in a wild or scenic river system. However, Section 15(d) of said Act limits the right of states to control such stream beds by inferentially requiring that any such state control must be exercised without impairing the purposes of the Wild and Scenic Rivers Act or its administration. It is therefore suggested that this section be amended to provide that the right of states to the title, use and possession of beds of navigable rivers embraced by said Act will in no way

be impaired and access across Federal land to such river beds will be guaranteed.


Another separate problem faced by many of the states is the right of control of wild game animals located upon Federal land. Section 13(a) of the Wild and Scenic Rivers Act, although attempting to preserve state jurisdiction over such animals, does in fact empower Federal agencies administering this Act to provide certain hunting zones. The section should be amended to provide that the right of the states over wild animals shall include the exclusive jurisdiction to control hunting and fishing. In connection with this provision, it should also be stated that each state shall have exclusive control and jurisdiction over all float trips and similar navigation of any river included in the Act, whether done commercially or otherwise.

In proposing the foregoing changes, the State of Idaho wishes to emphasize that it neither seeks nor intends to interfere with the policies, programs or objectives of either the Wild and Scenic Rivers Act or the Wilderness Act. The sole concern here is in providing adequate latitude for the State to administer those endowment lands which it received from the Federal government according to the terms of those grants. All of the suggested modifications of the two statutes in question can be included without offending the intent and spirit of either statute. Rather, the objectives of these acts may be obtained while still providing that each state may realize the fullest measure of benefit from its endowment lands.

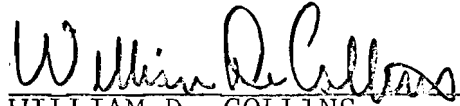
In excess of two-thirds (2/3) of the area of the State of Idaho is owned by the Federal government. In addition, there is land in state, county and municipal ownership. This leaves a relatively small amount of land as a tax base for financing state and local government. For this reason the State of Idaho has a most urgent need to have all its assets available to provide a maximum return to finance the operation of the State.

Respectfully submitted,

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Assistant Attorney General

March 10, 1970

Public Law 90-541

JOINT RESOLUTION

October 1, 1968
[H. J. Res. 1461]

Making continuing appropriations for the fiscal year 1969, and for other purposes

Continuing ap-
propriations,
1969.
Ante, p. 475.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of Article 102 of the joint resolution of June 29, 1963 (Public Law 90-366), hereby further amended by striking out "September 30, 1965" and inserting in lieu thereof "October 12, 1963".

Approved October 1, 1968.

Public Law 90-542

AN ACT

October 2, 1968
[S. 119]

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

Wild and Scenic
Rivers Act.

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

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

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

National wild
and scenic rivers
system.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned without expense to the United States, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned,

or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine, and that segment of the Wolf River, Wisconsin, which flows through Langlade County.

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

Eligibility for inclusion.

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

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

(3) Recreational river areas—Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

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

National wild and scenic rivers components.

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

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

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

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

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the In-

terior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

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

(7) SALMON, MIDDLE FORK, IDAHO.—From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

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

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

SEC. 4. (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and from time to time submit to the President and the Congress proposals for the addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system; which, in his or their judgment, fall within one or more of the classes set out in section 2, subsection (b), of this Act; and which are proposed to be administered, wholly or partially, by an agency of the United States. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each proposal shall be accompanied by a report, including maps and illustrations, showing among other things the area included within the proposal; the characteristics which make the area a worthy addition to the system; the current status of landownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area be administered; the extent to which it is proposed that administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area as a component of the system. Each such report shall be printed as a Senate or House document.

Report, maps,
etc.

Printing as
Senate or House
document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress. No river or portion of any river shall be added to the national wild and scenic rivers system subsequent to enactment of this Act until the close of the next full session of the State legislature, or legislatures in case more than one

State is involved, which begins following the submission of any recommendation to the President with respect to such addition as herein provided.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

Publication in
Federal Register.

Potential addi-
tions, designa-
tion.

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

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

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

(3) Buffalo, Tennessee: The entire river.

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

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

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

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

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

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

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

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

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

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

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

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

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

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

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

(20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: *Provided*, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate

executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.

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

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

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

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

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

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

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

(b) The Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture shall proceed as expeditiously as possible to study each of the rivers named in subsection (a) of this section in order to determine whether it should be included in the national wild and scenic rivers system. Such studies shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within ten years from the date of this Act: *Provided, however,* That with respect to the Suwannee River, Georgia and Florida, and the Upper Iowa River, Iowa, such study shall be completed and reports made thereon to the President and the Congress, as provided in section 4 of this Act, within two years from the date of enactment of this Act. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers with respect to which there is the greatest likelihood of developments which, if undertaken, would render them unsuitable for inclusion in the national wild and scenic rivers system.

Studies.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

Land acquisition.

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

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

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

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

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate secretary jurisdic-

tion over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

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

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

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

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin

Right of use and occupancy.

"Improved property."

Water resources projects, restrictions.

construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

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

(i) during the five-year period following enactment of this Act unless, prior to the expiration of said period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, conclude that such river should not be included in the national wild and scenic rivers system and publish notice to that effect in the Federal Register, and

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

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

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

49 Stat. 863.
16 USC 791a.

Publication in
Federal Register.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act.

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

Mining and
mineral leasing
laws.

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

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

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system.

Administration.

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

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

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

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

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

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

16 USC 1131
note.

State or local
governments, co-
operative agree-
ments.

State and local
projects, financial
assistance.

16 USC 460f-4
note.

16 USC 460f-
460f-3.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and heads of other Federal agencies shall review administrative and management policies, regulations, contracts, and plans affecting lands under their respective jurisdictions which include, border upon, or are adjacent to the rivers listed in subsection (a) of section 5 of this Act in order to determine what actions should be taken to protect such rivers during the period they are being considered for potential addition to the national wild and scenic rivers system. Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

Administration
and management
policies, review.

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

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

Fish and wild-
life, jurisdiction.

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

Water rights,
compensation.

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

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

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

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

Easements and rights-of-way.

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

Easement as contribution, claim and allowance.

76 Stat. 1034;
68A Stat. 410.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

Definitions.

SEC. 15. As used in this Act, the term—

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

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

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

Appropriations.

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$17,000,000, for the acquisition of lands and interests in land under the provisions of this Act.

Approved October 2, 1968.

MAINE

Aroostook County

Fort Kent vicinity, *Fort Kent Memorial*, c. ¾ mile southwest of Fort Kent off Maine 11.

Franklin County (also in Kennebec, Sagadahoc, and Somerset counties)

Popham Beach vicinity to Coburn Gore, *Arnold Trail to Quebec*, along Kennebec River, through Wyman Lake and Flagstaff Lake, along Dead River and Chain of Ponds to Quebec, Canada.

Kennebec County

Arnold Trail to Quebec (see Franklin County).

Lincoln County

Edgecomb, *Fort Edgecomb Memorial*, on Davis Island in the Sheepscot River.
Pemaquid Beach vicinity, *Fort William Henry*, northwest of Pemaquid Beach.

Sagadahoc County

Arnold Trail to Quebec (see Franklin County).

Popham Beach vicinity, *Fort Popham Memorial*, north of Popham Beach on Hunnewell Point.

Somerset County

Arnold Trail to Quebec (see Franklin County).

Waldo County

Prospect vicinity, *Fort Knox State Park*.

Washington County

Machiasport vicinity, *Fort O'Brien (Fort Machias)*, south of Machiasport on secondary road.

York County

Kittery Point vicinity, *Fort McClary*, off Maine 193 near Fort McClary State Park.

MARYLAND

Baltimore (independent city)

Old Roman Catholic Cathedral, 401 Cathedral Street.

Shot Tower, southeast corner, Fayette and Front Streets.

MICHIGAN

Cheboygan County

Mackinac City vicinity, *Mackinac Point Lighthouse*, Michilimackinac State Park.

Chippewa County

Drummond Township, *Fort Drummond*, western end of Drummond Island.

MISSOURI

Greene County

Ash Grove vicinity, *Boone (Nathan) House*, 1.75 miles north of Ash Grove on Missouri V.

Jackson County

Independence, *Valle (Harvey M.) Mansion*, 1500 North Liberty Street.

NEW MEXICO

Bernalillo County

Albuquerque, *San Felipe de Neri Church*, Old Town Plaza.

OKLAHOMA

Le Flore County

Spiro vicinity, *Spiro Mound Group*, NE¼ sec. 29 W½ of NW¼ sec. 23, T. 10 N, R. 26 E.

VIRGINIA

Alleghany County

Conington, *Humpback Bridge*, over Dunlop Creek, 12 miles south of Route 60, 0.8 mile southwest of intersection of Route 60 and Route 651.

Augusta County (also in Nelson County)

Waynesboro, *Swannanoa*, 0.5 mile west of Route 610, 0.4 mile south of intersection of Route 610 and Route 250.

Clarke County

Berryville vicinity, *Long Branch*, 0.1 mile north of Long Branch, 18 miles southwest of Route 626, 0.1 mile west of intersection of Route 626 and Route 624.

Charles City County

Hopewell vicinity, *Shirley*, 0.4 mile southwest of Route 608, 1.5 miles west of intersection of Route 608 and Route 5.

Charlotte County

Brookneal vicinity, *Staunton Hill*, 0.8 mile west of Turnip Creek, 0.2 mile southeast of Route 619, 1.4 miles southwest of intersection of Route 619 and Route 693.

Fluvanna County

Columbia, *Point of Fork*, West bank of Rivanna River, 0.3 mile north of southeast end of Route 624, 1.3 miles southeast of intersection of Route 624 and Route 656.

Gloucester County

Gloucester vicinity, *Rosewell*, 0.1 mile west of Carter Creek, 15 miles southeast of Route 644, 0.3 mile south of intersection of Route 644 and Route 632.

Hanover County

Hanover Court House, *Hanover County Courthouse*, east side of Route 301 at intersection of Route 1066 and Route 301.

Hopewell (independent city)

Appomattox Manor, at the confluence of the James and Appomattox Rivers, on the south bank.

King William County

King William, *King William County Courthouse*, east side of Route 619, 0.1 mile north of intersection of Route 619 and Route 30.

Mecklenburg County

Clarksville vicinity, *Prestrouid*, 0.1 mile north of Roanoke River, 16 miles southwest of intersection of Route 15 and Route 701, 1 mile north of Clarksville city limits.

Nelson County

Waynesboro, *Swannanoa* (see Augusta County).

New Kent County

New Kent Court House, *St. Peter's Church*, north side of Route 642, 0.4 mile northeast of intersection of Route 642 and Route 609.

Northampton County

Bridgetown vicinity, *Winona*, 0.7 mile south of Route 619, 0.4 mile northwest of intersection of Route 619 and Route 622.

Richmond (independent city)

Richmond City Hall, bounded by 10th, Broad, 11th, and Capitol Streets.

Richmond (independent city) vicinity, Menokin, 0.8 mile southwest of Route 690, 1.2 miles northwest of intersection of Route 690 and Route 621.

Surrey County

Jamestown vicinity, *Chippokes Plantation*, south bank of James River between College Run on the west and Lower Chippokes Creek on the east, opposite Jamestown Island.

Wythe County

Max Meadows vicinity, *Shot Tower*, 0.1 mile west of intersection of Route 608 and Route 52, 2.3 miles southeast of intersection of Route 52 and Route 619.

WYOMING

Laramie County

Cheyenne *Governor's Mansion*, 300 East 21st Street.

Niobrara County

Van Tassel *Ferdinand Branstetter Post No. 1, American Legion*, lots 1 and 2, block 8, sec. 17, T. 31 N., R. 60 W.

Weston County

Newcastle vicinity, *Journey Stockade*, NE¼ NW¼ sec. 7, T. 44 N., R. 60 W.

ERNEST ALLEN CONNALLY,
Chief, Office of Archeology
and Historic Preservation.

[F.R. Doc. 69-11947; Filed, Oct. 6, 1969;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

MIDDLE FORK CLEARWATER WILD
AND SCENIC RIVERClassification, Boundaries, and
Development Plan

Pursuant to authority delegated to the Chief, Forest Service, by the Secretary of Agriculture dated November 29, 1961 (29 F.R. 16216), the classification, boundaries, and development plan for the Middle Fork of the Clearwater Wild and Scenic River Area, including the Lochsa and Selway Rivers, in the Bitterroot, Clearwater, and Nezperce National Forests, Idaho, are established as herein-after set forth. The material which follows is all contained in the River Plan for the Middle Fork of the Clearwater River, copies of which were furnished the President of the Senate and the Speaker of the House of Representatives on October 1, 1969, in accordance with subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 908).

EDWARD P. CLIFF,
Chief, Forest Service.

RIVER PLAN

MIDDLE FORK CLEARWATER INCLUDING THE
LOCHSA AND SELWAY OF THE NATIONAL WILD
AND SCENIC RIVER SYSTEM

This is a résumé of the management policies and planned development for the Middle Fork Clearwater Wild and Scenic River System. It outlines the basis for management direction throughout the river system, indicates future developments and provides a background for coordinating resource and activity plans for all private and public lands within the Middle Fork System. There is a variety of source material recorded in

the Office of the Forest Supervisor, Clearwater National Forest, Orofino, Idaho, that contributed substantially to the management direction for the river system, including the Special Planning Area Multiple-Use Management Guide, Recreation Composite Plan, public meeting records, photographs and other related material. Review of the source material at the Forest Supervisor's Office is invited.

BASIC DATA

The Middle Fork Clearwater River System is formed by two main forks, the Lochsa and Selway Rivers, all which rise on the west slopes of the rugged Bitterroot Mountains. This river system, located in northcentral Idaho, is the major river drainage north of the Salmon River. It has a total drainage area of 3,420 square miles. All of the area considered in this system is located in the county of Idaho, State of Idaho, mostly within the Clearwater, Nezperce, and Bitterroot National Forests.

Classification

The Middle Fork of the Clearwater River System was determined to contain two of the three river classes defined in the Act, "recreational" and "wild."

The recreational river classification includes the Middle Fork of the Clearwater from Keoskia to Lowell, the Lochsa from Lowell to the Powell Ranger Station, and the Selway from Lowell to Race Creek and from Paradise to the Magruder Ranger Station.

The major factors which led to recreational river classification are roads which parallel these river segments. The roads make the rivers readily accessible. They encroach on the rivers in places. Portions of these rivers also have development along their shorelines in the form of homes and commercial facilities on private lands as well as administrative and recreational facilities on public lands.

Although the Selway from Paradise to the Magruder Ranger Station is classified as recreational river because of the road along it, this segment will continue to be managed to retain its relatively natural appearance. Recreation facilities provided will be modest and consistent with the nature of the environment.

The wild river classification includes the Selway River from Race Creek to Paradise Guard Station and from the Magruder Ranger Station to the headwaters of the Selway in the Salmon River Breaks Primitive Area.

The river segments in this classification have no road access. Access is provided by trail throughout and by five isolated, low-standard airstrips. Two of these were developed by the Forest Service and three by private parties. There are 14,500 acres within the boundaries of the 54 miles classified as wild river. The recreational river portion of the system contains 41,500 acres along 131 river miles.

Boundary

The boundaries of the river area have been estimated to include, within the statutory limitations of an average of not more than 320 acres per mile, those lands most directly related to the environment of the rivers and their shorelines and to the protection of scenic and recreational values. On surveyed land the boundary follows legal subdivisions. On unsurveyed land outside of wilderness and primitive areas, it follows topographic features where possible. Within wilderness and primitive areas it is one-quarter mile on each side of the river paralleling the river except for the inclusion of private properties. River boundaries are described in the appendix. They are also shown on maps on file and available in the Offices of the Forest Supervisors, Clearwater National Forest,

Orofino, Idaho; Nezperce National Forest, Grangeville, Idaho; and Bitterroot National Forest, Hamilton, Mont., and the Regional Forester, Northern Region, Missoula, Mont.

OBJECTIVES

1. Provide the range of quality recreation opportunities most clearly characteristic of and in harmony with the special attributes of each river segment.
2. Protect and enhance aesthetic, scenic, historic, fish and wildlife, and other values that will contribute to public use and enjoyment of this free-flowing river and its immediate environment.
3. Provide optimum recreational enjoyment consistent with protection of environmental quality.
4. Manage all uses on those portions of the river within the Selway-Bitterroot Wilderness and the Salmon River Breaks Primitive Area so as also to preserve the wilderness resource.
5. Manage use of river area so as to minimize adverse effects on water quality.
6. Provide coordinated resource use programs which will enhance or be compatible with the foregoing objectives.
7. Strive for continued participation of States, other agencies, local government, and private landowners in future planning and administration of the Middle Fork of the Clearwater System.

COORDINATION

Coordination direction is established to insure the proper relation between resource uses, land uses, or activities. General coordinating requirements are applicable to the entire area within the river boundaries. Special coordinating requirements which apply only to lands within either the recreational or wild river sections of the river are also listed.

General Coordinating Requirements

1. The Forest Service will make the necessary analysis of recreational use to develop criteria for estimating optimum use levels of various segments and establish management accordingly.
2. Locate facilities outside of the immediate foreground of rivers, streams, trails, or other natural attractions to allow appropriate use without unacceptable depreciation of the river environment.
3. Visitor use will be distributed or limited as necessary to prevent loss of river values.
4. Identify and protect historic, scenic, geologic, archeologic, and similar sites or areas.
5. Plan and administer commercial services, including outfitters and guides, in such fashion as to serve the public needs while maintaining river values.
6. When planning recreation development, provide for protection of rivers, streams, and underground water supplies from pollution.
7. Design all recreation developments to provide safe and enjoyable public use of the river environment. Developments in wilderness will conform to wilderness requirements.
8. With a few exceptions, public and private recreation developments will ordinarily be confined to complexes, such complexes being spaced to leave large segments of the river undeveloped. Simple boat or trail camps may be spaced along the river.
9. Manage grazing along rivers to protect riparian vegetation and to prevent damage to streambanks and channels.
10. Coordinate stock grazing use with recreation by special management practices such as fencing recreation sites and avoiding trailing or other practices which concentrate livestock.
11. Priority will be given to wildlife needs if conflict occurs between wildlife and commercial or recreation stock use.

Timber. 1. Consider timber for recreation watershed protection, and esthetic value rather than for commercial production.

2. Commercial timber harvest will generally be confined to areas outside the boundaries of the river area. Commercial operations could be needed to meet objectives under the recreational river coordinating requirements.

3. On National Forest land timber management planning will provide for necessary adjustments in the allowable cut to carry out the management direction for the river area.

Water. 1. Permit no permanent alterations of natural channels which significantly affect the free flow of water.

2. Protection of rivers will include controlling pollution, debris accumulation, and siltation to the degree necessary to maintain the water quality within defined parameter or measurable units.

3. Optimum flows for environmental needs are to be reserved. Studies will be made to determine optimum flows and whether there may be opportunities within the wild and recreational river objectives to improve flow.

Wildlife. 1. Direct fish management programs toward the maintenance of the anadromous fish run, the native trout fishery and perpetuating endangered species.

2. Wildlife habitat improvement measures will be undertaken to maintain the Clearwater-Selway big game herd to the extent that this can be done without adverse impacts to the river environment and wilderness.

Land Occupancies. 1. Present permitted uses on Federal land which are not compatible with river management objectives will be ultimately terminated.

2. All improvements and structures should be designed and located to accomplish their intended use in a way that is compatible with or enhances the river environment.

3. Access to private lands shall be by means which have the least adverse effects on the river environment.

4. Avoid improvements which cause use of resources beyond a reasonable capacity.

5. Limit new commercial service facilities (stores, hotels, etc.) to designated complex areas, Lowell and Smith Creek-Syringa area are the two designated areas at present.

Minerals. 1. Insure protection of surface resources as provided for under Public Law 50-542 and applicable State laws on private lands or through scenic easement units.

2. Recognize rights of mining claimants on claims located before passage of the Wild and Scenic Rivers Act. Gain cooperation of the miner to reduce impacts on the river environment.

Transportation. 1. Access roads to serve private lands are to be controlled by scenic easements to insure compatibility with development of the special planning area and with river environment protection.

2. Locate roads and trails to avoid encroachment on river banks and to harmonize with objectives for which the river area is established.

Landownership Adjustment. 1. The Forest Service will develop a landownership adjustment plan for non-Federal lands within the river area. This plan will establish prescriptions necessary to conform to the Act, including a listing of constraints, standards and guidelines necessary to insure that the broad objectives for the river will be met.

2. Acquire lands in fee title where needed to fully protect and develop the river environs through a willing buyer-seller relationship.

3. National Forest lands in this special area will not be used as base lands for exchange.

Fire Control. 1. Use fire suppression practices and techniques which will have the minimum impact on river area values.

2. Fire may be used as a management tool to maintain natural environmental conditions.

Recreational River Coordinating Requirements

There are, in addition to general coordinating requirements applicable to the entire river area, specific coordinating requirements which apply to lands within the river segments classified as recreational. These specific requirements are listed below.

Recreation. 1. Provide appropriate sanitation facilities necessary to meet public health needs and to prevent site deterioration and water pollution.

2. Any recreation developments considered should be located so as to allow appropriate and safe use without unacceptable depreciation of the rivers' environment.

3. Identify, interpret and protect historic, scenic, archaeological, and similar sites.

4. Plan and administer outfitter and guide services to serve public need while at the same time maintaining zone values.

Range. There should be no concentrated domestic stock grazing or holding corrals on the rivers' shorelines on public lands. (This does not pertain to winter feeding of small herds of domestic stock or to pasture grazing on private lands.)

Timber. 1. Timber cutting will be done only for the following:

a. Public safety and/or recreational purposes in selected areas.

b. Control of fire, insects and disease when such cutting is determined to be the only practical method of control.

c. Approved road and trail locations.

2. Timber cutting will be compatible with or enhance key recreational and scenic values.

3. The values of standing trees for watershed, aesthetic or other recreational purposes will be considered in the choice of measures for controlling fire, insects and disease.

Water. 1. Coordination with all resources, uses and developments will be needed to assure high quality water.

2. Coordination with all agencies, State and Federal, private landowners and water users will be necessary to protect water quality.

3. Modify projects within the river system if necessary to insure high water quality.

4. Gullied, eroding streams, polluted water, and vegetation and soil disturbed by humans, domestic animals, wildlife, large burns, and landslides are examples of undesirable watershed conditions in classified river areas. Where these conditions have a major impact on river values they should be restored.

5. All watershed improvement projects will be designed as to location, type of treatment and work methods to insure compatibility with the free-flowing intent of the Wild and Scenic Rivers Act.

Wildlife. 1. Provide an appropriate habitat to sustain a variety of wildlife for public enjoyment.

2. Permit no predator control stations.

3. Promote visual wildlife enjoyment opportunities for the visitor.

Land Occupancies. 1. On private land secure scenic easements to achieve necessary environmental controls. Limit only those uses and developments which interfere with public use and enjoyment of the river or detract from scenic values.

2. All improvements on public lands should be designed, located and constructed to be compatible with or enhance the river environment. They should be the examples of compatibility within the river system.

3. Access to private lands and occupancy roads across public lands shall be by means which have the least adverse effect on the river system and landscape values.

Transportation. 1. Design road improvements and construct to the carrying capacity

of the zone and optimum enhancement of recreation values.

2. The improvement of existing access, traffic flow patterns and the consideration of alternate routes are factors which will be evaluated in the light of public enjoyment and safe movement.

3. Interior access facilities should be designed, located, constructed and maintained to minimize alteration of the natural landscape and impairment of the scenic values.

4. Coordinate construction and maintenance of roads and trails with need for fish and wildlife harvest. These are key recreation values in the system.

Fire Control. 1. Use fire control measures and techniques which achieve fire control objectives with a minimum adverse impact on the river values. Give preference to methods and equipment that will least alter the landscape and related values.

2. Any prescribed burning, hazard reduction, and incineration will be on a tightly controlled basis to avoid air pollution problems and protect developments and key resource values.

3. Fire planning and preattack planning are to consider wild river values.

4. Fire may be used as a management tool when required to maintain natural ecological or environmental conditions or sustain key values in the river areas.

Wild River Coordinating Requirements

There are, in addition to general coordinating requirements applicable to the entire river area, specific coordinating requirements which apply to lands within the river segments classified as wild. These specific requirements are listed below.

Recreation. 1. Within the Selway-Bitterroot Wilderness, only developments which conform with wilderness management standards will be permitted.

2. Continue to allow unrestricted recreation use without number limitations only so long as the wilderness and wild river environment are not harmed.

3. Enforce "pack it in and pack it out" policy for all wild river zone users.

4. Shorelines must remain essentially primitive in wild river zones.

Timber. Timber cutting will not be permitted in the wild river area except when compatible with existing classifications and primitive recreation experience such as clearing trails, control of fire, tent poles, etc.

Land Occupancy. 1. No new structure or installation will be permitted within the boundary of the wild river that can be seen from the river or its shorelines unless it can be made inconspicuous or in harmony with the area.

2. Any new improvements on private land will be compatible and in harmony with the surrounding environment. There will be no new habitation or substantial additions to capacity at existing habitations.

Transportation. Trails will be designed to standards consistent with wild river objectives. Within the wilderness they will conform to wilderness requirements.

DEVELOPMENT

The development plan provides for recreation and transportation improvements, landscape rehabilitation, land ownership adjustment including scenic easement acquisition and water quality control. It includes estimated needs for 10 years or to the year 1990. There are additional opportunities for development over that projected for the 10-year period. These have been inventoried and will be programmed for construction as the need arises.

Recreation developments proposed along the Middle Fork includes two campgrounds (one a private development), a picnic area,

three boat-launching sites and a visitor center.

To be provided along the Lochsa are one new campground and the improvement or expansion of six existing campgrounds, an outfitter station, and restoration of an historic ranger station.

On the Selway, downriver from the Selway-Bitterroot Wilderness, will be six new small campgrounds and one major campground expansion, two vista points, and one boat-launching site. In the Magruder area small campgrounds are planned at the Magruder Crossing and at Raven Creek. A few minimum development camping spots will also be provided at selected sites along the river. Any recreational development within the Wilderness will be limited to facilities needed to protect wilderness value.

The estimated recreation development and operation costs for the next 10 years are \$1,730,000. Needed bridges, roads, and trail construction and reconstruction total \$315,000. Approximately \$150,000 for stabilizing landslides, restoring barrow areas and seeding grass on roadbanks is needed along the Lochsa and lower Selway Rivers. It is estimated that scenic easements necessary to achieve the objectives set forth in the coordinating requirements for private land will cost \$1,481,000. The major portion of this money would be used along the Middle Fork Clearwater and lower Selway.

A water monitoring system should be set up to permit frequent checking on the quality and quantity of the water in the river system. It is estimated this monitoring system and its operation will cost \$100,000 during the 10-year planning period.

BOUNDARY DESCRIPTION

Middle Fork of the Clearwater River

By virtue of the authority vested in the Secretary of Agriculture and pursuant to the Wild and Scenic Rivers Act of October 2, 1968 (Public Law 90-542, 82 Stat. 905), the boundary of the Middle Fork of the Clearwater River as listed in section 3 of the above act is hereby designated to be as follows:

Segment No. 1—Recreational River Classification Within Surveyed Lands.

The official boundary for this segment includes portions of the Middle Fork of the Clearwater, Lochsa, and Selway Rivers and is that exterior line which encompasses the following described areas:

IDAHO

CLEARWATER AND NEZPERCE NATIONAL FORESTS—BOISE MERIDIAN

T. 32 N., R. 4 E.

Sec. 1, lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, and 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 2, lots 1, 2, 3, 4, and 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 3, lots 1, 2, 5, 6, 7, 8, 9, 10, and 11, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 4, S $\frac{1}{2}$ of lot 6, lot 7, S $\frac{1}{2}$ of lot 9, lots 10 and 11, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 9, lots 1 and 2, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 10, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$;

T. 33 N., R. 4 E.,

Sec. 34, lots 1 and 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, lots 1, 2, 4, 5, 6, and 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, lots 1, 4, 5, and 12.

T. 32 N., R. 5 E.,

Sec. 2, lots 5, 6, 7, 8, and 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 3, lots 2, 3, 4, 5, 6, 7, 8, 9, NE $\frac{1}{4}$ of lot 10, and lot 11;

Sec. 4, lots 1, 2, 3, 5, 6, 7, 8, 9, and 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 5, lots 5, 6, 7, 8, 9, 10, 11, and 12, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;

- Sec. 6, lots 5, 6, 7, 8, 9, 10, 11, and 12, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 11, lots 1, 2, 3, 4, 5, and 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 12, lots 1, 2, 3, 4, 5, and 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 13, N $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
- Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 33 N., R. 5 E.,
- Sec. 33, SW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 32 N., R. 6 E.,
- Sec. 1, lots 5, 6, 7, 8, and 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 2, lots 5, 6, 7, 8, 9, 10, and 11, N $\frac{1}{2}$ SW $\frac{1}{4}$.
- Sec. 3, lots 5, 6, 7, 8, 9, 10, 11, and 12, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 4, W $\frac{1}{2}$ of lot 2, lots 3, 4, 5, 6, 7, 8, and all except SW $\frac{1}{4}$ of lot 9, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 5, lots 1, 2, 3, 5, 6, 7, 8, 9, and all except SE $\frac{1}{4}$ of lot 10, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 6, lots 8, 9, and 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 7, lots 1, 2, SE $\frac{1}{4}$ of lot 3, lots 4, 5, 6, and all except SE $\frac{1}{4}$ of lot 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 8, NW $\frac{1}{4}$ of lot 4.
- Sec. 10, N $\frac{1}{2}$ of lot 1.
- Sec. 11, N $\frac{1}{2}$ of lot 2, N $\frac{1}{2}$ of lot 3, N $\frac{1}{2}$ of lot 4.
- Sec. 12, lots 1, 2, and 3, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 33 N., R. 6 E.,
- Sec. 32, lots 1 and 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 33, lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 32 N., R. 7 E.,
- Sec. 4, NW $\frac{1}{4}$ of lot 1, lots 2, 4, 5, 6, 7, 8, 9, and 10, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, that portion of H.E.S. No. 41 which lies within sec. 4, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 5, lots 5, 6, and 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 6, lots 7, 8, 9, and 10, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 7, lots 1, 2, 3, and 4, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 8, lots 1, 2, 3, and all except the south 20 acres of lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, and 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 10, all except NE $\frac{1}{4}$ of lot 7, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 15, lots 1, 2, 3, 4, 5, 6, 7, and 8, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 16, lots 1, 2, 3, 4, and all except W $\frac{1}{2}$ of lot 5, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 22, all except north 20 acres of lot 1, lots 2, 3, and all except SW $\frac{1}{4}$ of lot 4, lots 5 and 6, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 23, lots 1, 2, 3, 4, and 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 24, lots 1, 2, and 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 25, lots 1, 2, 3, 4, 5, 6, 7, and all except SW $\frac{1}{4}$ of lot 8, NE $\frac{1}{4}$ of lot 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 26, lots 1, 2, 3, N $\frac{1}{2}$ of lot 4, NE $\frac{1}{4}$ of lot 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 33 N., R. 7 E.,
- Sec. 1, all except north 20 acres of lot 5, lots 6, 7, 8, and 9, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 11, all except the NW $\frac{1}{4}$ of lot 1, lot 2, all except the NW $\frac{1}{4}$ of lot 3, lots 4 and 5, E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.

- Sec. 12, lots 1, 2, 3, 4, 5, and 6, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 14, lots 1, 2, 3, 4, all except the NE $\frac{1}{4}$ of lot 5, lots 6, 7, and 8, NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 22, lot 1, S $\frac{1}{2}$ of lot 2, lots 3, 4, 5, 6, 7, 8, 9, and 10, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 23, lots 1, 2, 3, 4, W $\frac{1}{2}$ of lot 5, all except south 40 acres of lot 6, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 27, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 28, lots 1, 5, 6, and 7, and that portion of H.E.S. No. 99 which lies in sec. 28, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
- Sec. 33, lot 1, E $\frac{1}{2}$ of lot 2, lots 3, 4, 5, and 6, SE $\frac{1}{4}$ of lot 7, lots 8, 9, and 10, W $\frac{1}{2}$ of lot 11, that portion of H.E.S. No. 99 which lies within sec. 33, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and that portion of H.E.S. No. 41 which lies within sec. 33.
- T. 37 N., R. 14 E.,
- Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$.
- Sec. 29, W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
- Sec. 30, all except NW $\frac{1}{4}$ of lot 3, lot 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
- Sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
- Sec. 32, N $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.
- Sec. 33, W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$.

Segment No. 2—Recreational River Classification Within Unserved Lands.

The official boundary for this segment of the river is that boundary which is shown on a map titled Boundary Map, Middle Fork Clearwater Wild and Recreational River which is on file and available in the offices of the Forest Supervisor, Clearwater National Forest, Orofino, Idaho; Forest Supervisor, Nezperce National Forest, Grangeville, Idaho; Forest Supervisor, Bitterroot National Forest, Hamilton, Mont., and the Regional Forester, Northern Region, Missoula, Mont. Said boundary includes portions of the Lochsa and Selway Rivers and is located in and through the following described areas:

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- CLEARWATER, NEZPERCE, AND BITTERROOT NATIONAL FORESTS—BOISE MERIDIAN
- T. 32 N., R. 8 E.—Unserved, but which probably will be when surveyed, Secs. 19, 21, 22, 25, 26, 27, 28, 29, 30, 32, 34, 35, and 36.
- T. 31 N., R. 9 E.—Unserved, but which probably will be when surveyed, Secs. 1, 2, 3, 4, 5, 11, 12, and 13.
- T. 32 N., R. 9 E.—Unserved, but which probably will be when surveyed, Secs. 29, 30, 31, 32, 33, 34, and 35.
- T. 31 N., R. 9 E.—Unserved, but which probably will be when surveyed, Secs. 6 and 7.
- T. 28 N., R. 13 E.—Unserved, but which probably will be when surveyed, Secs. 12, 13, and 24.
- T. 26 N., R. 14 E.—Unserved, but which probably will be when surveyed, Secs. 2, 3, 9, 10, 11, and 15.
- T. 27 N., R. 14 E.—Unserved, but which probably will be when surveyed, Secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34, and 35.
- T. 28 N., R. 14 E.—Unserved, but which probably will be when surveyed, Secs. 5, 6, 7, 8, 18, 19, 20, 23, 29, 30, 32, 33, and 34.
- T. 29 N., R. 14 E.—Unserved, but which probably will be when surveyed, Secs. 8, 9, 16, 17, 20, 21, 28, 29, 30, 31, and 32.

The following described parcels are located adjacent to the Lochsa River in Idaho County, Idaho:

- T. 33 N., R. 8 E.—Unserved, but which probably will be when surveyed, Secs. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11.
- T. 34 N., R. 8 E.—Unserved, but which probably will be when surveyed, Secs. 13, 24, 25, and 35.
- T. 34 N., R. 9 E.—Unserved, but which probably will be when surveyed, Secs. 4, 5, 6, 7, 8, 17, 18, 19, and 30.
- T. 35 N., R. 9 E.—Unserved, but which probably will be when surveyed, Secs. 13, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, and 35.
- T. 35 N., R. 10 E.—Unserved, but which probably will be when surveyed, Secs. 2, 3, 4, 7, 8, 9, 17, 18, and 19.
- T. 36 N., R. 12 E.—Unserved, but which probably will be when surveyed, Secs. 25, 26, 34, 35, and 36.
- T. 36 N., R. 11 E.—Unserved, but which probably will be when surveyed, Secs. 13, 14, 15, 16, 20, 21, 22, 23, 24, 28, 29, 30, 31, and 32.
- T. 36 N., R. 12 E.—Unserved, but which probably will be when surveyed, Secs. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.
- T. 36 N., R. 13 E.—Unserved, but which probably will be when surveyed, Secs. 3, 4, 5, 6, 7, 8, and 13.
- T. 37 N., R. 13 E.—Unserved, but which probably will be when surveyed, Secs. 25, 26, 32, 33, 34, 35, and 36.

Segment No. 3—Wild River Classification Within Unserved Lands.

The official boundary of this segment includes portions of the Selway River and is that exterior line which encompasses all lands within one-quarter of a mile of the banks of said river. Said lands are located within the following described areas. Exceptions to this are in the vicinity of patented homesteads Nos. 455, 453, and 454 where the boundary is extended beyond one-quarter mile to include them.

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NEZPERCE AND BITTERROOT NATIONAL FORESTS—BOISE MERIDIAN

- T. 31 N., R. 10 E.—Unserved, but which probably will be when surveyed, Secs. 3, 4, 5, 6, 7, 8, and 9.
- T. 32 N., R. 10 E.—Unserved, but which probably will be when surveyed, Secs. 25, 26, 33, 34, 35, and 36.
- T. 32 N., R. 11 E.—Unserved, but which probably will be when surveyed, Secs. 13, 14, 19, 20, 21, 22, 23, 24, 26, 27, 28, and 29.
- T. 32 N., R. 12 E.—Unserved, but which probably will be when surveyed, Secs. 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, and 25.
- T. 30 N., R. 13 E.—Unserved, but which probably will be when surveyed, Secs. 3, 4, 9, 10, 15, 16, 21, 22, 23, 25, 26, 27, 28, 35, and 36.
- T. 31 N., R. 13 E.—Unserved, but which will probably be when surveyed, Secs. 4, 5, 9, 10, 15, 16, 21, 22, 27, 28, 33, and 34.
- T. 32 N., R. 13 E.—Unserved, but which will probably be when surveyed, Secs. 18, 19, 29, 30, 31, 32, and 33.
- T. 25 N., R. 14 E.—Unserved, but which will probably be when surveyed, Secs. 2, 3, 10, 11, 14, 15, 16, 21, and 22.
- T. 26 N., R. 14 E.—Unserved, but which will probably be when surveyed, Secs. 9, 10, 15, 16, 21, 22, 27, 28, and 34.
- T. 29 N., R. 14 E.—Unserved, but which will probably be when surveyed, Secs. 5, 6, 7, and 8.

T. 30 N., R. 14 E.—Unsurveyed, but which will probably be when surveyed, Sec. 31.

[F.R. Doc. 69-11922; Filed, Oct. 6, 1969; 8:45 a.m.]

ROGUE WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan

Pursuant to authority delegated to the Chief, Forest Service, by the Secretary of Agriculture dated November 29, 1964 (29 F.R. 16210), the classification, boundaries, and development plan for that part of the Rogue Wild and Scenic River within the Siskiyou National Forest, Oreg., are established as hereinafter set forth. The material which follows is all contained in the River Plan for the Rogue River, copies of which were furnished the President of the Senate and the Speaker of the House of Representatives on October 1, 1969, in accordance with subsection 3(b) of the Wild and Scenic Rivers Act (82 Stat. 908).

EDWARD P. CLIFF,
Chief, Forest Service.

ROGUE RIVER PLAN SISKIYOU NATIONAL FOREST

INTRODUCTION

Public Law 90-542, the "Wild and Scenic Rivers Act" designated the Rogue River, from the mouth of the Applegate River downstream to the Lobster Creek Bridge, as a component of the National Wild and Scenic Rivers System. The river is to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of said Departments.

The Act charges that "Each component of the National Wild and Scenic Rivers System shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration, primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features."

Of the 84 miles of the Rogue River which have been designated, a component of the National Wild and Scenic Rivers System, the lower 37 1/4 miles are located within the boundaries of the Siskiyou National Forest and will be administered by the Forest Service of the U.S. Department of Agriculture.

There is a total of 11,731 acres included within the boundaries. This is an average of 315 acres per mile which is about one quarter mile on each side of the river.

There are four distinct segments in this portion of the river; one has been classified as a wild river area, another as a scenic river area, and two as recreational river areas.

WILD RIVER AREA

Class Definition

This is a section of river which is free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive, and waters unpolluted. It represents a vestige of primitive America.

Wild river areas may include an occasional low-standard road, airstrip, habitation, or other kind of improvement at infrequent intervals which is already established, provided

the effects are limited to the immediate vicinity of the exception, the river otherwise meets the criteria for wild, and to the user of the river it appears "wild" for the rest of its length.

River Description

One part of the river has been classified as a wild river area. It extends from Watson Creek in sec. 17, T. 31 S., R. 11 W., upstream to the east Forest boundary at Marial—a distance of 12 3/4 miles. At that point it connects with a river area which is administered by the Department of the Interior and which has also been classified as wild.

This section of river flows through a near-natural environment which possesses many areas of outstanding natural beauty. In Mule Creek Canyon, the river winds its way through a very tight channel bounded on both sides by vertical rock faces rising 40-50 feet above the water. The water appears unsure of its course as it boils, swirls, and churns through the canyon which is less than 20 feet wide in places. An eerie, isolated feeling grips the traveler because the noise level of the churning, gushing water blots out the sound of human voices. The canyon walls in this area are so steep that they can be seen unbroken from the water's edge to the ridgetop, a distance of 2,000 vertical feet at one point. The river is very picturesque in itself as the water flows around and over boulders, gravel bars, and deep holes. Rapids, riffles, and pools, each of which has its own characteristics are quite interesting and diverse. Blossom Bar rapids and the Devil's stairs rapids provide "picture-taking" scenery of high water conditions. Clay Hill stillwater, above Flea Creek, is a welcome change of pace after leaving the exciting white water conditions of the narrow canyon. This area is more open with a mixture of boulders covered with light-green colored moss, grass covered slopes, small caves, and live oak trees.

The area is not without some manmade improvements. There is a small settlement at Marial which is reached by a low-standard dirt road, the only one within the section. The road extends to within several hundred feet of the highwater line, but is not visible from the river. There are five homes located here which were originally constructed on invalid mining claims. They are now under special-use permits which expire at the end of 1979. These permits will not be renewed. Marial Lodge is a special use which will be continued because of the vital role it plays in serving the needs of recreationists. There is also a Forest Service station that houses a trail crew and a fire prevention guard. The Forest Service station and most of the residences are not visible from the river.

There is one other Forest Service station located at Brushy Bar, about 5 1/2 miles below Marial. It is not visible from the river.

Of the 4,925 acres of land included within the wild river area, approximately 431 acres, or 9 percent, are privately owned. Private land development includes four lodges and about seven other buildings, mostly private residences. Seven of the buildings are visible from the river, but several of them blend very well and are not conspicuous. Most of the private land is in fairly large parcels held by four owners. There are, however, a number of smaller parcels with individual owners.

The four lodges provide overnight accommodations for river users, mostly fishermen. Two of the lodges have low-standard airstrips associated with them which are used in flying people and supplies in and out of the area.

A commercial jet-out business brings up to 17 passengers at a time to Paradise Bar, about 3 miles downstream from Marial.

Normally, the boat makes one round trip per day. In addition, all the lodge owners transport people and supplies upstream from Gold Beach via powerboats. Another source of powerboat use in this section of river is sport fishermen, both private and commercially guided. Even though there are some nonconforming uses along this section of the river, it is still essentially primitive in character. The use of powerboats is established and is publicly accepted in this section of the river. A number of the developments will be eliminated when the special uses are terminated. Of the others, the effects are limited to their immediate location. This section of river appears "wild" for the rest of its length and the river meets the other criteria for wild river area classification.

SCENIC RIVER AREA

Class Definition

This is a section of river that is free of impoundments, with shoreline or watershed still largely primitive and shoreline largely undeveloped but accessible in places by roads. Public roads open to use by motor vehicles may not parallel the river in close proximity. Substantial amounts of use by powerboats may be permitted.

River Description

One section of the river has been classified as a scenic river area. It extends from the creek in sec. 36, T. 35 S., R. 13 W., upstream to Blue Jay Creek in sec. 11, T. 35 S., R. 12 W., a distance of 7 1/2 miles.

The river in this section is a wider, quieter, and less exciting river to boat than is the wild river area. There are some small riffles, but generally the water is flat. Large gravel bars are present in much of the area. The adjacent land generally slopes away from the river at an angle that is not too steep. An exception to this is in Copper Canyon where the river narrows down and the canyon walls rise abruptly from the river and can be seen unbroken for about 800 vertical feet. Vegetation in the scenic river area is generally dense and extends to the high-water mark essentially unbroken.

There is a higher percentage of private land in this section than in the wild river area, of which 936 acres, or 38 percent, of the 2,523 acres are privately owned. Only five structures can be seen from the river, however. In one place, a powerline crosses the river but it is almost unnoticeable. There is road access to the river's edge in two locations. One is on private land and is not now used by the public. The other, at Tom East Creek, is so rough that it is even difficult for 4-wheel drive vehicles to use it. The Gold Beach-Agnias Road can barely be seen in one spot. There is one location where a number of years ago the timber was clearcut to the water's edge for a frontal distance of several hundred yards. It is now completely revegetated with no raw soil exposed. In another 10 years, it should be almost unnoticeable.

Another activity which has considerable, but temporary, impact on the area is the regularly scheduled run of excursion jet boats which make daily trips through this section. These boats are a special design approved by the Coast Guard for use on the Rogue River because they have proved themselves safe through many years of operation. The large boats carry 40 passengers. These trips provide the opportunity for approximately 40,000 people annually to experience the river and its scenery.

While there are a number of intrusions of man's activities in this section, the shoreline is largely undeveloped, the river still offers high quality natural scenery, and the character of the area remains largely primitive.

RECREATIONAL RIVER AREA

Class Definition:

This is a section of river which is readily accessible by public roads or other provision for motorized access, has visible public roads which parallel the river, has habitations and other developments within close proximity to the river, and has undergone substantial modification to the scenery by man.

It also possesses high potential for development of recreation occupancy sites near the river as well as sites for launching and mooring boats.

River Description

There are two separate sections of the river which have been classified as recreational river areas:

(a) Lower recreational river area—from Lobster Creek Bridge upstream to the creek in sec. 36, T. 35 S., R. 13 W., a distance of 7 miles.

(b) Upper recreational river area—from Blue Jay Creek in sec. 11, T. 35 S., R. 12 W., upstream to Watson Creek in sec. 17, T. 34 S., R. 11 W., a distance of 10 miles.

The scenery along the river's edge is similar in both areas; that is, fairly dense vegetation (where not disturbed) on hills which slope fairly gently back from the water's edge. The river itself, however, is distinctly different in the two areas. The upper area down to Agness has numerous stretches of riffles which present some exciting white water action. The lower area is very similar to the river in the scenic river area, only it is flatter and wider. To operate a boat on this stretch of river does not require the experience and skill which it takes to operate above Agness and, as a result, many boats of all types are found in this section. The 49-passenger excursion jet boats make daily trips through the lower section and dock at resorts in the upper area.

There are a number of potential recreation development sites which have been identified in both areas. Some of the sites are presently in private ownership and should be acquired. There are also a number of places where there is vehicle access to the river's edge. With improvement, these areas can be developed into satisfactory boat launching and mooring sites.

Man has created considerable impact to the scenery in these areas. Both segments of river have paralleling roads which are visible in many places. The upper area has a visible road on both sides of the river in two places. In some cases, the road fills extend down into the river. In others, permanent earthwork scars resulting from road construction are visible. There are visible powerlines which parallel and cross the river in a number of places in both recreation river areas. Also, there are two highway bridges which dominate the scenes in which they appear. One spans the Rogue River itself and the other crosses the Illinois River right at its confluence with the Rogue.

There are 501 acres, or 28 percent, of the total 1,764 acres of land in the lower recreational river area that are privately owned. In this area, there are only a few dwellings which are visible from the river. There is, however, a privately owned and operated trailer park which can be seen.

About 1,579 acres of land in the upper recreational river area are privately owned. This is 63 percent of the total 2,519 acres, which is the highest percentage of private land along the river. There are numerous homes visible from the river, smoke and noise from a small sawmill are obvious, and there are many areas visible where the timber has been clear-cut close to the river.

Agness is the logical place to develop a center for services and supplies for both local

residents and the river-using public. To perform this function, it will be necessary to allow a greater variety of uses and a higher density of development in Agness and the immediate vicinity than any place else on the river. This must be done in a way which conforms with the purposes and intent of the Wild and Scenic Rivers Act. To this end, the Forest Service will attempt to coordinate with Curry County in the development of a plan and zoning ordinance to cover the private land in this area which falls within the wild and scenic river boundaries.

At such time that a valid zoning ordinance is duly adopted by Curry County which the Forest Service feels meets the purposes of the Act, such zoning ordinance will become a part of this plan and will be substituted for all provisions covering private land inside the boundaries in the Agness area, provided that the Forest Service retains the right to approve any variance or any amendment to the zoning ordinance before it can become effective.

Until such time that said zoning ordinance is duly adopted, the area within and adjacent to the community of Agness will be administered according to the management directions for the rest of the recreational river area.

If a satisfactory zoning ordinance is not adopted, the Forest Service will prepare a plan and management directions for the private land inside the wild and scenic river boundaries for this area. This plan will be the basis for the development of the Agness area so management objectives are met.

MANAGEMENT OBJECTIVES

Wild River Area

The wild river area will be managed to (1) preserve its essentially primitive character and outstanding scenic attractions, (2) maintain or improve the quality of the water which enters the river, (3) improve the fish and wildlife habitat, and (4) provide opportunities for river-oriented recreation which is dependent on the free-flowing condition of the river and consistent with the primitive character of the surroundings.

Scenic River Area

The scenic river area will be managed to (1) maintain or enhance the condition of the high quality scenery and the largely undeveloped character of its shoreline, (2) maintain or improve the quality of the water which enters the river, (3) improve the fish and wildlife habitat, (4) provide opportunities for river-oriented recreation which is consistent with its largely undeveloped nature and dependent on its free-flowing condition, and (5) utilize other resources and permit other activities which maintain or enhance the quality of the wildlife habitat, river fishery, scenic attractions, or recreation values.

Recreational River Area

Recreational river areas will be managed to (1) provide opportunities for a wide range of recreation activities which are oriented to the river and enhanced by its free-flowing condition, (2) maintain or improve the quality of the water which enters the river, (3) improve the fish and wildlife habitat, (4) maintain or enhance the quality of the scenery, and (5) utilize other resources and permit other activities to the extent that they do not lower the quality of the wildlife habitat, river fishery, scenic attractions, or recreation value.

ADMINISTRATION

Separate, but coordinated, plans for the management of the Rogue River have been prepared by the Forest Service and the Bureau of Land Management.

Coordination will continue to assure that administration of the River is consistent.

The plan is a guide to the management of the use of the Rogue River National Wild and Scenic River within the Siskiyou National Forest. As such, it has been influenced not only by the Wild and Scenic Rivers legislation, but by the policies and directions in other plans and multiple-use guides pertinent to this area. These various plans are part of the management guides for the administration of the Siskiyou National Forest and may be reviewed at the office of the Forest Supervisor in Grant Pass, Oregon.

In the development of the plan, public participation has been obtained through an ad hoc steering committee, public meetings, and consultation with individuals and groups.

NON-FEDERAL LAND

Within the boundaries of the Forest Service administered portion of the Rogue River, there is both Federal and private ownership. The acreage of private land is 3,447 acres and is 29 percent of the total acreage within the boundaries. The management directions which are contained in this plan, unless otherwise specified, apply to both private and federally owned lands.

Compliance with the management directions on land which remains in private ownership will be accomplished through acquisition of scenic easements to cover the affected portion of the private land. A scenic easement is the right to control the use of land (including the air space above such land) for the purpose of protecting the scenic view from the river. A scenic easement cannot affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

If a scenic easement is purchased which restricts an owner's right to improve or alter his land, compensation will be made to the owner in an amount equal to the decrease in the value of the right restricted.

Scenic easements will be written so that improvement or alteration of the property, or change in land use which may impair the scenic quality, will require review and approval by the Forest Service before such activity may begin. Conforming and nonconforming uses of land are covered in this plan in a general way. Specific application of these guides will necessarily be determined on the ground on a case-by-case basis.

The Forest Service will attempt to acquire fee title to those tracts of land which are necessary to meet the recreation development schedule which appears later in the plan. It will also consider acquisition of any other parcel of land which becomes available if it is in the public interest to do so. The Land Adjustment Plan indicates needed action.

RECREATION DEVELOPMENT PROGRAM

General

In the wild river area, demand for use will probably be greater than the area can accommodate and still retain a primitive character. Therefore, capacity will be limited to that which is consistent with the management objectives of the area. No more facilities will be provided than are necessary to accommodate the established capacity, even though there is more usable land available.

On the other hand, the recreational and scenic river areas are limited in the amount of usable land which is available for development. Because of this, demand will probably be greater than it is physically possible to provide facilities for.

Because it seems probable that there will be an overall greater demand for use of the river than the river can handle, it will be

necessary to make a detailed study of the capacity of the river and its segments relative to maintaining its wild, scenic, and recreational qualities. Some limitations on levels of use will undoubtedly be necessary in the future.

In the wild river area, public camping spots will be developed which are of a primitive nature, are accessible only by trail or boat, and provide simple comfort and convenience facilities as well as facilities for the protection of the site and environment, or the safety of the user. In the scenic river area, sites will provide for some user comfort along with site protection and safety. Sites in the recreational river areas will provide a wide range of recreation opportunities consistent with the objectives for these river areas. Some will be accessible only by trail or boat and provide facilities primarily for site protection, while others will be accessible by paved roads and provide for considerable user comfort and convenience. Campgrounds, picnic grounds, boat ramps, and facilities for public information and interpretation will all be provided in the recreational river areas.

The following schedule is general and tentative. As more information is gained concerning the demands and pressures which are likely to occur on this National Wild and Scenic River, the development plan and development schedule will be revised to reflect the new information.

Development Schedule

The first phase of development is from 1970 to 1975. It will concentrate on finishing facilities on which construction has been started and providing those facilities which are most needed for protection of the environment. Sites to be developed in this period include Illahe Campground (surfacing the roads and spurs in the existing campground), Lobster Creek—group and family picnic and boat launching, Brushy Bar—boat and trail access camping, Blossom Bar—boat and trail access camping, and Painted Rock Creek—boat and trail access camping. In addition, the trail between Agness and Lobster Creek will be constructed and the trail between Hicks Creek and Illahe Campground will be relocated.

Phase II is 1975 to 1980 and generally will provide additional capacity to meet demands for recreation facilities. Sites to be developed in Phase II include Silver—camping, Hicks Creek—boat and trail access camping, Hog Eddy—picnic and boat launching, Big Bend—camping, picnicking, and boat launching, a manned Visitor Center near Agness, Tom East Creek—boat and trail access camping, Falling Star—camping and picnicking, Quosatana—camping, picnicking, and boat launching, Nall Keg Creek—boat and trail access camping, and Wakeup Rilea Creek—boat and trail access camping.

Phase III is 1980 to 2000 and will provide additional capacity to meet demands for recreation facilities. Sites to be developed in Phase III include Orchard Flat—camping and picnicking, Twin Creek—boat and trail access camping, Little Silver—camping and picnicking, Schoolhouse Creek—boat and trail access camping, Grass Valley—boat and trail access camping, Morris Rodgers Creek—boat and trail access camping, Prairie—boat and trail access camping, Eoller Riffle—boat and trail access camping, and Crooked Riffle—boat access camping.

Acquisition Needs

Acquisition of interest in land for wild and scenic river purposes falls into three categories: Rights-of-way, fee simple, and scenic easement. Rights-of-way will be needed where

ever new trail construction is located on private land.

Fee simple ownership is necessary every place that public recreation sites are to be developed. Those proposed recreation sites which require purchase of fee simple are: Silver, Hicks Creek, Hog Eddy, Big Bend, the Visitor Information Center at Agness, Falling Star, Quosatana, Orchard Flat, Little Silver, Schoolhouse Creek, Grass Valley, Morris Rodgers Creek, and Crooked Riffle.

To assure that the rest of the private land within the boundaries is managed in conformance with the objectives stated earlier in this plan, scenic easement will be acquired on a case-by-case basis for all the land remaining in private ownership.

DESCRIPTION OF ROGUE RIVER NATIONAL WILD AND SCENIC RIVER

The Rogue River National Wild and Scenic River shall include all the parcels of land described below: (Willamette Meridian)

- T. 33 S., R. 10 W.,
 - Sec. 9, lots 5 and 6, and E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 16, lots 1, 2, 3, 4, 5, 6, 7, and 8, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 17, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 18, lots 3, 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 17, 18, 19, and 20, and E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
 - Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 20, lots 1, 2, 3, 4, and N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 - Sec. 21, lot 4;
 - Sec. 30, lots 1 and 2, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 33 S., R. 11 W.,
 - Sec. 24, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 25, lots 1, 2, 3, 4, 5, and 6, and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 34, lots 1 and 2, and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 35, lots 1, 2, 3, 4, 5, and 6, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 36, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 34 S., R. 10 $\frac{1}{2}$ W.,
 - Sec. 6, lot 3.
- T. 34 S., R. 11 W.,
 - Sec. 1, lots 1, 2, 3, and 4;
 - Sec. 2, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 3, lots 5, 6, 7, 8, 9, and 10, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 8, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 9, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 10, lots 1, 3, 4, and 5, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 16, lot 1 and W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 17, lots 1, 2, 3, 4, 5, 6, and 7, and NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 18, lots 5, 6, and 7, and E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 19, lots 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, and 15, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- Sec. 31, lots 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, and 14, and W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.

- T. 35 S., R. 11 W.,
 - Sec. 5, lot 7;
 - Sec. 6, lots 2, 3, 4, 5, 6, 7, 8, 9, and 10, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 - Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 9, and 10, and W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 8, lot 1;
 - Sec. 16, lots 1, 2, 3, 10, 11, and 12, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 35 S., R. 12 W.,
 - Sec. 10, lots 1, 2, 3, 4, 5, 6, 7, and 16, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 11, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, 18, and 19, and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 12, lots 1, 2, 3, 4, 5, 6, and 7, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 13, lots 1, 2, 3, 4, 5, and 6;
 - Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 5, lots 1, 2, and 3, and N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 16, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 20, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 21, lots 1, 2, 3, 4, 6, and 10, and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 29, lots 1, 2, and 3, and NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 30, lots 5, 6, 7, 8, 9, 10, and 11, and E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, and W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
- T. 35 S., R. 13 W.,
 - Sec. 31, lots 4, 5, 6, and 7, and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and that portion of lot 3 east of the Lobster Creek Road; and that portion of lot 8 east of a line running due south from the intersection of the centerline of the Lobster Creek Bridge with the south end of the bridge; and that portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ east of a line running due south from the intersection of the centerline of the Lobster Creek Bridge with the south end of the bridge.
 - Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, and N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 33, lots 1, 2, 3, 4, 5, 6, 7, and 8, and S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 - Sec. 34, lots 1, 2, 3, 4, 5, 6, and 7, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$;
 - Sec. 35, S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 36, lots 1, 2, 3, 4, and 5, and E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 36 S., R. 13 W.,
 - Sec. 1, lots 1, 2, 4, 5, 6, 7, and 8, and NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 - Sec. 2, lots 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14;
 - Sec. 3, lots 1, 2, 3, 16 and 17.

[F.R. Doc. 69-11923; Filed, Oct. 6, 1969; 8:45 a.m.]

MIDDLE FORK SALMON WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan

Pursuant to authority delegated to the Chief, Forest Service, by the Secretary of Agriculture dated November 29, 1964 (29 F.R. 16210), the classification, boundaries, and development plan for the Middle Fork of the Salmon Wild and Scenic River Area in the Boise, Challis, Payette, and Salmon National Forests, Idaho, are established as hereinafter set forth. The material which follows is all contained in the River Plan for the Middle Fork of the Salmon River, copies of which were furnished the President of the Senate and the Speaker of the House of Representatives on October 1, 1969, in accordance with subsection 3(b) of the Wild and Scenic Rivers Act. (82 Stat. 908):

EDWARD P. CLIFF,
Chief, Forest Service.

A WILD AND SCENIC RIVER

The Middle Fork of the Salmon River and adjacent land are classified as a "Wild River" area, except for the Dagger Falls roadhead area, which is classified as a "Scenic River" area, under the provisions of the Wild and Scenic Rivers Act.

Wild River areas are defined in the act as "Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America."

For a Wild River area, the term "generally inaccessible" is interpreted to mean free of roads, airstrips, and other provisions for motorized overland access. The term "essentially primitive" is interpreted to mean free of habitation and other substantial evidence of man's intrusion. Exceptions to these interpretations are that an occasional habitation, low-standard road, airstrip, or other kind of improvement—at infrequent intervals and already established—will not preclude "wild" classification, provided the effects are limited to the immediate vicinity of the exceptions; that the river otherwise meets the criteria for "wild;" and to the users along the river it appears "wild" for the rest of its length.

The short Scenic River section extends from Dagger Creek to approximately one-half mile below Dagger Falls. Scenic River areas are defined in the act as "Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads."

The boundary of the Wild and Scenic River area is described in detail in the appendix. Approximately 32,000 acres are within the boundary.

The Middle Fork Salmon River in central Idaho flows through one of the deepest gorges in North America. The river is born at the confluence of Marsh and Bear Valley Creeks, some 20 miles northwest of Stanley, and plunges northeasterly 104 miles to join the Main Salmon River.

For its lower 80 miles, the Middle Fork flows through the Idaho Primitive area. This 1½-million-acre area was established in 1931 to preserve and perpetuate natural conditions. The Primitive Area is being reviewed as to its suitability or unsuitability for preservation as Wilderness in accordance with the Wilderness Act of 1964. That portion of the Wild River within the Idaho Primitive

Area is subject to the provisions of both the Wild and Scenic River Act and the law and regulations governing primitive areas. In case of conflict, the more restrictive provisions apply.

The Middle Fork is to be administered by the Forest Service in a manner that protects and enhances the values which caused it to be included in the National Wild and Scenic Rivers System. To accomplish this, the river area will be managed to:

- Maintain the natural free-flowing condition of the river.
- Protect water quality.
- Protect scenic, recreational, geologic, fish and wildlife, historic, archeologic, and other similar values.
- Maintain the essential primitive conditions of the shorelines.
- Provide recreation opportunities in harmony with the wild and scenic nature of the river.

NATURE'S HANDIWORK

IMPASSABLE CANYON

The variable white, pink, and grey granites of the Idaho Batholith dominate the upper reaches of the river. Near the junction with the Main Salmon, gneiss, porphyry, and schists appear in the bedrock mix. Through this the river has carved the steep-walled "Impassable Canyon" thousands of feet deep. Natural geologic erosion continues on many of these steep slopes. Alluvial fans at the mouths of canyons and narrow terraces along the edge of the river provide limited flats within the canyon.

WHITE WATER

Bear Valley and Marsh Creeks join to form the Middle Fork of the Salmon River. Water from Sulphur, Pistol, Indian, Leon, Camas, and Big Creeks, and Rapid River, along with numerous other side streams, add to the river as it flows some 104 miles to the Main Salmon River. The natural character and water purity of the Middle Fork are dependent upon maintaining the continuing purity of all the tributaries.

Free flowing—the river is characterized by stretches of comparatively smooth water abruptly and invariably followed by one or more swift and rocky rapids. Seasonal fluctuations are normal. High water every spring rearranges some of the sandbars that provide camp spots during the low water of midsummer and fall.

VEGETATION AND CLIMATE

The climate and vegetation change with elevation. Near the headwaters, at 6,400 feet elevation, Douglas-fir, lodgepole pine, and Engelmann spruce form a forest canopy which is broken by lush meadows and open south-facing slopes. Cool summer temperatures and heavy winter snows also favor lupine, penstemon, wild geranium, and bunch grasses in this higher country.

Temperatures warm and precipitation lessens down-river. Ponderosa pine replaces Douglas-fir, and steep slopes support mountain mahogany, bitterbrush, and other plants and shrubs adapted to the heat and drought. In the deep lower canyon, the summer sun raises temperatures into the 90's. Towering cumulus clouds often appear in mid-afternoon, bringing thundershower activity and lightning storms. Light snowpacks are normal in winter, attracting wildlife from high country to spend the winter.

WILDLIFE

Elk, mule deer, bighorn sheep, mountain goat, cougar, and black bear are the larger wildlife species. A variety of fur beavers and smaller mammals also live near the river. Cougar, coyote, and bobcat fill a key niche in

the natural ecology of the Middle Fork by limiting big game populations.

Blue, ruffed, and Franklin grouse are native game birds. Chukar and Hungarian partridge have been introduced and are seen in the lower canyon. Most common of the many species of small birds are the "bobbling" water ouzel, belted kingfisher, western tanager, and Idaho's State bird, the mountain bluebird.

Rattlesnakes are the most prominent reptile, particularly in the lower elevations.

SALMON AND TROUT

Nearly one-third of the migrating chinook salmon in the Salmon River drainage spawn in the Middle Fork and its tributaries. The steelhead, an ocean-going trout, migrates up the river during fall and winter to spawn each spring. The native cutthroat, Dolly Varden, and rainbow trout are major fishing attractions. Whitefish are present and appear to be increasing in number.

MAN IN THE CANYON

INDIAN TIMES—SHEEPEATERS AND BEFORE

In the early 1860's, explorers and trappers found Shoshone Indians living in the Salmon River Mountains. Recent archeological analysis of bonechips, tools, and mussel shells, found in rock shelters, confirms that primitive man probably lived in the rugged canyon 8,000 years ago.

In 1879, the Sheepeater campaign was launched from Fort Boise to subdue the Indians, who were accused of murdering several settlers and Chinese miners. The so-called Sheepeater Indians—actually Shoshone Indians—had been joined by Indian refugees of the Bannock War. Captain Reuben P. Bernard (later made a general) led the trek through the unexplored canyon of the Middle Fork, which he called the "Impassable Canyon." The troopers suffered hardships and mishaps, including one skirmish with the Indians and the death of one soldier. Some weeks later, two lieutenants succeeded in negotiating the Indians' surrender.

PROSPECTORS AND HOMESTEADERS

Prospectors found little to hold their interest in the isolated Middle Fork Canyon. Ore in the nearby Yellow Jacket and Thunder Mountain districts proved more tempting. Several homesteaders moved into the area in the early 1900's to rake food for the nearby miners. During the same period, the National Forests were created. In 1931 much of the Middle Fork drainage was designated by the Chief of the Forest Service as a part of the Idaho Primitive Area.

During the 1940's, the Idaho Fish and Game Department purchased several of the private ranches to provide more forage for wintering big game.

RECREATIONISTS TODAY

As the airplane came into use, some homesteaders' pastures became crude landing fields. Firefighters used this new mobility for supplies and smokejumper transportation. Today, flights by experienced mountain pilots are routinely made to half a dozen improved airfields along the river to transport boaters, hunters, fishermen, mail, and supplies. The airfields are, however, tricky. Special care and pilot skills are needed to safely use them.

A few remaining rustic ranches have become headquarters for packers and guides, guest ranches, and recreational homesteads.

In 1930, running the rapids below the mouth of Wilson Creek was termed "suicidal." But, with the advent of the rubber boat and white-water kayaks, the river-tourists can now regularly run the full length of the Middle Fork. Guided float-landing

parties are a regular service for those who wish to enjoy the wild and scenic river.

The river has been little changed by the activities of man. It remains free flowing with its banks largely in natural condition.

PROTECTION AND DEVELOPMENT

WATER—FREE FLOWING AND HIGH QUALITY

The Middle Fork, fed by many large creeks and smaller streams, has been classified a Wild River, except for a short section of Scenic River near Dagger Falls, because of its high quality water, free-flowing condition, and other values. Watershed conditions are generally good, with much of the area protected by forests, shrubs, and grass. On some areas, due to the steepness of the terrain and unstable soil condition, the rate of natural erosion and sedimentation is quite high.

The clear water in the Middle Fork is produced mostly on high mountain watersheds near the headwaters and tributaries of the river, outside the Wild and Scenic River area. These watersheds receive more than 60 inches of precipitation per year, mostly in the form of snow.

A few tributaries, due to mining or other activities outside the area, contribute or have the potential for contributing siltation or pollution to the river.

A few small water diversions have been installed, mostly on tributaries within or near the area. The water diverted from these tributaries is used for irrigation, for operation of small hydroelectric plants, and for domestic purposes on National Forest, State, and private lands. Water is pumped directly out of the Middle Fork for irrigation on the Forest Service landing field at Indian Creek.

Objectives of the Forest Service in administering the water resource in the Wild and Scenic River include maintaining or restoring satisfactory conditions in the watersheds; maintaining riverbanks in essentially primitive conditions; providing exceptional opportunities for river-oriented recreation; and keeping the waters of the Middle Fork in an unpolluted, free-flowing condition, with no new impoundment, diversion, straightening, riprapping, nor other modification.

After midsummer, the waterflow drops off, and it is difficult to float the upper river except with the smallest float boat. In late summer, floating use is almost entirely below Indian Creek. Since this part of the river can be reached only by trail or air, such use is usually by those who are flown or packed in.

The tributaries outside the Wild and Scenic River and outside the Idaho Primitive Area may be investigated for possible opportunities for water storage to permit low flow augmentation. If such opportunities exist, the desirability of development would be evaluated.

RECREATION—AN OPPORTUNITY

The Middle Fork Salmon Wild and Scenic River is well known nationally for outstanding opportunities. It offers for white-water float boating, fishing, and general enjoyment of a rugged, back-country river canyon. Outstanding attractions include the deep, emerald-hued pools of the river, alternating with swift currents and white-water rapids; the scenic mountainous background; the abundant wildlife; and the feeling of solitude the visitor can find in this remote area.

Float boating the river during the summer months is very popular. Most boaters float the river with commercial boat outfitters. Others float in private parties. Large rubber rafts are used by most floaters. Boaters spend 5 to 7 days on the river and enjoy fishing, camping, and sightseeing. Boating use is increasing each year and will likely double by

1975. No boat motors of any type are permitted.

Many people are flown into the various landing fields in the area to fish for salmon and steelhead trout or to hunt for mule deer, elk, bighorn sheep, and mountain goats. Big game animals are plentiful in and near the Wild and Scenic River area. Aircraft use is increasing each year.

Visitors can drive to the Middle Fork area via the Dagger Falls road, which enters the Scenic River area approximately 8 miles down river from the origin of the Middle Fork. Two campgrounds and a boat-launching ramp are located within the Scenic River area at the end of this road. Boaters, campers, fishermen, and sightseers are presently using these facilities. Some modification of these facilities is needed to protect Scenic River values in the Dagger Falls area and to alleviate conflicts in uses, principally between single-day and overnight use. Such modification may include removal of overnight camping facilities from the immediate vicinity of Dagger Falls and expansion of such facilities in other nearby sites within or adjacent to the Scenic River area. Improvement or relocation of the boat ramp facilities and enlargement of the parking and boat-unloading areas may be desirable.

Some trail machine users have enjoyed riding the trails from the headwaters of the Wild and Scenic River downstream to the Idaho Primitive Area boundary. With classification of the area as a Wild and Scenic River, trail machine use is permitted only on the main roads in the Dagger Falls area.

Trail use by backpackers attracts many visitors each year. Organized groups of Boy Scouts and others enjoy hiking in the remote Middle Fork area. The trail from Dagger Falls upstream is particularly attractive to small family groups who may enjoy the pristine beauty and solitude of the upper river reaches.

The Forest Service will administer the recreation resource of the Middle Fork Salmon River to provide relatively primitive recreation opportunities in harmony with the nature of the river, and to protect the scenic, fish and wildlife, archeologic, and other outstanding recreation values.

During 1963, approximately 1,600 people floated the Middle Fork. Recent trends indicate that float boating use will likely double by 1975. The most concentrated use of the river is in the vicinity of Dagger Falls. Approximately 4,000 people visit this area annually. These visitors enjoy fishing for salmon and trout, camping, picnicking, hiking, sightseeing, and other recreation activities. An estimated 3,000 people are flown into the various landing fields each year to enjoy fishing and other river activities. Trail riding and hiking have attracted nearly 1,000 visitors annually in recent years. Another 400 people come to the river area to hunt for big game and other wildlife species near the river. By 1975, an estimated 15,000 visitors may seek to enjoy the Wild and Scenic River area annually.

The river area has a limited capacity for accommodating recreation use while retaining those special qualities that qualify it as a Wild and Scenic River. Excessive human use by those attracted to its rugged beauty and ever-changing scene can severely damage or otherwise adversely affect the very things they have come to enjoy.

An objective of the Forest Service is to develop criteria and establish guidelines as to the optimum use capacity of the area consistent with Wild and Scenic River values. Management efforts will be focused on proper distribution and use of the area. When it becomes necessary, a limitation on the amount of use will be needed.

Seventeen camp spots have been minimally developed along the river to provide boaters and other visitors with essential sanitation facilities. Toilet facilities are planned for 19 additional camp spots by 1975. Camp spot development within the Wild River area will conform to Forest Service Wilderness standards. Although many visitors who camp along the river prefer to use the minimally developed camp spots, they are not required to do so.

A BETTER UNDERSTANDING

Many natural features and archeological and historical sites are of interest to the Middle Fork visitor. A limited amount of information on these is available in Forest Service maps and brochures of the area. Additional information can be obtained from Forest Service personnel at headquarters, along the river, and from commercial boaters.

Interpretation of Wild and Scenic River features will be done primarily through expanded use of brochures, maps, other printed material, and signing. New signing within the Wild River area will conform to Wilderness signing standards. The goal is to provide a better understanding of the Middle Fork for visitors, but accomplish this in a manner that does not detract from Wild and Scenic River values. The feasibility of constructing an appropriate and safe observation site at Dagger Falls will be studied.

TRAVEL TO AND THROUGH

Visitors can drive directly to the Middle Fork over the Dagger Falls road which enters from Bear Valley. Major road access to the vicinity is provided by State and Federal highways.

Eight landing fields within the Wild River area provide access to visitors who wish to be flown into the area. Several of these landing fields are generally considered usable for emergency use only. All landings require special techniques and mountain pilot skill. Small aircraft charter service is available in several nearby towns.

Any landing field found to be nonessential or undesirable for meeting administrative or visitor needs in the Wild River area may eventually need to be phased out. Access for big game harvest, fire control, and other needs will be carefully analyzed before any closure is implemented.

Many trails originating at roadheads well outside the Wild River area provide access to it. A foot and horse trail closely parallels the Middle Fork, from its origin to Big Creek on one side of the river, and in some segments on both sides. Several trail bridges span the river.

Water transportation for recreational purposes is of national significance. Float boating is the only practical means of transportation through the deep narrow canyons of the lower river area.

The Forest Service will maintain or develop needed facilities for appropriate access to and within the Wild and Scenic River area.

Trail machine use has been fairly popular on the trail within the upstream portion of the Wild and Scenic River area outside the Idaho Primitive Area. Such use generally is not in harmony with other uses in this Wild and Scenic River area and will be terminated. Trail machine use will be permitted only on the main Dagger Falls road.

WILDLIFE AND FISH

Maintaining a balance between the big game and its limited winter range is a major challenge of both game and land managers. Idaho Department of Fish and Game biologists and Forest Service officers work together to maintain and improve big game habitat. Population control, a key to big game management in this remote area, is dependent

upon hunters and the natural activities of cougar, coyote, and other carnivores.

The needs of all species of wildlife, from the chipmunk to the mighty elk, receive management consideration. Special management attention is given to the small population of bald eagles, a rare species.

Chukar and Hungarian partridge are introduced species thriving along the river. Wild turkeys were planted along the Main Salmon River and may eventually spread to favorable habitat along the Middle Fork. No new exotic species will be introduced into the Wild and Scenic River area.

The clean gravel bottoms of the Middle Fork and its tributaries are prime spawning beds for chinook salmon and steelhead trout. Native cutthroat, rainbow, and Dolly Varden trout are popular sports fish for the float boaters. Fishing pressures on these trout and the increasing population of whitefish present a challenging management problem for fishery biologists. Minimizing pollution, as well as maintaining a normal water flow for tributaries, will assure a quality aquatic habitat in the Middle Fork. Specific control measures may eventually be needed to prevent an overpopulation of rough fish.

Hunting and fishing licenses are required by State law for visitors wishing to pursue these activities.

FOREST AND RANGE LANDS

The variety of grasses, flowers, shrubs, and trees found along the Middle Fork of the Salmon River is typical of many parts of central Idaho. Flowers change with the seasons.

Some trees have been cut within the Wild and Scenic River area to provide construction materials for homesteads and for a limited amount of mineral prospecting. A small sawmill has operated for several years on private land at the Pistol Creek Ranch. Commercial timber harvesting is considered to be inconsistent with the management of this Wild and Scenic River.

Some forest stands have been damaged by localized, heavy, recreational uses. Reducing the forest resource impacts from increased recreation use is an important task.

It is reasonable to expect that a normal loss of trees will occur due to activities of bark beetles, other insects, and diseases. If damage to Wild and Scenic River values reaches intolerable levels, carefully planned control may be necessary.

Cattle and sheep once used parts of the area; but due to its remoteness and the generally unsuitable terrain, grazing by these animals ended some years ago. The major demand for forage in the area is for big game, primarily during the winter months, and for commercial, recreation, and administrative pack and saddle stock during summer and fall. It is anticipated that the demand for forage for pack and saddle stock will soon exceed the existing supply, particularly in heavily used areas. Packing in feed for use of commercial and recreational stock, at least in such areas, will become necessary. Many campsites will need to be protected from trampling and sanitation damage by pack and saddle stock. Concentrations of pack and saddle stock near open streams will be avoided to protect water quality.

On these ranges insect-control measures are seldom needed. However, key winter ranges essential to some survival may need to be treated. Insect infestations are seriously and permanently damaging browse plants.

PROSPECTING

Little mining activity is present in the Wild and Scenic River area. Only 13 claims show evidence of prospecting. The Wild and Scenic Rivers Act prohibits any further mineral entry into the Wild and Scenic River, its banks,

and the land within one-quarter mile on each side of the river. The Scenic River area is not withdrawn by the act but will be withdrawn administratively.

Owners of existing claims will be encouraged to remove improvements and return their claims to near-natural conditions, when no longer needed for mining purposes. Protecting water quality is a major goal in working with mining claimants, both within and outside the Wild and Scenic River area.

Mining activities outside the boundary can also affect the character of the Wild and Scenic River area. Dredging in Bear Valley and mining in Loon, Gannas, and Pistol Creeks have contributed to sedimentation and pollution in these tributaries and the Middle Fork. The Forest Service will work with mining interests and State and local agencies to minimize effects of such operations.

FIRE

The potential for large destructive fires exists in the Middle Fork area. Extreme burning conditions develop during the summer and early fall months. Most fires are lightning caused, but man-caused fires are an increasing threat. The steep slopes, rocky canyon walls, and limited access make fire suppression activities difficult. Smokejumpers, aerial retardants, and helitack crews are the main line of initial fire attack. Followup suppression activities often depend on the use of some airfields in the area.

An increasingly effective fire prevention program will be aimed at limiting the number of man-caused fires. In addition, fast airborne initial attacks will continue to be an essential part of fire protection along the river.

ADMINISTRATION

Administering the Wild and Scenic River requires Forest Service personnel with responsibilities for protection and management of the resources and activities in the area. They maintain trails and other Wild and Scenic River improvements, help to protect the area from fire, and provide needed facilities for the visitor. They work to keep Forest Service landing fields safe for skilled pilots to use in flying visitors to and from the area. They also assist visitors through contacts and by providing emergency help when needed.

One of the popular aspects of recreation on the Middle Fork is the near absence of controls on use. This must change somewhat, as increased recreation use necessitates some additional regulation of use to protect the Wild and Scenic River environment, the outstanding water quality of the Middle Fork, and other features. Such regulation should be minimal, so as not to detract significantly from the visitor's river experience. Except in the developed sites around Dagger Falls, packing out of unburnable refuse to specified collection locations is a requirement of all river users. Federal and State laws and regulations concerning littering, use of fire, and other activities applicable to the Middle Fork will be enforced by river administrators. As recreation demands increase, the following user requirements will eventually need to be implemented:

- Limits on size and number of boat parties.
- Assignment of camp spots.
- Use of a permit system for entry into the area.

It is the goal of Forest Service administrators to protect the environment and to manage the recreation and related resources of the Middle Fork of the Salmon River for the benefit and enjoyment of present and future generations.

Most river employees live in cabins located at Forest Service guard stations within the Wild River area. Some live in tents. Most

live and work in the area during a 7-month work season. The Middle Fork boat patrol and other river patrolmen work within the Wild and Scenic River area, but have their headquarters outside it.

Some guard stations and other administrative facilities have some improvements that are not harmonious with the Wild River environment. Removal or altering of some facilities and equipment will enhance the environmental qualities of certain sites. Some facilities are old and inadequate, and a few are no longer needed. Some new facilities may be needed.

The Forest Service will continue to provide administrative personnel to protect and maintain the Wild and Scenic River environment and to help the public. Needed facilities will be designed, constructed, and maintained to be harmonious with it.

RANCHES AND HOMESITES

Eight parcels of privately owned land, comprising 769 acres, are within the Wild River area. Some landowners provide commercial services and facilities for visitors. Others have developed their land for summer home residences. Not all private lands are developed.

One ranch has been subdivided and several homes have been built on the riverbank. Two ranches are corporate-owned and have been developed with facilities to accommodate guests. Private lands have potential for further development.

Continuation of current uses are subject to the landowners' personal plans and desires. Some potential future uses of private lands may not be compatible with Wild River management objectives.

The Forest Service will work closely with individual landowners to determine how future development and use of private land can be compatible with Wild River values. Some of the general objectives applicable to all private lands in the area are:

- Permit no new habitations nor substantially increased capacity.
- Permit other new structures that are essential for continuance of existing uses, or acceptable new uses, but make such structures inconspicuous and in harmony with the environment.
- Encourage the alteration of existing improvements that do not harmonize with the environment.

Assurance of the compatibility of future uses of private land generally can be provided cooperatively by means of scenic easement acquisition by the Forest Service. The Wild and Scenic Rivers Act provides for such acquisitions.

The Forest Service is interested in acquiring fee title to private land needed to protect or enhance public use or enjoyment within the Wild River area, when its owner voluntarily makes it available. In such acquisition, reservations by the landowner for his continued personal occupancy and use for a reasonable period of time can be negotiated.

IDAHO STATE LANDS

Lands within the Wild River area owned by State of Idaho agencies comprise 1,913 acres and include one partial school section and six ranches.

The partial State school section is under lease and used in conjunction with adjacent private property.

The Idaho Fish and Game Department purchased six ranches from private landowners in the early 1920's to reduce competition for forage between domestic livestock and big game. Some of these lands are leased to commercial outfitters for hunting camps and for grazing outfitter pack and saddle stock. Two of these ranches have small blocks of privately owned land within them.

The Forest Service will cooperate with the State to achieve coordination of management consistent with Wild River objectives.

**MIDDLE FORK SALMON WILD RIVER AREA
DESCRIPTION OF EXTERIOR BOUNDARY**

The exterior boundary of the Middle Fork Salmon Wild River Area is herein described by metes and bounds, with all coordinates, bearings, and distances being referred to the Idaho State-Plane Coordinate System, Central Zone; as established by the U.S. Coast and Geodetic Survey and based on the positions of USC&GS triangulation stations—Long Tom Mountain (USFS) 1945: X=352,356.44; Y=1,340,232.69; and Middle 1945: X=310,560.06; Y=1,325,165.79.

Beginning at Angle Point 1 with coordinates X=347,303.050; Y=1,329,961.701; said point bears S. 46°07'04" W., a distance of 1,737.055 feet from USC&GS Station Middle 1945; and bears S. 17°11'16" W., a distance of 17,083.933 feet from USC&GS Station Long Tom Mountain (USFS) 1945; said point is also located near and westerly from the confluence of the Middle Fork Salmon River with that of the Salmon River, Idaho; thence along the courses and distances in the following table:

Angle points		Bearing	Distance (feet)
From	To		
1	2	S. 51°00'13" W.	2,527
2	3	S. 27°49' W.	2,493
3	4	S. 49°34' W.	5,339
4	5	S. 41°44' W.	4,865
5	6	S. 51°56' W.	4,529
6	7	S. 37°41' W.	4,527
7	8	S. 9°33' W.	2,615
8	9	S. 1°05' W.	3,491
9	10	S. 2°08' W.	4,529
10	11	S. 71°23' W.	18,178
11	12	S. 38°47' W.	4,527
12	13	S. 38°47' E.	3,827
13	14	S. 28°33' E.	5,340
14	15	S. 19°57' E.	6,205
15	16	S. 2°00' E.	6,205
16	17	S. 21°46' E.	4,618
17	18	S. 27°33' W.	3,682
18	19	S. 11°17' W.	5,368
19	20	S. 54°28' E.	4,750
20	21	S. 41°45' W.	6,620
21	22	S. 37°34' W.	3,030
22	23	S. 0°35' W.	5,596
23	24	S. 69°09' W.	20,794
24	25	S. 31°56' W.	8,192
25	26	S. 7°34' E.	6,743
26	27	S. 31°17' E.	5,194
27	28	S. 27°29' W.	7,435
28	29	S. 0°24' E.	5,462
29	30	S. 1°45' E.	3,728
30	31	S. 8°12' W.	9,370
31	32	S. 81°49' W.	2,838
32	33	S. 73°09' W.	4,033
33	34	S. 0°07' E.	5,742
34	35	S. 1°51' E.	2,520
35	36	S. 49°06' W.	4,228
36	37	S. 18°33' E.	2,652
37	38	S. 74°29' W.	2,686
38	39	S. 45°47' W.	5,850
39	40	S. 6°22' W.	2,062
40	41	S. 1°55' W.	1,769
41	42	S. 79°06' W.	1,670
42	43	S. 2°10' W.	1,595
43	44	S. 27°12' W.	2,058
44	45	S. 51°24' W.	4,709
45	46	N. 59°56' W.	1,341
46	47	S. 40°22' W.	3,339
47	48	S. 69°51' W.	8,063
48	49	S. 62°54' W.	2,972
49	50	S. 45°13' W.	2,946
50	51	S. 60°17' W.	6,145
51	52	S. 28°10' W.	2,053
52	53	S. 8°42' W.	2,891
53	54	N. 75°34' W.	2,930
54	55	S. 20°05' W.	2,919
55	56	S. 63°10' W.	4,499
56	57	S. 51°33' W.	3,916
57	58	S. 62°11' W.	4,786
58	59	S. 82°35' W.	1,533
59	60	N. 47°49' W.	3,959
60	61	N. 86°15' W.	4,305
61	62	S. 75°39' W.	4,861
62	63	N. 13°32' W.	4,568
63	64	N. 73°16' W.	4,857
64	65	N. 67°47' W.	2,663
65	66	N. 48°11' W.	1,168
66	67	N. 67°56' W.	4,698
67	68	N. 43°10' W.	4,654
68	69	N. 86°59' W.	6,766
69	70	N. 84°23' E.	3,108

Angle points		Bearing	Distance (feet)
From	To		
70	71	S. 69°27' W.	9,082
71	72	S. 42°44' W.	6,789
72	73	S. 63°42' W.	6,215
73	74	S. 25°09' W.	2,214
74	75	S. 0°30' E.	4,120
75	76	S. 11°53' E.	2,871
76	77	S. 1°10' W.	5,129
77	78	S. 6°16' W.	3,395
78	79	S. 15°43' W.	14,020
79	80	S. 43°08' E.	1,293
80	81	S. 58°05' E.	4,483
81	82	S. 26°16' W.	3,575
82	83	S. 46°59' W.	1,477
83	84	S. 82°51' W.	4,660
84	85	S. 85°43' W.	3,153
85	86	S. 21°25' W.	3,134
86	87	S. 69°17' W.	5,703
87	88	S. 47°21' W.	3,569
88	89	N. 71°14' W.	2,182
89	90	S. 62°00' W.	1,013
90	91	S. 68°41' W.	2,114
91	92	S. 8°27' W.	4,145
92	93	S. 29°35' W.	8,024
93	94	S. 40°20' W.	1,072
94	95	S. 14°27' E.	1,419
95	96	S. 2°33' E.	2,413
96	97	S. 62°31' W.	3,940
97	98	S. 0°26' W.	5,133
98	99	S. 47°08' E.	2,855
99	100	S. 60°26' E.	3,783
100	101	S. 31°26' E.	6,580
101	102	S. 86°59' E.	8,609
102	103	S. 29°22' E.	4,527
103	104	S. 25°25' W.	2,855
104	105	S. 50°24' E.	2,778
105	106	S. 29°42' E.	4,025
106	107	S. 5°21' E.	2,270
107	108	S. 36°29' W.	4,166
108	109	S. 7°38' E.	5,724
109	110	S. 3°41' E.	2,393
110	111	N. 45°28' E.	1,819
111	112	N. 14°27' E.	3,987
112	113	N. 1°09' W.	5,827
113	114	N. 13°04' W.	3,021
114	115	N. 0°29' W.	1,690
115	116	N. 27°22' W.	5,125
116	117	N. 1°49' E.	2,414
117	118	N. 31°31' W.	1,404
118	119	N. 41°21' W.	4,286
119	120	N. 84°55' W.	7,166
120	121	N. 9°45' W.	2,339
121	122	N. 43°20' W.	3,117
122	123	N. 10°51' W.	4,483
123	124	N. 23°41' W.	3,112
124	125	N. 16°48' W.	5,918
125	126	N. 4°54' W.	4,285
126	127	N. 37°08' E.	3,445
127	128	N. 31°31' E.	5,446
128	129	N. 75°01' E.	5,666
129	130	N. 59°33' E.	4,571
130	131	N. 70°41' E.	3,299
131	132	N. 87°07' E.	2,753
132	133	N. 37°04' E.	2,677
133	134	N. 85°42' E.	5,366
134	135	N. 22°58' E.	3,657
135	136	N. 50°30' E.	8,889
136	137	N. 1°52' E.	7,574
137	138	N. 21°16' E.	4,194
138	139	N. 10°25' E.	3,934
139	140	N. 2°17' E.	2,674
140	141	N. 29°18' W.	2,215
141	142	N. 32°16' E.	4,248
142	143	N. 4°18' E.	3,818
143	144	N. 11°45' E.	6,888
144	145	N. 37°08' E.	4,635
145	146	N. 57°15' E.	5,593
146	147	N. 52°16' E.	3,888
147	148	N. 62°37' E.	2,760
148	149	N. 27°58' E.	1,735
149	150	N. 47°34' E.	5,449
150	151	N. 85°17' E.	2,013
151	152	N. 55°34' E.	4,533
152	153	N. 12°12' E.	5,115
153	154	N. 85°39' E.	3,636
154	155	N. 1°44' E.	6,119
155	156	N. 11°45' E.	1,672
156	157	S. 40°55' E.	1,316
157	158	S. 79°58' E.	691
158	159	N. 70°39' E.	6,305
159	160	N. 11°55' E.	2,632
160	161	N. 49°50' E.	3,251
161	162	S. 45°56' E.	3,520
162	163	S. 68°13' E.	2,569
163	164	N. 80°30' E.	4,994
164	165	N. 9°14' E.	2,454
165	166	N. 68°58' E.	3,123
166	167	N. 53°43' E.	1,798
167	168	N. 50°57' E.	2,713
168	169	N. 29°10' E.	4,878
169	170	N. 53°58' E.	6,716
170	171	N. 23°12' E.	2,916
171	172	N. 6°03' E.	1,690
172	173	N. 42°12' E.	2,892
173	174	N. 67°21' E.	3,941
174	175	S. 81°23' E.	1,658

Angle points		Bearing	Distance (feet)
From	To		
175	176	N. 47°47' E.	5,953
176	177	N. 14°43' E.	3,402
177	178	N. 81°33' E.	7,639
178	179	N. 5°57' E.	6,196
179	180	N. 39°14' E.	5,399
180	181	N. 53°24' E.	6,114
181	182	N. 53°45' E.	2,225
182	183	N. 9°55' E.	3,729
183	184	N. 13°06' E.	1,795
184	185	N. 62°06' W.	4,812
185	186	N. 61°58' E.	3,621
186	187	N. 82°32' E.	3,653
187	188	N. 37°11' E.	4,333
188	189	N. 37°03' E.	3,493
189	190	N. 23°30' W.	4,614
190	191	N. 14°00' W.	4,299
191	192	N. 8°05' E.	2,130
192	193	N. 24°09' E.	3,634
193	194	N. 6°06' E.	3,080
194	195	N. 8°56' W.	8,412
195	196	N. 5°16' E.	20,577
196	197	N. 17°50' E.	30,510
197	198	N. 67°29' W.	3,812
198	199	N. 13°01' E.	7,299
199	200	N. 25°40' E.	2,713
200	201	N. 35°01' W.	2,969
201	202	N. 11°35' E.	2,318
202	203	N. 7°38' W.	5,424
203	204	N. 23°59' E.	3,175
204	205	N. 5°47' E.	8,392
205	206	N. 60°49' E.	6,771
206	207	N. 25°22' E.	8,800
207	208	N. 11°54' E.	4,830
208	209	N. 34°41' E.	3,709
209	210	N. 69°41' E.	3,781
210	211	N. 8°30' E.	2,653
211	212	N. 28°17' E.	5,139
212	213	N. 51°50' E.	4,524
213	214	N. 51°19' E.	9,385
214	215	N. 39°23' E.	5,690
215	1	N. 11°54' W.	2,070
215	1	N. 53°31°02" W.	387.17

Said Point 1 being the point of beginning. Area contains 32,038 acres, more or less. All distances are based on sea level and require adjustment to obtain ground-level distances.
X=East.
Y=North.
[F.R. Doc. 69-11925; Filed, Oct. 6, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION
[Pocket No. 50-139]
UNIVERSITY OF WASHINGTON
Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R-73 dated April 31, 1961. The license presently authorizes the University of Washington to possess, use and operate the Argonaut-type nuclear reactor on the University's campus at Seattle, Wash., at power levels up to 100 kilowatts (thermal). The amendment extends the expiration date to October 13, 1989.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1964, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

FOREST HISTORY

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In this issue—
long drive on
the Clearwater
from the journals of
William H. Dyke

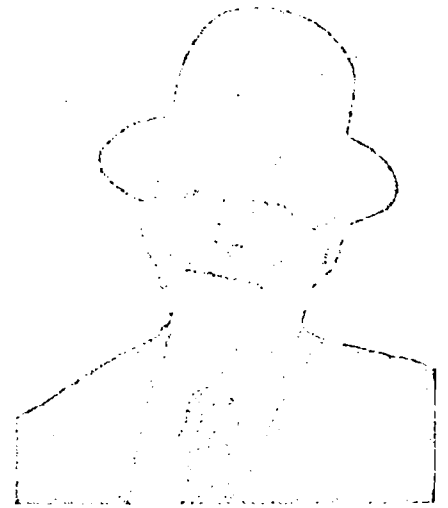
Log Drive on the Clearwater

By William K. Dyche

EDITOR'S NOTE: In past issues we have recognized the roles played by foresters and businessmen in forest history. Here we present a view of that history from another angle, that of the logger.

The late William K. Dyche needs no introduction to men of the western forests and mills. He is fast becoming a legend in that section of the continent. What follows is his account, only slightly cut in length, of a logging operation on the Clearwater River of Idaho about 1913-14.

Memoirs, diaries, journals, and old correspondence files are highly prized by historians, and an important function of the Forest History Society is to seek out these unpublished source materials and place them in leading libraries and archives in the regions to which they relate. We have Dean W. F. McCulloch of Oregon State University to thank for finding and preserving Dyche's unpublished papers.



From 1913 to 1915 I was logging superintendent for a lumber company on the Clearwater River in Idaho. The men who owned this outfit were all bankers in Minnesota and not very big bankers either, for they were all farmers to begin with. They had made a few thousand dollars and it kinda whetted their appetites for some more easy money. They were looking around to see what they could find when one of them came out to Idaho to see a brother and happened to stumble onto a man who had a sawmill right on the river and the railroad. He had no timber left as he had cut all that he could reach, but did have options on a hundred million feet or more up a mountain some miles away. There was also a little mill up there that had not run for several years. The man from Minnesota bought the lower mill and planer and had the options on the timber extended. Thus he became a full-fledged lumberman overnight, though he didn't know a pine tree from a gooseberry bush. He got his partners out there, and they decided to buy the little mill on the hill, enlarge and run it.

Building the Dam

During most of the summer of 1913 I was busy building a dam across a little creek up on the mountain where the sawmill was located and clearing the willow brush off above the dam for a log pond. During the summer the mill only cut 400,000 or 500,000 feet of lumber, owing to the fact that the only way to get logs to it in the summertime was by horse truck—a slow hard way to haul logs.

I got the dam built and the pond cleared in just the right time to start skidding and decking for the winter sleigh haul. This began as soon as there was snow enough to run sleighs, and then we hot logged, that is, skidded logs right from the stump and loaded on the sleighs, which saved the cost of decking. We did this till the snow got too deep, then hauled the decked logs straight, and so got all the cut in just as the last snow went off the ground.

As I said, this was no country for horse trucks, but up to that time that was the only motive power in the whole country. One could hire a good heavy team

for one dollar a day and their feed. So when the sawmill started, the company hired some rancher's teams to haul the lumber the ten miles to the planing mill and loading dock by the railroad. They didn't figure on the awful grade (8 to 20 per cent), narrow and steep coming off the mountain. To start down that grade with a heavy load of lumber was taking one's life in one's hands as all wagons had brake shoes on the rear wheels only, and not very good at that. The brakes were only 24 inches wide, and there wasn't enough friction to hold a load off the horses.

High Cost of Logging

Not a single load ever got to town; they wrecked every load they sent down that hill. So they piled the balance of it in a little yard at the mountain mill and sure felt blue because they had been to a lot of expense and had no money coming in. The partner they had left to run the layout, Frank Freeman, wired for the other partners to come out, and they all went into a huddle to talk things over. The result was that they called me down to the office and said, "Bill, what would it cost to build a road that lumber could be hauled over successfully?"

When I told them, they just threw up their hands. They said, "We could never pay that price and, if that is the only way out, we had just as well quit now as later on." They figured it would break all of them and put them in the hands of a receiver.

"Well," I said, "there is another way out of the jackpot, and that is a water flume. You have the water to use, and the flume will cost you only about \$2,000 a mile for nails and labor. You can float your lumber down for 50c a thousand board feet, and there is hardly any maintenance, at least for the first five years. It would be much less than maintaining a road, and the savings would pay for your flume twice over in the first year."

They went into a huddle of their own, and I went up on the hill to my logging. In three or four days they called me down again and asked all kinds of questions about fluming. "How long would it take to build? How do you keep the boards from going too

fast and jumping out of the flume?" and other foolish questions. They knew that I had had quite a lot of experience fluming in Wyoming. The upshot of it was that they decided to build the flume and told me to get busy on it from the upper end as soon as possible. I asked them to get the surveying done first, which they did, and by the time I finished logging I had a crew at work on the upper end of the job. The manager ordered three carloads of flume lumber shipped from Spokane. After I got through with the sleigh haul, I sent three four-horse teams to haul it out on the flume right-of-way so that I could build from both ends. The company was in a hurry for they wanted to get the mill on the mountain started as soon as possible. As there was a wagon road alongside of where the flume would be for about three miles and a half, I figured that I could haul flume material up from the railroad as far as the wagon road went and so work from both ends at the same time and speed up things. On the upper end we would build a couple of hundred feet and then flume the material for another couple hundred feet and so on.

Get the Mill Going!

One day Freeman called me up and wanted me to come down to his office, which of course I did, and got one of the real shocks of my life. He said, "Bill, do you remember that when Newdahl and Waterman and Collins were here they were bewailing the fact that this mill is not running?"

"Yes, I do."

"Before they went back to Minneapolis, they told me to get it started if there was any possible way to do so. I have signed a contract to saw 5,000,000 feet of cedar lumber at a price that I think we can make money on. How does it sound to you?"

"It sounds all right, but where are you going to get the cedar? You know there's no cedar in your timber holdings."

"Yes, I know that, but up the river there's lots of it on the National Forest and we can get all of it we want. I have been talking to the supervisor, Charley Howell, and he assures me there is plenty of it handy to the river. I want you to meet him at the end of the wagon road, look the river over carefully coming and going, and see if there is anything to prevent us from driving logs to this mill. A lot depends on your judgment and opinion."

"There is no doubt but what the logs can be driven, but how are you going to stop and hold them in a four-mile current after you get them down?" I asked.

"We will have to figure that out," he said.

Boom Chains and Pile Driver

"Do you have any idea what it would cost to buy boom chains or to lease or buy a pile driver?" I asked.

He admitted he didn't know how to figure such things, which was no surprise to me. I had often wondered why his partners had left Freeman to manage the affairs of the company instead of a more experi-

enced man, for while he was a good fellow personally and maybe a good banker, he surely lacked a lot of being a lumberman. In spite of all the objections that I was raising, he was determined to go through with it anyway and said, "If you don't want to take charge of it, I'll get someone else," which put it squarely up to me.

Do-or-die Logger

In those days I was a guy who would accept most any kind of a challenge if the odds were anywhere near even. I felt that he was bucking nature with little or no knowledge of what he was up against in that fast stream of water, but he couldn't say that he hadn't been warned.

I made an appointment to meet Howell at the end of the wagon road and then went back up the hill to pick up a few loose ends, for it would take at least a week to make the trip. I put one of the men in the carpenter crew in charge of building operations on the upper end of the flume. Then I met my man, as agreed, at the upper end of the wagon road and found it to be a very poor road for no one used it, only a homesteader and the mail carrier. He carried the mail up river from there 25 miles by pack horse twice a week to a post office called Lowell. It served trappers in the wintertime and stockmen and Forest Service men in the summer.

Howell and I left the homesteader's cabin next morning early, for we had a long way to go, and I wanted to do a lot of looking as we went along. The trail went close to the river which gave me a chance to size up the log-driving possibilities till we got to the post office. We were still ten miles from the timber that he thought might interest me. Just below the post office the river forked; one fork called the Lochsa turned east, and the other, the Selway, turned south.

Government Grab

The trail from the end of the wagon road to the post office was all on the north side of the river, so we crossed the Lochsa and went on to a place called O'Hara Bar. This was nothing but a large flat, probably 40 acres in size, on which the Forest Service had established their summer work headquarters. They had a good, big log house there, well stocked with food and blankets, and a small stable for saddle horses after the grass dried up in the fall. We put our horses in the stable and went to the house, which was a little musty, but we opened the doors and windows to air out, built a fire, and got supper. There was plenty of food—hams, bacon, sugar, sardines, canned fruit, and potatoes—buried under the floor so it would not get frosted. The Supervisor hung up some blankets to air out, and after we had eaten we talked for an hour or so.

Howell told me the Forest Service people were very anxious to see the company's project successful. Up to now they had never been able to put over a sale, because other prospective buyers were all afraid of

the river drive. So the Forest Service people would help, aid, and assist us in any way at all to make it go. These were cheering words to me. Wherever I had worked on Forest Service timber before, it had seemed that the policy had been to take every rule and regulation in such a way as to make it tougher for the operator. But I took Howell at his word and in turn told him, "I'm not a bit afraid of the driving part of it. I'm uneasy about stopping and holding the logs after I get them down to the mill."

The next morning after breakfast we went out in the timber and found a fine stand of cedar, sound and clean with no underbrush. It was good ground to work on, with about a two or three-degree slope towards the water, and none of it more than two miles away from the river. There were good places for rollways from the top of the bank down toward the water and a mile or so of quiet water below the proposed dump where the logs could be held. It wouldn't do to turn them loose until we got a boom in shape down at the mill to hold them.

The Big Boulder

After two days of looking around we decided that the location on O'Hara Bar was the place to start as there was plenty of room for a camp and stables. When we started back to the mill, I kept watching for rocks or anythings else that would cause trouble in driving—found only one place, the "Three Devils," which might cause trouble. The river narrowed down here to not more than 150 feet wide; the rock walls on each side were 40 to 60 feet high and perpendicular on both sides for about a quarter of a mile. Through this the water ran fast like a mill race, clear and green. Right at the upper end of this gash a big boulder 60 or more feet square had fallen or slid into the middle of the stream, forcing the water to race through two narrow channels. The big rock was about five feet above the surface. I thought we could put in a sheer boom that would prevent any log jams there.

The next morning I saw Freeman and found him still raving to go, though he had no idea what it would cost him to hold the logs after we got them to the mill. He sure was an optimist and wanted to get started as soon as possible. The first thing to do was to rustle a pile driver, and, as there never had been one used in the whole country, I phoned around to locate one. Portland had none available, but I did find one in Spokane. The owner wanted to come with it, which suited me fine. It was agreed that I should go to Spokane and make a deal for renting it.

Flume Building

Before I could leave I had to go up to the hill to the logging operation, get a couple of teams down to the railroad, and put them to hauling supplies for the new camp. After I had the team started with all the tools and horse rigging it would take to log at O'Hara Bar, I walked down the new flume and found that

they were getting along good, building a quarter of a mile a day on each end. It was hard work. Every stick of lumber had to be carried from the upper end where it was jumped out of the flume down along the survey line to where the carpenters were putting it up. On the lower end it had to be carried, too, only uphill from where the lumber wagons had unloaded it. The lower end used eight more men than the upper crew.

I got to Spokane and located the man with the pile driver. The next morning he and I went up to Sandpoint on the train to look at it as he had used it there last for the Humbird Lumber Company on Peal O'Reille Lake. It only had to have a new hoisting line, and he was willing to ship it down on the Clearwater. After I went to bed, I got to thinking that the Anaconda Copper Mining Company had a good big mill at Missoula on the Big Blackfoot River, which was darned fast water, too. I knew it well as I had worked on a couple of drives on that stream a few years before. It seemed to me a good idea to go up there and size up their holding boom. I might learn something that would help me out on the Clearwater. I went there the next morning, introduced myself, and told them what I wanted. They gave me a note to the boom boss, and he showed me everything I asked to see. After explaining my problem and drawing a crude map of the locality where I wanted to work, he gave me a lot of advice.

Contracting the Job

I thanked him, caught the train, and slept all the way to Spokane. I called up my pile driver man and asked him to be ready to catch the next train that went down on the Clearwater. We got there the next day and went to the office where I introduced him to the boss. We all three went out to the river, and I explained to them the way I thought we should proceed with the job. After looking it over thoroughly, the pile driver man said it could be done. So we all went over to the office and drew up a contract. One reason that I wanted the pile driver man down there was for him to look over the job himself so that he would know what he was getting into.

The pile driver man went back to Spokane to get the machine loaded and shipped to the job, and I went up on the hill to get a crew organized to cut and skid piling. We had a lot of second growth fir up there, just the right size for piling. It was hard to get, being about a mile from the flume, and the ground was so soft it would mire down a mosquito on snowshoes. It was impossible to truck the piling to the flume, so I put a crew together, men and horses, and had them skid it to the flume.

Then I beat it up the river. The two teams I had hauling supplies to the end of the wagon road were getting quite a surplus stacked up there, so I notified the packer to get started moving the stuff on to camp.

I was going to use tents to house and feed my crew, and I had ordered four 16x24-foot tents, one for a

cook tent, one for a dining tent, and two for sleeping tents. I had good-sized Sibley stoves to heat them and a range for cooking. The day before I planned to go up the river I had sent six men to the end of the road, the cook and five others. They were all there waiting for the packer and me. We loaded the dismantled range on three pack horses. We packed tents, bedding, food, and tools on ten other horses. With the men afoot, we started for the new camp.

I did what used to be called "ride and tie" with the cook, a middle-aged man not used to much walking. I would ride ahead three or four miles, tie the horse and walk on. When he came to where the horse was tied, he would get on the horse and do the same thing. That way neither of us had to walk more than half the way. The other five were husky and walked all the way, but most folks in those days were used to walking. If one didn't have a team or a horse, walking was the only way of getting anywhere. When we got to the ford on the Lochsa, I ferried the men across one at a time on my horse. The bottom was covered with round, water-worn rocks in size from that of a football to a wash tub, round and slick as peeled onions. They looked like a basket of eggs in the crystal clear water.

We got to O'Hara Bar at dark, unpacked, and cooked supper over a campfire—ham, fried spuds, and coffee—and then rolled the new tents out and spread our bedding on them. There was enough tarp rollback on top of the bedding, but we nearly all froze. It was still early spring, and there were patches of snow in the sheltered places. There was ice in our water bucket the next morning. After breakfast I told the packer what to bring on his next trip, and he left for another load of freight. The rest of us started to build the camp. We went into the timber and cut ridge poles and posts for the tents, and I dragged them in with a rope tied to my saddle horn. The cook and another man reassembled the range. By noon we had one tent up and the stove in it and then had another campfire meal which tasted good after hustling around all morning. That afternoon we got another tent up and the Sibley in it. Fast work. They were all good men and knew what was to be done. We flew at it, for we didn't want to sleep out another night.

Homemade Furniture

The next day we built a table for the cook and some shelves and benches. For these we split cedar slabs one and one-half inches thick. After they were smoothed up with an ax, they did fine for table tops, and the food tasted just as good as if served off mahogany. That night we had supper in the new camp—hot biscuits, canned fruit, ham, and spuds. The packer got in with another load of freight which eased our situation. He also brought a letter from the boss saying the pile driver had arrived. He would be ready to start driving in a couple of days, but there were no

piles to drive, and he thought I had better come down and see about it.

After telling the men what to do, I left. I went to the upper mill where we were cutting and piling to find out why there were no piles ready. They were cutting mostly boom sticks, so I had them change and start fluming the piling at night as soon as the flume was done. It was a big job, and I was afraid that we wouldn't get it done in time for the log drive.

I went down to the office and talked with the boss and the pile driver operator. I named the teams I wanted at the cedar camp and hired four sets of fallers. When I went back up the road, I found the packer, who had just come from camp, and I told him to load saws and falling tools the next trip. Several men had come to the end of the road looking for work; men were plentiful and work was scarce. I hired five and started them up the trail. An hour or so later I followed up to ferry them across the Lochsa on my saddle horse. After I got them across, I went to Lowell and made a deal with Postmaster Billy Perry to put any men who came with an order across in his pole boat.

Neither Rain, Sleet nor Female

I stayed all night with Perry, a bachelor, who said it was too lonesome there for a woman. He trapped during the winter and had about \$800 worth of pine martin, mink, weasel, and water martin pelts stretched and dried. He was holding these for a better price.

I went down river next morning, for that was the day I was to have two horse trucks arrive. I wanted to be there to see that they were taken apart and bundled in good shape for the packer to load on his horses, for he was not too anxious to pack them. The rear wheels were too heavy to load them two to the animal, so we had to pad up the pack saddles and load one wheel to an animal. The front wheels were smaller and lighter, so we could load both wheels on one horse. The fallers I had hired were there, so we loaded the balance of the string with saw tools. I caught up with them and ferried the fallers across the Lochsa. When I got to camp, I saw that the men had been busy. The tents were up, bunks and Sibley stoves installed, and a good feed manger for the horses had been built.

The next morning we got four sets of saws going but were soon disappointed, for that long-fibered cedar bark would pull into the saw cut so tight that we couldn't pull out the saw. We tried cutting the bark off in a ring around the butt log, but I didn't like that. I decided to peel the whole log, thinking they would handle easier on the ground and float higher in the water. I had never logged cedar before and learned a lot about it before I was through.

I stayed at camp for three days. During that time I chose a foreman to direct things when I had to be away. The man I picked was a good logger and an artist on a log in the water, but he was not very good at handling a crew. He had a rough, brushy

that the men sometimes resented. I talked to him and explained some things. I thought he would get along all right, which he did, and he made me a darned good man. Before I left, we got one truck set up. We didn't pack in tongues and reaches as they were too long and awkward to handle but hewed them out of the young fir that grew there.

When I got down to the mill, I was disappointed in the progress being made by the pile driver. He had no excuse that sounded good to me. He had one man that I knew was an experienced pile driver, so I persuaded him to turn the job over to this man. We changed the guides and sharpened the piles by snipping off the wood down to a six-inch center which made them drive easier in that hard gravel and boulders. Then we began to get along faster, but were still not getting piling driven fast enough to meet the deadline Freeman had set. We were using an 1,800-pound hammer, so I sent to Spokane for a 2,400-pounder. That seemed to pound them into the boulders and rocks better.

A Matter of Horsepower

While down on that end of the work, I thought it a good idea to go up on the hill and take a look at things. I walked the new flume to see how it was doing and if it was standing up. It was working fine, fluming lumber in the daytime and piling at night. After dinner I went into the timber where they were getting out the piling and found, as I had expected, that it was slow, hard work. Two piling was all that a team could pull, so I tried putting four horses on three piling and found they could make four trips with six piling. This just doubled the capacity and saved the wages of one man. One man could drive four horses easier than two because the four-horse teamster rode one of the wheel horses. I sent up more teams, and we soon began to get a surplus of piling at the mill.

Some time before I had ordered chain for boom chains and the iron out of which to make toggles for them. I had the blacksmith get busy making them up. I told him to send a couple of dozen up to the cedar camp on the next freight wagon, for I had to put a boom in the Selway to hold the logs until we were ready for them at the mill. I wanted to catch the June run-off water, at least with a small drive, but I was beginning to doubt we could make it because the piling job would hold us up. It eventually did.

I gathered a crew together and sent the horses along so they would get there at the same time. Then the men could each ride a horse, at least across the ford. We loaded the packer with bedding and started for the camp. Next morning we began to get organized so we could begin logging.

It was just 40 days from the day that Freeman had first mentioned the cedar project to me. I had moved tools, equipment, and other freight a long distance under hard and difficult conditions and had been so busy I hadn't had time to spit. I had ridden the tails

off three saddle horses, and there was still much to do. My boss was a very peculiar man. He could have been a lot of help to me, but he either didn't know, or, if anything went wrong, he would have an alibi and I would be the goat. I often wondered about it, for I worked long and hard hours and often fell asleep in the saddle while riding along the pack trail.

Boom Across the Selway

We put a boom across the Selway just above where it and the Lochsa forked, this to hold the logs back until we got the holding ground built at the mill. Work went slowly, and I could see now that we would not have it ready for the June run-off. The swift current made it hard to hold the scow on which the pile-driver rig was mounted.

From then on I spent most of my time at the lower mill with the pile-driver crew and up on the hill with the crew which was cutting and skidding piling and boom sticks. I also looked over the next winter's logging show. I intended to start horse trucking again just as soon as the ground got dry enough to hold up a truck, for if the fall rains didn't start too early, we could get in 1,000,000 or 2,000,000 board-feet that way, and logs were what we were after if they didn't cost too much. Try as I would, I couldn't get the cost of the piling and boom sticks down lower than a dollar apiece, which I thought was too high for those days. But we had to give them a snip on the lower end and square off the upper end for the hammer; a dollar was the best I could do.

Logging Camp Life

The foreman at the cedar camp did fine. He logged 100,000 feet a day with 22 horses and 22 men, and he lost just two men; one got hurt and the other one figured he had a big enough stake made and quit. We fed them good. Fresh meat was the only thing we didn't have. Two days and a night in the open air in summertime was more than meat would stand. Some of the boys would sneak out and get a deer once a week, and every Sunday night they would have all the fine trout they could eat. We had a real camp cook who knew his business and could season things to a queen's taste. We dug a well close to the cook tent and got fine cold water. He kept his butter and perishables in it. The men had good beds, too. The bunks were built of small, springy fir poles and fir boughs with hay on top for mattresses. Except for that one man, no one wanted to leave. Mail came twice a week, and jobs were real scarce on the outside, so they just stuck with the job they had. Quite a number of them wanted to work on the drive, too, which was another reason to stay. We got the 5,000,000 feet that the boss wanted in the water before they were ready for them down at the mill, so Freeman said to cut a couple of million feet more, which we did. The water was too low yet to start the drive so we put the men who wanted to work on the river to piling bark and brush. The cutting had been done on the

Forest Reserve land and the brush all had to be piled. I had intended to gyppo it, but, in order to hold 12 men who wanted to stay for the drive, I let them do it instead of contracting it out. That also helped to hold the cook, who was an indispensable man.

When the first fall drizzle started I hurried up from the mill to the cedar camp and on the way notified the packer to be there to move the camp. I didn't want it to be on the wrong side of the Lochsa when it got too deep to ford. But that first drizzle turned out to be just a flash in the pan. It didn't rain enough to lay the dust. I stayed at camp and tried to rest up a little. But I was too nervous, and, after I got all the tools and odds and ends straightened out, I helped the packer to get loaded. We took down all the tents but the cook tent and two sleeping tents.

A horse for a HORSE

I went out to look over the work where the boys were piling brush. A cattleman I knew came out and said that he needed a fresh horse very badly. He had just got word that his mother was dying. His horse was played out and could go no further. He wanted me to let him have my horse, and he would leave his horse there at the camp. He promised that when he came back he would leave mine and take his own again. I knew him and also his mother, so I let him take my horse which was in good shape, well-fed and well-shod. He left his, which was rode down, thin and barefooted. The temporary trade nearly cost me my life a few days later.

About 15 miles up the Lochsa there was an outfit which had been getting out cedar poles all summer. They, like us, were waiting for the water to rise so they could drive them down to a place about ten miles above our mill. There they intended to hold them till they could get the poles out of the water and loaded on cars. I was afraid that they would start their drive at the same time or before I could get enough water to start my logs. I sure didn't want to get the logs and poles mixed up together. So when it began to rain, I started the logs and sent a letter up to this pole camp by a couple of my men telling them that we were starting the drive and asking them to hold their poles up for a few days. The men who took up the letter said the foreman just snorted and said, "To hell with him. If he don't get his logs out of the way, I'll run my poles over him!"

I had never met this man, but he had the reputation of being a loud-mouthed bully with a chip on his shoulder. He traveled on his size and by the reputation of a fighting man which he got one night by slapping around two jacks who were too drunk to stand up, an old grey-bearded man, and an eighteen-year-old camp snakey. Not much of a record on which to build a reputation like he seemed to want. I had heard several times by the grapevine that he had a hard time keeping a crew on because of his general cussedness and mean ways.

I had called Freeman on the Forest Service phone to tell him the logs were coming and to get out the crew I had organized while I was down there. Later when I wanted to talk to him again, I found that the big rain and the snowstorm had put the phone out of business. I decided to go to the post office and send a letter instead as this was mail day and it would go out in the morning. So I started out on the little old pony that the stockman had left me. There was ten inches of snow on the ground, and it was cold, freezing ice along the edges of the water. When I got down to the post office, I noticed that the water had risen in the river, but I got across all right. The mail carrier had not got in yet, and I had to wait till after dark before he came. I put the mail, 12 or 15 pounds of it, in a canvas sack and tied it on behind the saddle and started back to camp. When I got to the ford, I had a hunch it might be a rough crossing, so I took off my spurs, tied them to the saddle, and heeled the pony into the water. If I had had my big, stout, well-shod horse who was used to the ford, I wouldn't have been uneasy. But this critter was small and weak, had had no grain all summer and was so tenderfooted that she had to pick her way, and she didn't want to take it. I urged her on, and when we were in about a hundred feet she began to blunder and stumble and suddenly fell down. In spite of all my efforts to get free, one of my legs caught under her and there I was with just my chin out of the water. Every time she struggled trying to get up, she would duck me clear under the ice-cold water. Was I scared? I'll say I was and I'm mistake about it! I could see that old chin-whiskered guy with the scythe looking me right in the eye and running his thumb along the edge of it like he was wondering if it was sharp enough yet to cut me down.

Riding a Dead Nag

I was yelling for help all the time though I knew it would do no good, for there was no one to hear me, only the postmaster or the mail man. They were a quarter of a mile away, and, unless one of them just happened to step outside, there wasn't a chance of their hearing me. I kept yelling anyway and trying to get my leg loose from under the horse every time she struggled, but it was no go. I realized that I had to stop struggling or I would surely die. I was nearly drowned and all but frozen, and I thought my leg was broken in several places. I reached up, got the horse by the nose, and held her head under water until she drowned. With her last breath she raised up three or four inches and started to float off down stream. I hung onto the saddle, for I knew I couldn't stand up in the swift current. I hoped she would hit one of the banks so that I could crawl off. I kept trying to get my foot loose, but my leg was so numb and I was so cold that it took a long time, but I finally made it.

The horse went ashore at a bend just below the ford, and I managed to crawl out on the ground on my hands and one knee; the other leg was helpless. I was weighed down with wet clothes. I had a r

heavy wool sleg shirt, a heavy wool Mackinow coat, thick wool pants, leather chaps, and heavy caked logger's shoes. I'll bet there was 20 pounds of water in them. I couldn't get up on my feet, and I was so cold I couldn't see how I could ever get warm again. I didn't care much, for I was on the wrong side of the river, and the shock, fright, and cold had taken a lot of pep out of me. But I kept yelling for help.

Indian George—Old Crow

On the other side of the river, where the trail ran, a fellow named Indian George had built a cabin, to live in while he was winter trapping. In summer he worked in the woods. He was a Canadian half-breed and a first-class man at any kind of work he undertook. He had worked in my cedar camp all summer and was working now on the drive, but he was staying at his own cabin rather than walk back to camp. He had eaten his supper and had stepped out of the cabin to go to the post office to chin awhile with Perry and the mail carrier when he heard me trying to yell (he said it was just a croak). He answered me and ran down to the edge of the water. I made him understand that I was hurt and wanted some help. He got in his pole boat, came over, got me in the boat and took me across the river. He practically carried me the quarter mile to his cabin. He got me inside and started to get my wet clothes off. But first he reached up on a shelf and got a full bottle of Old Crow whiskey and gave it to me. I couldn't hold it to drink, so he got a tin cup, poured some, and held the cup up so that I could drink. I was shaking so and my teeth were chattering so hard that they left their prints in the tin. He got my shoes and outside clothes off, laid me on his bunk, stripped me to the skin, gave me a good rubdown, piled on all the blankets he had, and gave me a cup of hot coffee well-laced with whiskey. Then he got a rock, heated it on the stove and put it to my feet.

The Treatment as Before

Was I cold! He said afterward he thought that I would shake his bunk down. He stayed right with me, bathed my leg with Absorbine, and every hour or so gave me a shot of hot coffee and whiskey. I knew very little about it as I was just about run-dumb with pain, nervousness, and cold, but I did finally go to sleep. Then George took his boat across the river, got the mail sack and my saddle off the dead horse, and brought them to the cabin. He took the mail out of the sack and dried it out in the oven.

I didn't wake up till two or three o'clock in the afternoon and probably wouldn't have wakened then only that my leg was hurting like hell. George had a tub full of hot water, and he wrung cloths out of it and put them on my leg, which eased the pain. We decided that it was not broken though it was swollen badly and plenty black and blue. George had sent for a doctor that morning by the mail man, but he couldn't get back there till noon the next day even if he started right away. So we kept the hot applica-

tions and the Absorbine on the leg, and by midnight the throbbing pain had eased. George cooked a meal of fried ham and spuds, sourdough bread, and coffee, and after I had gotten around a lot of that I felt pretty good.

The doctor came next morning and assured me that the leg was not broken, which made me feel better, though he told me not to use it for at least ten days—a fine sentence to give a man who had as much to do as I did. This doctor was another one of the old-time country doctors who would go to a patient if it was humanly possible to get there and then would bawl a man out for living in such a place. He swore he wouldn't ever go to see another patient if he couldn't get there in a buggy, for he was so sore from the long horseback ride that he could hardly walk. The next morning when he left, he was walking and leading the horse and cursing with every step.

Trouble Brewing

George went into the woods and found me a good heavy ironwood cane with a natural crook. By using it and hanging onto the walls, I could get around in the cabin pretty good. It helped my disposition to see the logs floating by that the men cleaning up the rear of the drive were rolling into the river. George would put the men across that were working on that side, then come back and get breakfast and stay there with me till dark, then go across and get the men again. The foreman had sent word that things were going all right and that there were quite a number of poles coming, which meant that the pole outfit had started their drive, too, and had disregarded my request that they hold them up a few days. It was getting late in the year with ten inches of snow on the ground and a half inch of ice forming every night, and I guess they got in a hurry. But I couldn't see how they were going to get the poles into their boom without getting a lot of my logs with them. They didn't have any room to spare for their poles, not to mention a lot of logs that were bound to go in, too, but that would be their trouble and not mine.

I stayed at George's cabin for a week and then, with his help, crippled down to my own camp where I could keep in closer touch with things. The second morning there the foreman came in and told me there was a peach of a jam down at the Three Devils and, if I possibly could, I had better come down and look at it. I had been a little uneasy about this place and had caused two sheer booms, one on each side of the river, to be put in there, and had two good men stay there every day and watch things. It seems that the jam had started to build up during the night when there was no one there to take care of it, but my 16-foot logs would have gone through all right anyway if it had not been for the poles.

I told the foreman, Jim, to saddle my horse and sit right down and wrote a letter to the pole man telling him what had happened and asking him to get a boom in front of his poles to hold them back so

they wouldn't mix up with the logs. All the way to the Three Devils I kept wondering how it got started for I knew that the 16-foot logs would go through all right. When we got there it was a fierce-looking sight, logs and poles piled up 20 feet high, and more logs and poles coming. The water was backed up two miles, for the jam made a pretty good dam. I rode up to the edge of the water and just sat on the horse. It would do no good to get off, for I couldn't get around if I did. I could see some long timbers on the bottom, big heavy poles which had plugged the channel on one side. I told Jim to go over on the other side and take a look. He reported that it was the same way over there. What had happened was that the poles which I had asked the other camp not to turn loose in the river had come down crosswise of both channels. They were too long to go through and had jammed there. Every piece that came after them, logs or poles, had jammed them still tighter until it got to be a real jam, and more stuff was coming all the time, for the men were still rolling timber into the river on the rear of the drive.

"Well, what do you think?" I asked.

"It's a bad one," he said. "I guess I'd better get all the boys down here and start picking it out."

"No, that won't work," I said. "There's so much pressure on those key logs you could never get them out. You'd have to work from the top, and those logs and poles are tied in there just like a keg of nails. Every time you got one off the top there would be another one, and maybe two pop up in its place, and it would take you till the first of April to get it out. We would likely get two or three men drowned, and we don't want that."

"No, we don't," Jim said, "but how else are we going to break it?"

Forest Service Helps

"If I can get drills and powder, I'm going to blow that rock to hell out of there. You go back and get ready to move camp down where we will be close to the work, and I'll go to the end of the road and call the packer and see about getting drills and powder." I was just about all in when I got there on account of my leg. I called the Forest Supervisor, told him what had happened, and what I wanted to do about it. He fell right in with me and said he had lots of drill steel and powder and everything that I would need. He said he would send it all up to me with his own pack train as they kept a bunch of mules there all the time. He also said he would send up a portable forge to sharpen steel on, an anvil, and a man to use them. He promised a telephone that we could hook onto the government line which ran right by where the camp would be.

All of this relieved me a lot, though I expected it, for the Forest Service people were deeply interested. A lot of forest sales depended on the success of this drive. Prospective timber buyers were afraid of the river; they were watching to see how I got along.

Some of the natives had been sneering and throwing cold water on the project all summer, saying we could never do it, and trying to discourage us generally. But from the time I first looked at it, I knew that we could drive the river. Now I was worried, for the logs would come in a slug when the jam broke, and I was afraid some of them might get away.

I called Freeman and told him what had happened. He seemed quite perturbed, nor could I blame him. He had a lot of money tied up in those logs. But he never offered a suggestion or asked if I needed help or anything like that. When I told him what the Forest Supervisor was doing, it seemed to relieve his mind some, but he was a peculiar man who stood on his dignity at all times. I stayed at the end of the road that night, for my leg was plenty sore. That night the Forest Service people got in with two wagonloads of drills, powder, and hay. They packed the mules with steel, powder, and other things we would need—a battery to fire the shots, electric caps, anvil, forge, and eight-pound hammers. After giving my leg a good bath in some medicine the doctor had left for me, I took off up the trail after them.

Demolition Crew

The next morning we got three drilling crews organized, got the forge and anvil set up in a tent, and put the blacksmith to work getting more steel ready for use. By noon he had tools for three more men and got them going in the afternoon. The rock was hard and the men green at that kind of work, but they were willing and soon things began to click. But in the hard rock two holes a day was all we could get per set of three men. Two men were striking and one man turning the drill and spooning the grindings out of the hole, which we made ten feet deep.

Up to that time I had not heard of any kind of power drills, only steam, and we had no steam as we couldn't get a boiler in there with the kind of transportation available. So we used the old reliable armstrong way. On the third day we got eight sets of drills going, drilling holes three feet apart. We started on the lower side of the rock. When we got 40 holes drilled, we shot them, for I was afraid the battery wasn't heavy enough to fire them all at once. We got good fragmentation and cleaned off the lower side ten feet deep in good shape.

I called the boss and told him what day we were going to break the jam and for him to call up Kerr, the owner of the poles in Spokane, and for both of them to come up. I wanted both of them to see with their own eyes what had caused the jam to start. I expected a lawsuit over it and wanted plenty of witnesses. I also notified the Forest Supervisor about the day I expected to make the final shot. Howell was deeply interested and had been up there several times to see how we were getting along. My crew and the cedar pole crew, who were camped a couple of miles above us, had all looked over the jam, but I wanted the big shots to see it.

A couple of days before our supreme effort I was down by the cook tent checking in a load that the packer had just brought when I noticed a strange man over at the jam watching the drillers. I paid no attention to him but kept on hobbling around on my cane checking in freight. Then I heard a loud bullying voice say to the cook, "I want supper here tonight for 20 men."

The cook said, "Who are you?"

The man said, cocky as hell, "I'm Bucko, the boss of this pole drive, and I want those logs out of my way."

The cook said, "Well, I'm just working here. You'd better see the boss and tell your troubles to him."

"Yes," Bucko said, "that's just what I'm going to do. Where is he? Did he run away when he saw me coming?"

"No," the cook said. "I don't think he ran away. He's not that kind. I think he's outside the tent with the packer."

The guy said to me, "When are you going to get them damned logs out of way?"

I told him, "We're at it just as hard as we can."

"Hell, you'll never get them out that way. I'll get my crew and pick that jam out of there in two days."

"No," I said, "I don't need or want your crew, nor you either, so just leave them where they are."

Able Camed

Then Bucko began to abuse me something shameful and doubled up his fists and started towards me. When he got in reach I let him have a good one with my cane right across the ear. He went down like a pole-axed steer and began to quiver and straighten out. The packer said, "God, you've killed him, Bill!"

"He's not dead," I said, "but the vacuum in his head where his brains had ought to be got a surprise. Get a bucket of water and throw it in his face. He'll be all right."

When I hit Bucko with the cane, I fell down. The blacksmith, who had come running, helped me on my feet again. The cook came with the bucket of water and sloshed it in Bucko's face, and in a little while he began to try to sit up. He got up, cursing me with every breath. Hanging onto the blacksmith with one hand, I let Bucko have another good one across the shoulders, and down he went again screaming, "God damn you. I'll kill you for that!" Then I really tied into him across his shoulders and back and buttocks, and I was still hanging onto the blacksmith with one hand. Bucko began to bellow like a steer and say, "I've got enough! I've got enough! Let me up and I'll get out of this damned camp and never come back."

I said, "If you every do come back, I'll have you thrown in the river. Now get!" He staggered around awhile and started off up to his camp.

By this time there were three of his men there and five or six of mine, but not a man said a word until he started up the river. Then they began to hoot him

and say, "It served you right," and, "You got what was coming to you," and, "Now maybe you'll tend to your own business." They rode him so hard at his own camp that the next morning he packed his turkey and beat it. I saw Bucko as he passed our camp and thought that he might come in and start something, but he didn't even look around. He just footed it right on down the trail. I was told afterward that the story followed him on up to Spokane, and the jacks there rode him so hard that he left the Spokane country and went on to British Columbia. Anyway, I never saw him again.

To get back to the log jam again, my boss and Mr. Kerr and another man named Speet arrived on time that night. They had come in a livery rig to the end of the road and had a man meet them there with saddle horses. Kerr had brought Speet along to give him an idea about his poles, for he was an old river driver and had had plenty of experience. While I had never met him, I had heard a lot about him and all of it good, so I was glad to see him. The next morning we all went out to the jam, and I showed them all they wanted to see and pointed out the cause. John Speet, Kerr's man, agreed with us. Kerr was noncommittal, but he did do a lot of beefing about his poles being all mixed up with the logs. When I showed him the copies of the two letters I had written to his foreman about putting a boom in front of his poles, he sure did go up in the air. He said I ought to have boomed them myself, that I should have wired him, and finally that I should have killed Bucko with my cane, but he finally ran down.

Blowing the Jam

I had Jim pick up the tools and get them out of the way, for we were ready to shoot the last shots, the telling blow. When everyone was in the clear, he pushed down the firing lever. The blast was deafening, but the jam didn't move. After rocks quit falling, we went over to the jam, Speet and I, and just as we got to the edge of the water the jam began to crack and groan and pop and snap, and in a few seconds it started. It surely was an awe-inspiring sight for there was thousands of tons of pressure behind it and nothing could stop it now. With logs rolling off, logs popping up, logs being pushed out on shore, water roaring, and the jam flattening out and piling up again, it was truly an impressive and thrilling sight. John Speet turned to me and said, "By God, Bill, you are all right." It meant a lot to me, for his approval was worth a lot to any man.

Those logs which had been back in the river for two miles came down and shot into that gap with no rock there to hang them up. It was really something to see. My boss, Kerr, Speet, and Howell just stood and looked. Jim got the men right out on the rear for there were some logs pushed out a hundred yards on shore, and they had to be rolled and pushed and carried to the water, but that was an expected part of a riverman's life. The men flew right at it,

glad to get away from hammers and drills. By phone I ordered two livery rigs to be at the end of the road early in the morning, for I wanted to send ten men down to the lower end to help get the logs in the boom. They would be coming fast now and it would take more help to handle them.

Business Powwow

After supper the boss, Kerr, Speet, and I held another powwow. We agreed I was to take half of Kerr's men and work the logs down, leave the poles right there (all that would stay), and come back for them after the logs were taken care of. All the poles that got down to our booming ground I would pull out on shore, and he could load them at our siding at the mill later on. Kerr was to pay for pulling the poles out on shore. When we got down to the mill and he saw seven or eight acres of ground covered with poles we had pulled out, he went right up in the air. He cursed and stormed around. He was going to sue us for damages for stopping his pole drive and me for knocking his foreman out, and for several other reasons that he dreamed up. He refused to pay for the labor of pulling the poles out.

After he got run down, my boss said to me, "What do you say, Bill?"

"If it was me, I would have Rayberg (an attorney) come down to the office and start a \$50,000 damage suit against him for causing our jam in the first place and for letting his poles get mixed up with our logs, especially after he had been warned about it on two different occasions."

Freeman turned to the phone and called the attorney. After he got there and asked Kerr a few questions and saw copies of the two letters I had written, he told Kerr that he didn't have a chance. It was his own fault that the poles and logs got mixed up in the first place, and we would recover for any damages or extra costs that were incurred on that account.

Then Kerr began to sing a different song and said he guessed he had been too hasty in saying what he did. He admitted that he had not been down on that job all summer but had left it to his foreman. He was not a bad fellow at all, but had made a little money in poles the last two summers, and it had kinda went to his head a little.

Jim pushed the drive right along and we were getting all the logs that we wanted, so I persuaded the boss to put on another shift in his mill for I was still uneasy about that river. He could not see why I was so worried about what the river would do, but he found out later on and it cost him some money, too.

As Jim kept working the rear down, he needed less men, and he kept sending the surplus to me. I was glad to get them. Some of the men on the lower end weren't experts and couldn't ride a log, especially a cedar log. It is top-heavy on account of the fact that two-thirds of it is out of the water. Because it rides so high, it is very sensitive. The boys used to say that if they changed their chew of tobacco from one

side of their mouth to the other it would make the log roll. To stay on top one had to have a very well-developed sense of balance and be catty on his feet, and some of the drivers would fall off and get the head of the family wet. In that cold ice water it was not very pleasant and, after three or four experiences like that, some of them would walk off.

To the old-timers it was old stuff, all in the day's work and to be expected if one could not stay on top. I had hired some experienced men from Spokane, hardboiled as they come, dressed rough, talked rough, but first-class men on logs in the water. They just ate it up, for in place of getting their grub off a campfire and sleeping by a big bonfire like they would on a drive, they had a good warm bunkhouse to sleep in, lots of good grub to eat, and a place to dry their clothes. Only two of Kerr's men stuck it out till we were finished, but Indian George stuck it clear through. Several others of the crew from O'Hara Bar also helped to finish the job. I don't think we lost more than a dozen logs, which made the old calamity howlers shut up.

My boss asked me several times why I was in such a hurry. I told him that I had been talking to Howell, who came down every week to see how we were doing. On one of his trips, when I asked about the river ice, he told me it was frozen over for 50 miles—thick, heavy ice that would bear up a team of horses. In a lot of places it was two feet thick, and, if we had a late break-up, it might cause trouble by all coming down at once. So I again urged the boss to keep that mill running, whatever else he did.

As he was cutting the lumber into six and eight quarter stuff and putting it right on the car without piling any of it in the yard, he was getting 150,000 feet a day with two shifts. Within 60 days he had it all cut and shipped, and I had pulled most of the boom sticks out on the shore.

More Bad Luck

In early spring I was up on the hill sleigh-hauling logs when one day Freeman called up and said I had better come down. The snow was going fast up there, and there were only two or three days left. I did and rode into a lot of bad luck. On the way I had to follow the river for about a mile, and I saw that it was full of floating ice as far as I could see. It was not moving, and I wondered why. When I got to the mill, I saw the reason. Just below my booming ground about a hundred yards there was a railroad bridge, a Howe truss steel bridge. The ice had jammed against one of the piers and pushed the bridge over to about a 45-degree angle. It was halfway off the stringers, leaning downstream, and it looked like it might tip over at any minute.

What Howell told me could happen had happened. When the breakup came, it came with three or four days' warm rain and a Chinook wind. That 60 or 70 miles of ice had all come down at once and jammed on the bridge. There was a good big stream of water

running right through the mill and down through the lumberyard, along with big chunks of ice—lots of them—all through the yard. On the other side of the river there were several little five-and-ten-acre tracts that people had built houses on. The pressure in that swift stream had forced big chunks of ice right through their fences and right up in their dooryards. We didn't have a piling left; they were all broken off like matchsticks from the pressure.

The boss sure had the blues. He told me that he had intended to go up river and cut 20,000,000 feet this year, for he cleared \$11.50 a thousand on all the cedar. But, he said, now he didn't have the money to put in another booming ground. The old one had cost \$4,500, and he just couldn't raise the money for another one. He also told me that he never made a dollar from the pine lumber from the top of the hill on account of overweightts. That wet, heavy lumber weighed more than lumber should and had cost from \$30 to \$100 in extra freight charges on every car. If he had a dry kiln, the pine could be dried down to where the freight wouldn't eat up all the profits, but his partners in the East couldn't see it. They refused to furnish him the money to build a kiln, and the future looked pretty dark to him.

Shortly after I came down off the hill, the boss told me the outfit would go in the hands of a receiver because his eastern partners kept drawing sight drafts on him. We didn't have the money to pay them, and that was the only action he could take. He wanted me to go to the upper mill and see that things were cleaned up and put away for a long shutdown. I did, left one man there as caretaker, and brought all the horse and harness down to the lower mill.

Then suits of attachment began to come in from all angles against the logs at the upper mill, a little

PICTURE CREDITS

The cover picture of fume logging in the Clear-water River area of Idaho was provided through the courtesy of Potlatch Forests, Inc., of Leadston, Idaho, by Mr. Jack Clifford, Public Relations Director.

The picture of William K. Dyche on page two was provided through the courtesy of AMERICAN FORESTS, the monthly publication of the American Forestry Association of Washington, D.C.

over 5,000,000 feet of them. The creditors fixed up some sort of an arrangement among themselves to saw them and divide the returns. After that was done, neither one of those mills ever rolled another wheel for 20 years. Four years ago a man came there and built a new mill costing \$1,000,000, and I have been told he is doing plenty good. He's not using the river but is trucking everything. About the first thing he built was a dry kiln with plenty of room and is cutting from 60,000,000 to 75,000,000 a year.

This just about winds up my work on the Clear-water, except that the guy who owned the horse that I was forced to drown to save my own life came back with my horse about a month later. He wanted me to pay for his, which I did under protest. I could have charged him for the use of my horse, but I was so glad to get out with my life that I let it go. I was able to limp around without the cane now, which contributed to my good nature in letting him get away with it. I'll never forget my thoughts and feelings when I was fast under that horse in the river and every time she'd struggle she'd duck my head under that ice-cold water. It also taught me that a logger has no business on a horse in the water. Let him tramp all the logs he wants, but keep him off horses.

Pinchot, Fernow, Chapman, Denman Elected Fellows

The Forest History Society announced at the 61st Annual Meeting of the Society of American Foresters in Minneapolis on October 12, the election of four Fellows of the Forest History Society.

Posthumous recognition was given to Gifford Pinchot for "outstanding contributions to both published and unpublished sources of North American forest history and for his outstanding leadership in forestry and conservation education." Posthumous recognition was also given Bernhard Eduard Fernow, North America's first professional forester, "for his leadership in establishing professional forestry in North America and for his numerous and significant contributions to the literature of forest history."

Herman Haupt Chapman, Professor Emeritus of Forestry at Yale University's School of Forestry, was also elected a Fellow of the Society "for his outstanding contributions to the published literature of North American forest and forest industry history and for



Pinchot Fernow Chapman Denman

his outstanding leadership in forestry and conservation education."

MacDonald S. Denman, recently-retired Vice President of Crown Zellerbach Corporation of San Francisco, California, was similarly cited for "outstanding service to and financial support of scholarship in the field of forest industry history."

Since its inception in 1946 the Forest History Society has elected a total of seventeen Fellows of the Society.

IN CONSIDERATION of the interest you have shown in the field of forest history, the Board of Directors extends to you a most cordial invitation to membership in the Forest History Society.

As a member of the Society you will enjoy these benefits:

1. A subscription to this quarterly, FOREST HISTORY, which contains articles, memoirs, oral history interviews, book reviews, and news of importance to scholars, writers, editors, businessmen, foresters, and others interested in the field of forest history.
2. Book dividends. The current dividend is an annotated bibliography of the California Coast Redwood, beautifully bound in hard covers and originally sold at \$7.50. This important reference was compiled by Professor Emanuel Fritz of the University of California.
3. Discounts of 20 to 50 per cent on books published by the Society and by other publishers of forest history.
4. Privilege of attending all meetings and regional conferences of the Society.
5. Greater opportunity to lend your personal assistance in accomplishing these purposes for which the Forest History Society was organized:

To Collect, preserve, and disseminate the history of the North American forests and all forest-related activities; to establish a bibliography of North American forest history; to collect and preserve the records of forest-related groups, to find adequate repositories in which such records can be preserved, processed by manuscript experts, and made available to scholars; to encourage and aid in the establishment of company and institutional archives where such are necessary for the preservation of forest history source materials; to foster and promote research and writing on the history of North America's forests and forest industries and the evaluation of such history; to encourage the responsible use of basic source materials by scholars and to sponsor studies and do documentary editing; to publish books, pamphlets, and monographs on forest history, and to distribute same; to encourage forest-related groups to publish their own histories and to aid such groups in finding competent scholars and writers for such purpose; and in general, to do such acts as may be necessary or proper to promote the educational purposes above stated.

If you live in the United States, please use the post-paid postcard here attached to register your wish to be enrolled as a member. To our readers in Canada, Mexico, and other countries it will be necessary to affix a stamp to the postcard. Postal regulations do not permit us to extend this convenience. You will note there are several classes of membership. Please check the one in which you wish to be enrolled. If you prefer to be billed on February 1, 1962, please so indicate on the card. To those who remit their dues with the card we will send a copy of Professor Fritz' book.

The Fraternity of Forest History

The Forest History Society is a fraternity of persons formally organized for the purpose of collecting, preserving, researching, writing and publishing the forest history of North America. The editors take pride in devoting this section of Forest History to introducing some of the businessmen, foresters, teachers, college and university administrators, professional writers, conservationists, editors and others who are taking most active parts in carrying out the purposes of the Society.

Henry E. Clepper

A FORESTER WITH a well-developed sense of history is Henry E. Clepper, Executive Secretary of the Society of American Foresters and a member of the Board of Directors of the Forest History Society since 1960.

It is hard to imagine anyone who has wider acquaintance among foresters, conservationists, and businessmen than Henry who since 1937 has traveled widely throughout the continent and abroad as the principal ambassador of his profession.

Henry Clepper was born March 21, 1901, in Columbia, Pennsylvania. He was graduated in 1921 from the old Pennsylvania State Forest Academy at Mont Alto, now a branch of the School of Forestry at Penn State. For 15 years he was a forester in the Pennsylvania Department of Forests and Waters. In 1936 he joined the U.S. Forest Service in Washington, D.C., in the Division of Information and Education. The following year he was named Executive Secretary of the SAF and Managing Editor of the *Journal of Forestry*. Henry has served in these positions continuously with the exception of a two-year leave of absence with the War Production Board in 1943-44.

He is a Fellow of the Society of American Foresters and of the American
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David J. Winton

HUCKLEBERRY FINN is one of the best-known and most-beloved characters in literature. To David J. Winton—once-time teacher, sometimes bureaucrat, and all-the-time businessman—this is as it should be, for Huck Finn to him has always been a hero.

Of all the many books in the Winton family library at Northome on Minnesota's famous Lake Minnetonka none holds place of greater honor or shows more signs of loving reference than does the Mark Twain classic. And perhaps that explains something about the man, David J. Winton.

This twinkling-eyed Scot (several generations removed from the Highlands but still bearing their stamp of wit and canny wisdom) was born in Wausau, Wisconsin, on May 14, 1897. As the son of a successful lumberman he grew up in Minnesota and attended Blake School. During World War I he served in France with the A.E.F. (American Field Service and Tank Corps), was wounded and awarded the Distinguished Service Cross and the Purple Heart.

In 1922 he took a brief fling at teaching at Blake School, but the responsibilities in a widespread family lumber business cut short his career as an academician. However, education has al-

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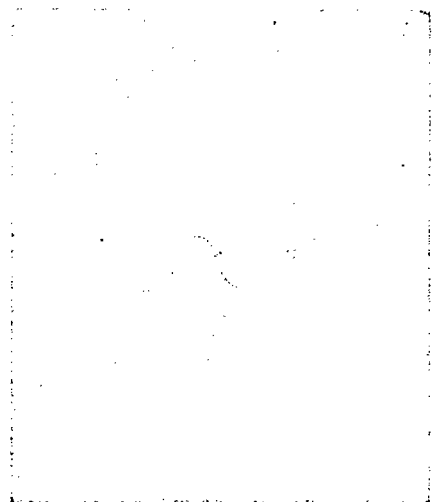
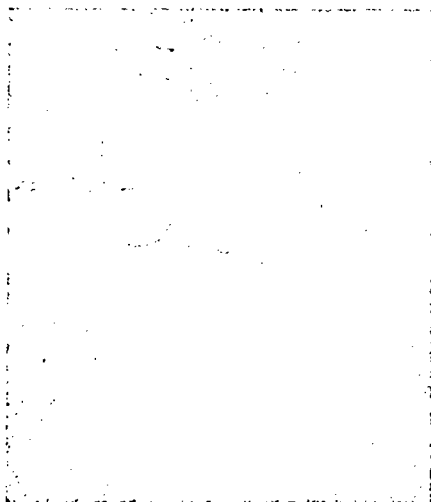
Ralph W. Hidy

ONE OF HARVARD UNIVERSITY'S leading academic lights who has restrained migrating from the banks of the Charles to those of the Potomac is Ralph W. Hidy, Isidor Straus Professor of Business History.

Dr. Hidy is the author of two of the most highly-regarded business histories—*The House of Baring in American Trade and Finance: English Merchant Bankers at Work, 1763-1861* and, in co-authorship with his wife, Muriel E. Hidy, *Pioneering in Big Business, 1882-1911: History of Standard Oil Company*. (New Jersey). He and Mrs. Hidy are also now working on a history of the Great Northern Railway Company.

Under the auspices of Columbia University Dr. Hidy and Professor Allan Nevins have jointly authored a history of the Weyerhaeuser associated enterprises which will probably come from the press this winter or next spring.

Ralph joined the ranks of Forest History Society board members in 1959, but he has been a wise and resourceful mentor of its program for at least eight years. In the ranks of business historians he clearly stands among the recognized leaders. He is well-known for his leadership of many organizations of scholars and businessmen, including the
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What's Happening

In Forest History Research, Writing, Collecting

POPULAR AUTHOR Charles I. Coombs of 10266 Kilrenney Avenue, Los Angeles 64, California, is writing a new book to be entitled *Lumberjack*. This book is a part of what is known as the American Adventure Series.

In doing his research, Mr. Coombs is seeking reliable historical data on famous lumberjacks of American forest history. He is particularly interested in having information on the famous Jigger Johnson and Bill Dyebe.

Anyone among our readers who can supply Mr. Coombs with information concerning these two famous lumberjacks is encouraged to write him at the address given above.

△

MR. DOUGLASS H. HUBBARD, Park Naturalist for the Yosemite National Park, reports that the old Hetch-Hetchy Shay No. 6, pictured at the bottom of page 87 of Knauer Adams' recently published book, *Logging Railroads of the West*, has been presented to the National Park Service by the Pickering Lumber Company and is now on exhibit at the Pioneer Yosemite Transportation Center at El Portal, Yosemite National Park's administrative site.

The Transportation Center is keenly interested in obtaining anything dealing with Yosemite railroads. It would especially like to find one of the bulk-headed log cars.

Anyone possessing information as to where such a car can be found is asked to write Mr. Hubbard.

△

JAMES F. STEVENS of Seattle, Washington, is working on a new book of Paul Bunyan. Jim's research took him into remote corners of the "crawl space above the basement of Shack Stevens," 719 Randolph Place, and there he found a forgotten cache of notes and manuscripts composed in earlier years of his writing career. These he has now added to the Paul Bunyan collection at the University of Minnesota Library.

The University of Minnesota's collection is the richest source of original materials relating to the Paul Bunyan folklore and its origins.

△

HENRY BAY has retired as representative of Rand McNally Company in Washington, D.C. He was formerly editor of all Rand McNally atlases and

was for a number of years research associate at the Museum of Science and Industry in Chicago where he directed research on forest and forest industries history.

Since 1946 Mr. Bay has chaired the Society of American Foresters' Committee on Foresters' Photographs (The Pinchot Collection) in the Library of Congress. This valuable collection of historical pictures includes rare camera portraits and snapshots of many of the pioneers of North American forestry. All foresters are urged to contribute pictures to the collection.

Mr. Bay was honored by 65 of his friends and professional colleagues at a testimonial luncheon at the National Press Club on the occasion of his retirement.

△

H. S. GREWAL, a reader in geography at Cambridge University, is doing research for his graduating essay on the role played by East Indians in the lumber industry of British Columbia. Anyone possessing information which may be of help to Mr. Grewal is asked to write him in care of Pembroke College, Cambridge University, Cambridge, England.

East Indian lumbermen are assisting in this work, but personal papers and records of East Indians are sought. Mr. Basil Stuart-Stubbs, Director of the Special Collection Division of the University of British Columbia, is assisting Mr. Grewal in making this study. British Columbians are asked to contact him if they know the whereabouts of information or records which might be permanently placed in the University Library.

△

CHARLES D. BONSTED, former Field Representative of the Forest History Society, has recently been named Director of Admissions of the New York University College of Forestry at Syracuse, New York. Charlie continues to be actively interested in forest history research and writing and recently aided work which led to the writing of articles on the American elm in the *New Yorker*.

△

FORMER FHS FIELD REPRESENTATIVE Bruce Harding has taken a new position as Archivist for the State of Michigan at Lansing. Bruce was formerly State Archivist in Ohio.

DR. LEWIS ATHERTON, Professor of History and Director of the Western Historical Manuscripts Collection at the University of Missouri, has completed a history of the cattle industry. This will be published under the title of *The Cattle Kings*.

Dr. Atherton hopes now to launch a similar study of the lumbermen of America. He plans to visit during the next two years some of the manuscript collections throughout the continent containing primary sources of lumber industry history. The plan of his work is to produce a study which will present a composite picture of the politics, religious and business activities, and the general cultural outlook of lumbermen as a group.

Dr. Atherton's study of the cattle men was published by the University of Indiana Press in November.

△

PHILIP T. COOLIDGE, retired USFS official, has an interesting article in *The Colorado Magazine* for July, 1961. It is based on recollections of a "Tenderfoot Young Forester" in the national forests of the West and is entitled "Colorado Forestry Fifty Years Ago."

Coolidge is a former head of the Forestry School of Colorado College and a member of the Colorado Conservation Commission. He is now retired and lives in Bangor, Maine.

Mr. Coolidge is currently writing a history of lumbering in the state of Maine, and it is anticipated that he will publish his work privately some time in 1962.

△

THE FIFTEENTH ANNIVERSARY of the passage of the Weeks Act was celebrated October 6th at Crawford House, New Hampshire, during the Sixtieth Annual Conference of the Society for the Protection of New Hampshire Forests.

Among those who gathered to mark the golden anniversary of this milestone of forestry history were New Hampshire's Governor Wesley Powell; former Cabinet members Sherman Adams and Sinclair Weeks; Dr. Richard E. McArdle, Chief, U.S. Forest Service; Edgar C. Hirst, President, Society for the Protection of New Hampshire Forests; and Charles W. Blood, formerly Treasurer and President, Appalachian Mountain Club.

More of What's Happening

In Forest History Research, Writing, Collecting

PROFESSOR JOHN A. GALLOWAY of Jonesboro, Arkansas, has completed a full biographical study of John Barber White, prominent American lumberman. This work is now being considered for publication by Appleton-Century-Crofts, Inc. of New York.

Galloway's work was done as a Ph.D. dissertation at the University of Missouri. He was assisted in the last year of his research by a special grant provided by the Forest History Society. A rich collection of business records preserved in the Western Historical Manuscripts Collection of the University of Missouri provided the grist for Dr. Galloway's study. He also did considerable work in old records of a group of companies headed by the late John Barber White at Clarks, Louisiana. These records are now being transferred by their owners to the University of Missouri.

△

"INCOME-TAX RECORDS as Sources for Economic History" is the subject of an article by Dr. Robert S. Lambert, Professor of History and Government at Clemson College, in the July, 1961 issue of *The American Archivist*.

Dr. Lambert has been engaged by the Great Smoky Mountains National Park to do a historical study of the history of land use in the Great Smoky Mountains.

△

VISITORS TO ONTARIO may see an interesting new logging museum at Algonquin Park 130 miles west of Ottawa on Route 69. The Ontario Department of Lands and Forests has recreated in this vast provincial park a pioneer logging exhibit which relates something of the scope, techniques, and economic importance of the logging industry in the nineteenth century.

A feature of the outdoor museum is a "camboose" or large shanty made entirely of logs. This rectangular structure is a true replica of the type of shelter most frequently used in the early lumbering period.

The history of log transportation is also represented by an ancient steamboat, "The William M.," which was used to tow log rafts. Also on view is an old logging locomotive which visitors may climb aboard.

In the central exhibit area are pictures and text relating how loggers lived and worked in Canada's forests during the heyday of lumbering.

This logging exhibit began in a very modest way in 1959, but because of high public interest the Department of Lands and Forests expanded the project and in 1959 opened the present outdoor exhibit.

This outdoor museum is just inside the east gate of the Algonquin Provincial Park. It is officially open only during the summer and on weekends during spring and autumn. During summer months a park naturalist is on hand between the hours of 9 a.m. and 6 p.m. to answer questions of visitors.

△

THERE SEEMS TO BE NO END TO THE interest of railroad buffs in the history of logging railroads.

H. Temple Crittenden of 1016 Dunc Street, Norfolk, Virginia, is eager to have any information from FOREST HISTORY readers about the Surry Lumber Company and its Surry, Sussex & Southampton Railway Company. He is also looking for information about Steele's Railroad which was an earlier tramway running from Sloop Point on the James River in Virginia to small lumber mills on the Blackwater River.

△

DR. MARVIN KRANZ, author of a history of conservation in New York state, has moved from the faculty of the New York University College at Geneseo to the State University College of Education at Fredonia, New York.

△

E. BRYAN LATHAM, Fellow of the FHS, was recently elected Chairman of the Empire Forestry Association. This organization has its headquarters at the Royal Commonwealth Society in London, England, and has more than 1,000 members throughout the British Commonwealth.

Mr. Latham's election to this high post in a professional forestry association marks the first time on record that a lumberman has been so honored.

Mr. Latham has more recently been nominated for election as a Fellow of the Council of the Royal Society of Arts.

HARVEY HUSTON'S EXCELLENT book, *Thunder Lake Narrow Gauge*, has received an Award of Merit from the State Historical Society of Wisconsin.

The award was the only one of its kind issued by the Society at its recent annual meeting. This book of Wisconsin forest history was published last year and is one of a group of very excellent books which have recently been brought to print on the history of railroad logging.

Copies of Mr. Huston's book are available by writing him at The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Illinois.

△

E. EUGENE BARKER of Crown Point, New York, has completed a short monograph titled "Early Exploitation of the Forests in the Lake Champlain Region."

Barker's article is based on a report made in 1772 by Adolphus Benzel, Inspector and Surveyor of the King's unappropriated lands around Lake Champlain and in Canada. This report was directed to Benzel's chief, Governor John Wentworth of New Hampshire.

△

LEON KOENIGER, who headed Alaska Pine & Cellulose prior to its sale to Rayonier Canada, Ltd., has presented a further gift of \$400,000 to the University of British Columbia to finance a graduate studies building adjacent to the faculty club which he also presented to the University. Mr. Koerner, now living in Palm Springs, California, also made a grant of \$1,000,000 to the University for scholarships.

△

THE LOUISIANA STATE UNIVERSITY Press has published a book entitled *Advances in Management of Southern Pine*, which is edited by A. B. Crow, associate professor of forestry at LSU. This little book of 117 pages takes an interesting backward look at progress in the management of southern pine lands over the past decade, summarizes current thinking and the newer techniques of forest land management, and seeks to determine current conditions and trends in the wood economy of the southern states. The book has an author index to papers presented at the first Ten LSU Forestry Symposium.

Notes and Reviews from Forest History's Library

Herman von Schrenck, A Biography.
By James A. Cronin. (Chicago: Kuehn-Publisher, McCormick Bldg., 1959. xiii, 250 p. Index, illustrations.) Joseph A. Miller is the bibliographer of the Forest History Society, Inc.

By Joseph A. Miller

Proving that romance can be found in the most commonplace phenomena of American scientific and technological history, James Cronin has written an always interesting and frequently provoking biography of the pioneer wood preservationist, Dr. Hermann von Schrenck.

This is a story that unites the brilliant career of a plant pathologist—"the man who was timber"—with the epic of the American railroad tie. For those who think the latter subject is lacking in dramatic interest, the author is prepared in the introduction: "Could a railroad be conceivably capture the imagination? As a subject does it have any interest? As an object, except as something stowed under a track, has it any importance? The answers to all these are Yes, and Yes again!"

Before the lovely railroad tie becomes the central problem in von Schrenck's career, Cronin devotes one-third of the book to the scientist's education and early government work. What emerges is a lively picture of late nineteenth century botanical science in America.

Research and publication led von Schrenck to part-time summer work with the Department of Agriculture in 1896 and the eventual organization of the Mississippi Valley Laboratory of Vegetable Pathological and Physiological Investigations under his direction. Von Schrenck is portrayed in the early period as a dynamic and ambitious scientist who supported his quest for the truth with an unusually large number of academic publications.

After 1902 when he published *The Causes of Decay in Timber*, von Schrenck's professional interest came to focus on problems of wood preservation. The latter two-thirds of the volume deal with this aspect of his career. His fundamental approach to the problem was pathological rather than mechanical or chemical. It culminated in three publications during the 1910's that sought to examine the treated tie

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Logging Railroads of the West. By Kramer Adams. (Seattle: Superior Publishing Co., 1961. 141 pp. Illustrated. Appendix. \$12.50.)

Railroads in the Woods. By John T. Labbe and Vernon Goe. (Berkeley, California: Howell-North Books, 1961. 269 pp. Illustrated. Index. \$10.00.) Donald Duke is Editor of *Pacific Railway Journal*, San Marino, California.

By Donald Duke

Lumbermen came to the West in the mid-1800's, looked at big timber across the steep mountains and along the thundering rivers, and decided there must be an easier way to get the logs out.

There was. After ox and horse teams strained and winch cables tugged, the logging railroad was born. *Logging Railroads of the West* and *Railroads in the Woods* are a legend in pictures and story of these railroads. Some of these were tiny operations, a dinky geared locomotive, a short haul and the big timber was at the sawmill.

But some of the railroads in the woods were monumental enterprises. They employed giant mallet, rod or geared locomotives, climbed mountains, crossed magnificent trestles, hauled out pine, cedar, spruce, and redwood logs by the train load.

Building the tracks took engineering genius. Towering trestles were built, inclines were made to climb grades that seemed impossible. A 78 per cent grade was no match for the logging railroad builder. Some inclines were so spooky loggers preferred walking to riding. Laying out a logging road was no casual matter; it was big business all the way, the object being not to find the best route, but to cover the territory.

Here are two companion volumes to gladden the heart of any logging or railroad buff. There are scores of historical photographs which go back to the crude methods of early rail logging and bring you up to the present. The *Stay*, the *Climax* and the *Hejlsler*, all belching smoke, cover many pages in scenes of by-gone days when they were the prima donnas of the woods. Included also are pictures of the construction, operation and destruction of

(Turn to Page 18)

American Forestry: Six Decades of Growth. Edited by Henry Clepper and Arthur B. Meyer. (Washington 6, D.C.; Society of American Foresters, 1960. 319 pp. Appendix and Index. \$5.00.) Zebulon W. White is on the faculty of the Yale University School of Forestry.

By Zebulon W. White

Each decade brings dramatic advances in American forestry. Changes and progress in the 1950's made it necessary and possible to add another chapter to the history of our technical and professional development. As the Society of American Foresters approached its Sixtieth Anniversary in 1960, the Council authorized publication of a book to commemorate this event and *American Forestry: Six Decades of Growth* is the result.

Twenty-eight competent and well-known foresters have contributed to a history which makes good reading and with a minimum of statistics presents the names, dates, and places of forestry's past.

The first chapter, "Six Decades of Growth," unfolds a brief story of the entire period. It is followed by chapters on the subject divisions of forestry and the second half of the book describes the development of the federal, state, and private organizations in forestry.

For one who wishes to become acquainted with the background of American forestry or major compartments of it, here are thumbnail sketches by men of long experience. They have written from a 1960 vantage-point and most chapters include statements or explanations of policy and forecasts for the future. These are the most interesting and valuable features of the book.

Beyond that, the book has a certain redundancy. It is inevitable, in reviewing this book, that we look back at the volume which preceded it. In 1950, the Society published *Fifty Years of Forestry in the U.S.A.*, a very well-written volume covering almost exactly the same subjects (minus ten years) as the latest history. The new book has new chapters on "Recreation" and "The Literature" but suffers from the omission of all literature citations. There are

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Duke

Railroad Loggers

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railroad logging, and zones of ecstasy.

Neither book completely reveals the story of railroad logging; the two books belong together.

Kramer Adams, author of *Logging Railroads of the West*, has done a splendid job presenting a comprehensive historical review of the logging railroad and carrying out this effort professionally down to the last page. Making this volume even more valuable is an appendix listing logging railroads in the western states by date, place operated and railroads. This is real research material. This is the finest of the Superior Publishing Company's pictorial history books.

Railroads in the Woods is mainly a picture book about the logging railroads with accompanying captions. Although lacking a large text, the captions more than tell the story about the rail operation and its place in the industry. The photographs and book production of this volume bear the hallmark of the publisher, Howell-North.

Railroads in the Woods has the pictures, while *Logging Railroads of the West* presents the text. Where can you find two volumes such as these which will fill the void in your library? Seems strange that the last puff of smoke had to come from the main line "hog" before anyone would give the logging railroad its due, yet so completely done in these companion volumes.

White

Forestry's History

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authors have gone over again the first fifty years of facts and have woven into their narratives ten more years of progress.

If you do not have *Fifty Years of Forestry in the U.S.A.*, the newest history, *American Forestry: Six Decades of Growth*, will be a fine addition to your library. If you have the 1950 volume, you may share the impression that the commemorative volume in 1939 should have been written about the 1930's and concentrated on that most recent, most fruitful decade of forestry's growth.

Professor Duncan Reviews

Two Forest College Histories

Forestry College: Essays on the Growth and Development of New York State's College of Forestry, 1911-1961. Edited by George R. Armstrong and Marvin W. Krausz. (Published by the Alumni Association, Syracuse, N.Y., 1961. viii 369 pp. Appendices, illustrations, index. \$8.00.)

Forestry Education at Toronto. By J. W. B. Sisam. (University of Toronto Press, 1961. 116 pp. Illustrations, appendices, and bibliography. \$5.00.) Dr. Donald P. Duncan is professor of forestry at the School of Forestry, University of Minnesota.

By Donald P. Duncan

Fifteen forestry schools in the United States and three in Canada have now celebrated their 50th anniversaries. Many of these schools have prepared a publication commemorating this milestone in their history. Some have concerned themselves exclusively with the history and accomplishments of the school; others have addressed themselves more broadly as, for example, to the history of forestry in the state with particular emphasis upon the place of the school. The latest volumes to appear are those issued by New York State's College of Forestry at Syracuse and by the Faculty of Forestry at Toronto. Both of these concentrate primarily upon providing a history of the school and of the people and events which have influenced its development.

In keeping with its position as the largest forestry school in North America, New York State's College of Forestry publication is the most imposing volume yet issued on such an occasion. The book is composed of an appendix and four parts: the Pageant, the People, the Program, and the Prospects. Part one traces the history of the College, including the setting from which it arose. Part two discusses the trustees, the faculty, the students, and the alumni and their contributions and relations to the institution. The third part is devoted to treatments of undergraduate education, graduate education, research, public education, and the ranger school.

Part four summarizes the history, assesses the present, and looks into the future. Fifteen different authors have written the fifteen chapters, still another has prepared the appendix, and

two additional men have undertaken the editing.

A number of the chapters reveal, to some degree at least, the wellsprings of greatness behind this forestry college. Its five major responsibilities in sub-professional, undergraduate, and graduate education; in research; and in education of the general public in New York State are clearly delineated and the philosophical background sketched. Its place in the world scene and as a force in international relations is perhaps given more recognition than is given any other school on the continent. With an anticipated graduating class composed of 300 bachelors, 125 masters, and 45 recipients of the doctoral degree by 1975, recognition is also given the need for careful planning. This is a revealing volume, one likely to elevate the standing of the College, even in the opinion of those who may know it reasonably well.

Forestry Education at Toronto traces the development of the oldest forestry school in Canada. The first five chapters provide the history of the school, the sixth deals with undergraduate education and employment, the seventh with graduate studies and research, the eighth with the University forest and ranger school, and the ninth with undergraduate and alumni affairs. Appendices provide additional information in tabular form.

Dr. B. E. Fernow, who had founded the first forestry school in the United States at Cornell, was also to a considerable degree responsible for the initiation of the school at Toronto and became its first dean. From the beginning, the faculty assumed both undergraduate education and research services to the province or dominion to be within their scope of activity. These have developed and expanded over the years. Particularly interesting accounts are given of the relation between enrollment and employment, of the history of the Foresters' Club activities, and of the development of field training in the curriculum.

Particularly for those engaged in the education of foresters, these two volumes from major North American schools are interesting. For others, they illustrate developing trends in the education of foresters. One hopes that the next half century may bring the progress of the last.

Biography of Von Schrenck

(From Page 17)

"as an ecological unit when considered as a potential habitat for wood destroying fungi." This approach did not solve the basic problem of why certain preservatives retard fungi, but it enabled von Schrenck to establish standards for wood preservation with a confidence denied other professionals in the field.

Differences with Gifford Pinchot eventually forced von Schrenck to leave government service in 1907. With two colleagues he established an independent consulting firm that conducted some 80,000 experiments on ties for railroad clients between 1907 and 1953. His laboratory analyzed tie samples for mechanical wear, disease and the effects of preservatives on the metal parts of the tie. It examined the wood preservatives used by every major railroad to establish production standards and made thousands of field trips to look at ties on the track and to inspect wood preserving plants. From their vast statistical knowledge of the chemical, botanical, and mechanical characteristics of railroad ties, von Schrenck's timber engineers became the acknowledged authorities for the American railroad industry.

Von Schrenck's personal importance in such technical organizations as the American Railway Engineers' Association and the Society for Testing Materials reflects the inter-disciplinary approach of his consulting firm. Since 1900 his life has at least doubled and the millions of acres of hardwood forest saved for the nation attest to the "relentless brilliance" of von Schrenck's career in wood preservation until his death in 1953.

Cronin has shown how profitable writing can be when the focus is on the scientific and technical problems of American industrial history. He writes with an easy, assured style that makes a major botanical publication seem as important as election to national office. This virtue becomes a vice, however, once the reader's interest is sufficiently aroused to ask questions of the text. The book suffers from digressions, repetitions, superficial observations and a frequently annoying lack of continuity. The documentation leaves much to be desired. There are some cursory "notes and comments" following most chapters and a check list of von Schrenck publications, but no formal statement of research. Consequently the reader

looks in vain for citations to publications alluded to in the text; for the author's note on the "records" he used in narrating the Pinchot-von Schrenck "brawl"; or for a definitive note on the manuscript sources for many periods in von Schrenck's life. The lack of documentation makes it very difficult to pass judgment on Cronin's interpretation of von Schrenck's personality. Unlike von Schrenck's doctoral thesis, Cronin has not "done an enormous amount of careful research." But as a worthwhile beginning it deserves to be read.

Briggs Lumber Company Keeps Historical Record

THE BRIGGS LUMBER COMPANY, Inc. of Oneonta, New York, is making a systematic effort to keep a written record of its history. Mr. Roscoe C. Briggs reviews company accomplishments each year, describing them in several type-written pages which are kept in an illustrated looseleaf binder. A copy of this retail lumber company's history is deposited in the library of the Forest History Society. Other companies are urged to follow suit.

Ralph W. Hidy
(From Page 18)

Business History Foundation of which he has served as a Trustee since 1954; the Economic History Association; the American Historical Association; and the Sheraton Group.

Ralph Hidy was born in Portland, Indiana, April 21, 1905. He received his A.B., *cum laude* in 1926 from Miami University at Oxford, Ohio. His M.A. was won at Clark University in Worcester, Massachusetts, in 1928. He was a Ralph Sauger Scholar at Harvard and earned his Ph.D. there in 1935. He took a year's post-doctoral study under Professor N.S.D. Gras, the first great scholar of American business history.

Dr. Hidy has held important teaching assignments at Norwich University, Wheaton College, New York University, and now in the Graduate School of Business Administration at Harvard.

During World War II he served with the U.S. Navy and retired from service with the rank of Commander. He is a prolific writer of articles and book reviews which appear in a wide range of scholarly journals. He is a member of Phi Beta Kappa.

Henry M. Clapper

(From Page 14)

can Association for the Advancement of Science. He was an official U.S. delegate to the Fifth World Forestry Congress in Seattle in 1950.

During his professional career he has written hundreds of magazine articles on forestry and related subjects, including the history of forestry. He has served as editor or co-editor of several important books, including *America's Natural Resources* (1957); *Forestry Education in Pennsylvania* (1957); *American Forestry: Six Decades of Growth* (1970). He is also Associate Editor of *Forest Science*.

Only five times has the Gifford Pinchot medal been awarded for "outstanding contributions to forestry." The medal was last awarded to Henry Clapper in 1957.

David J. Winton

(From Page 14)

ways been close to Dave's heart, and he has served as Vice President and Trustee of Blake School, Trustee and Chairman of the Board of Macalester College, Vice President of the Minnesota Historical Society, and member of the Board of Directors of the Forest History Society.

He has also been called on frequent occasions to assume major responsibilities as a Chairman and Trustee of the National Policy Committee, Trustee of the National Planning Association, Trustee of the Minnesota Association for Mental Health, member of the U.S. National Commission for UNESCO, Civilian Chairman of the Midwest Armed Forces Regional Council.

During World War II and in the years immediately following the war Dave served as Regional Director of the War Production Board, Region 12; Director of the Pulp and Paper Division, War Production Board; Chief of the Lumber Mission to England (1943-'44). In 1945 he was named Assistant to the Chairman of the War Production Board and in 1947 became Assistant to the Assistant Secretary of State. He served a year later as Deputy to the Assistant Secretary of the Army.

In the midst of many civic activities Mr. Winton has maintained an active role as a businessman. He is currently President of the Winton Lumber Company, Chairman of the Kenwood Oil Company, and a director of several other companies.

*The First
Biographical Study of*
WILLIAM B. GREENEY
1879-1955

by George T. Morgan, Jr.

Winner of 1960
Marion F. McClain Award
in Pacific Northwest History

Other
Publications
of the

*Forest
History
Society*

The Billmore Story: Recollections of the Beginning of Forestry in the United States. By Carl A. Schenck. Edited by Ovid Butler. (St. Paul, Minn., 1955. Pp. ix, 224.) \$2.95

Forests for the Future: The Story of Sustained Yield as told in the Diaries and Papers of David T. Mason. Edited by Rodney C. Loehr. (St. Paul, Minn., 1952. Pp. xi, 203.) \$2.25

Forest History Sources of the United States and Canada. By Clodaugh M. Neiderheiser. (St. Paul, Minn., 1956. Pp. xiii, 140.) \$2.25

The Forest History Society, Inc.

2706 West Seventh Boulevard St. Paul 16, Minnesota

FEDERAL SERVICE
Region 1
Missoula, Montana 59801

2370

JAN 16 1970



G. C. Trombley, Commissioner
Department of Public Lands
Boise, Idaho 83707

Dear Mr. Trombley:

This concerns your letter of January 5 with an attached Position Statement on the State's claim to ownership of the beds of the Middle Fork Clearwater River, the Lochsa and Selway Rivers.

In all planning for the Middle Fork Clearwater River, now a component of the National Wild and Scenic Rivers System, we have appreciated the fine cooperation of the State of Idaho. We proceeded in the planning well aware of the State's claims to the beds of navigable rivers. Any differences in views we may have with respect to these claims cannot be resolved in this letter and are, therefore, not dealt with here.

There are some other points in the Position Statement where we can perhaps provide clarification or information so you will better know our views. Our first comment is on the topic "Recreation" on the second page, particularly the statement, "Although the regulations cited above do not specify the specific authority of the Wild and Scenic Rivers Act under which they are promulgated, it would appear to be Section 13(a)" It is true that Section 13(a) provides some direction for the managing agency. However, the primary basis for the administrative authority is contained in Section 10(a) and (b) which reads as follows:

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

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1967 (78 Stat. 890; 16 U.S.C. ch 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

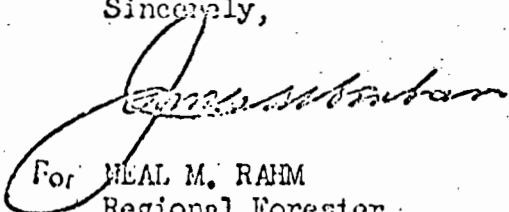
Administering outfitters and guides operations has been a shared responsibility between the State and the Forest Service on National Forest lands and will continue so within the Middle Fork Clearwater system. There has been good cooperation between the Outfitters and Guides Board, the State Fish and Game Department and the Forest Service in administering this important public service. The Forest Service as the land managing agency is responsible for occupancies of National Forest lands and authorizes outfitters and guides camps under a temporary special use permit. We see no changes in our present cooperative arrangements through classification of this river as a component of the National Wild and Scenic Rivers System.

Another point concerns the final paragraph on page 6 of the Position Statement. Sec. 13(d) quoted below, would also seem applicable to dredge mining because of the possible effects on water quality.

Sec. 13(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic, or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

We would be happy to meet with you to discuss further the matters raised in these letters, for our mutual benefit.

Sincerely,



For NEAL M. RAHM
Regional Forester

AFFIDAVIT IN SUPPORT OF NAVIGABILITY OF
MIDDLE FORK, SALMON RIVER, IDAHO

STATE OF IDAHO)
) ss.
County of Ada)

BILL GUTH, SR., being first duly sworn, deposes and says:
I.

THAT he is an Outfitter in the State of Idaho, duly licensed by the Idaho Outfitters and Guides Board to conduct commercial float trips upon the Middle Fork of the Salmon River in the State of Idaho and that he presently conducts a commercial outfitting business together with two sons, Bill Guth, Jr. and Roman Guth.

II.

THAT he began conducting float trips on said Middle Fork of the Salmon River in the year of 1954 and has held a license to conduct such trips from 1954 to the present.

III.

THAT he has begun such float trips at Sheep Bridge near Poker Meadow on Bear Valley Creek, a tributary of the Middle Fork of the Salmon River and floated downstream to the mouth of the Middle Fork of the Salmon River. At other times, float trips were begun at Middle Fork Lodge, located approximately two (2) miles south of the mouth of Marble Creek at its con-

fluence with the Middle Fork of the Salmon River and terminated such trips at the mouth of the Middle Fork of the Salmon River.

IV.

THAT such float trips were customarily conducted with the use of ten (10) passenger rubber rafts. Such rafts carried, usually four (4) paying customers and one boatman plus sufficient gear for a one-week pack trip. Usually, the trip from point of origin to point of termination required seven (7) days to complete. Such floating craft were easily floated upon the waters of the Middle Fork of the Salmon River and readily traveled down stream under the force of the flow of water. Usually between four (4) and seven (7) trips have been made annually through the year 1966. In the year 1969, Norman Guth and Bill Guth, Jr. conducted 9 such trips, using an average of four (4) boats per trip.

V.

THAT all such trips were conducted as a commercial enterprise for profit and the business of conducting such float trips is rapidly expanding. In the year of 1966, the estimated gross earnings of the Guth float trip enterprise was approximately \$5,000.00 and in the year 1969, the gross earnings of said enterprise was approximately \$20,000.00.

VI.

THAT he has personally observed other such float trips using 20 passenger rubber rafts and carrying 15 passengers,

and in particular, he observed one Dr. Frazier of Bingham, Utah conducting such a trip in the year 1947 by using rubber rafts carrying three (3) occupants plus an undetermined amount of gear in six (6) passenger boats.

VII.

THAT he is a member of the Idaho Outfitters and Guides Board and has been a member of said Board since the year 1968. That said board annually licenses outfitters and guides in the State of Idaho. There are presently licensed 25 outfitters and 100 guides who have requested licenses for the purpose of conducting commercial float trips upon the Middle Fork of the Salmon River.

VIII.

THAT there is attached hereto and incorporated by reference herein as though set forth in full, a copy of an advertising pamphlet used by the Guth enterprise which demonstrates the services offered in conducting float trips on the Middle Fork of the Salmon River.

Bill Guth Sr.
BILL GUTH, SR.

On this 23rd day of August, 1970, before me, a Notary Public for the State of Idaho appeared BILL GUTH, SR., who executed the above and foregoing document and acknowledged to me that he executed same.

My commission expires: 11/1/71 John H. [Signature]
Notary Public for Idaho, at Boise

AFFIDAVIT IN SUPPORT OF NAVIGABILITY OF
MIDDLE FORK, SALMON RIVER, IDAHO

STATE OF IDAHO)
) ss
County of Ada)

NORMAN GUTH, being first duly sworn, on oath deposes
and says:

I.

THAT he is a professional guide in the State of Idaho,
duly licensed by the Idaho Outfitters and Guides License Board.

II.

THAT he began operating as a guide in the State of
Idaho by conducting float trips upon the Middle Fork of the Salmon
River in the year of 1954 together with his brother, Bill Guth, Jr.,
and has been conducting such float trips on a commercial basis
from that year to the present time.

III.

THAT he has begun such float trips at Dagger Falls on
the Middle Fork of the Salmon River and continued to float on said
river to its confluence with the main Salmon River. Most of such
trips begin at the Indian Creek airfield and run downstream to its
confluence with the main Salmon River.

IV.

THAT such float trips were customarily conducted with the
use of ten passenger rubber boats. Such boats carried, usually


four paying customers and one boatman plus sufficient gear for a pack trip. Usually, the trip from point of origin to point of termination required five days to complete. Such floating craft were easily supported and floated upon the waters of the Middle Fork of the Salmon River and readily traveled downstream under the force of the flow of water. Usually between four and seven trips have been made annually through the year 1966. In the year 1969, he and Bill Guth, Jr. conducted nine such trips, using an average of four boats per trip.

V.


THAT all such trips were conducted as a commercial enterprise for profit and the business of conducting such float trips is rapidly expanding. In the year 1966, the estimated gross earnings of the Guth float trip enterprise was approximately \$5,000.00 and in the year 1969, the gross earnings of said enterprise was approximately \$20,000.00.

VI.

THAT he has personally observed other such float trips being conducted in the year 1949 and from then to the present.


NORMAN GUTH

On this _____ day of January, 1970, before me, a Notary Public for the State of Idaho appeared NORMAN GUTH, who executed the above and foregoing document and acknowledged to me that he executed same.


Notary Public for Idaho,
Boise, Idaho

My Commission expires: _____

AFFIDAVIT IN SUPPORT
OF NAVIGABILITY OF MIDDLE FORK, SALMON RIVER, IDAHO

STATE OF IDAHO)
 (ss.
County of Ada)

VAL JOHNSON, being first duly sworn, on oath, deposes and says:

I.

That he is a professional outfitter in the State of Idaho, employed by the Nez Perce Outfitters, Inc. licensed to do business in the State of Idaho and licensed as an outfitter by the Idaho Outfitters and Guides License Board. That he and Mr. Stephen Mealey are the only major shareholders in Nez Perce Outfitters, Inc. That he devotes his full time to the business of outfitting.

II.

That he began conducting float trips upon the Middle Fork of the Salmon River in the year of 1969 and presently maintain his business to conduct such float trips.

III.

That his float trips customarily enter the Middle Fork of the Salmon River at Dagger Falls and continue to its confluence with the main Salmon River. That he has used 10 passenger rubber boats of a length of 16 feet usually carrying four customers and one oarsman together with gear and provisions for five people for approximately five days. That he has used a rubber boat of a length of 33 feet, carrying eight passengers and gear and provisions for three days.

That all such craft were easily supported and floated on the waters of the Middle Fork of the Salmon River, moving downstream rapidly under the force of the flow of water.

IV.

That such trips were conducted as a commercial enterprise, for profit and in the year of 1969, gross corporate earnings were approximately \$2,400.00.


V.

That in 1963 he was employed by the United States Forest Service as a patrolman in area known as Sulphur Creek, a tributary of the Middle Fork of the Salmon River at a point approximately five miles downstream from Dagger Falls, during which time he personally observed numerous floating craft being operated on the Middle Fork of the Salmon River.



VAL JOHNSON

On this 2nd day of January, 1970, before me, a Notary Public for the State of Idaho appeared VAL JOHNSON, who executed the above and foregoing document and acknowledged to me that he executed the same.



Notary Public for Idaho
Residence: Idaho Falls

- | | |
|--|--|
| <p>Sec. (b) Agency responsibility for preservation and administration to preserve wilderness character; public purposes of wilderness areas.</p> <p>(c) Prohibition provisions: commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations; exceptions: area administration and personal health and safety emergencies.</p> | <p>Sec. (d) Special provisions.</p> <p>1134. State and private lands within wilderness areas.</p> <p>(a) Access; exchange of lands; mineral interests restriction.</p> <p>(b) Customary means for ingress and egress to wilderness areas subject to mining claims or other occupancies.</p> <p>(c) Acquisition of lands.</p> <p>1135. Gifts, bequests, and contributions.</p> <p>1136. Annual reports to Congress.</p> |
|--|--|

§ 1131. National Wilderness Preservation System—Establishment; Congressional declaration of policy; wilderness areas; administration for public use and enjoyment, protection, preservation, and gathering and dissemination of information; provisions for designation as wilderness areas

(a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this chapter or by a subsequent Act.

Management of area included in System; appropriations

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

Definition of wilderness

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. Pub.L. 88-577, § 2, Sept. 3, 1964, 78 Stat. 890.

Library references: United States Code, 54, 55; C.J.S. United States §§ 74, 129.

Short Title. Section J of Pub.L. 88-577 provided that: "This Act [which enacted this chapter] may be cited as the 'Wilderness Act.'" Legislative History: For legislative history and purpose of Pub.L. 88-577, see 196 U.S.Code Cong. and Adm.News, p. 3813.

§ 1132. Extent of System--Designation of wilderness areas; filing of maps and descriptions with congressional committees; correction of errors; public records; availability of records in regional offices

(a) All areas within the national forests classified at least 30 days before September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall--

(1) Within one year after September 3, 1964, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this chapter: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

Review by Secretary of Agriculture of classifications as primitive areas; Presidential recommendations to Congress; approval of Congress; size of primitive areas; Gore Range-Eagles Nest Primitive Area, Colorado

(b) The Secretary of Agriculture shall, within ten years after September 3, 1964, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after September 3, 1964, not less than two-thirds within seven years after September 3, 1964, and the remaining areas within ten years after September 3, 1964. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on September 3, 1964 shall continue to be administered under the rules and regulations affecting such areas on September 3, 1964 until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress, by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this chapter, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Review by Secretary of Interior of roadless areas of national park system, national wildlife refuges and game ranges; Presidential recommendation to Congress.

(c) Within ten years after September 3, 1964 the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on September 3, 1964 and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after September 3, 1964, not less than two-thirds within seven years of September 3, 1964, and the remainder within ten years of September 3, 1964. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Conditions precedent to administrative recommendations of suitability of areas for preservation as wilderness; publication in Federal Register; public hearings; views of State, county, and Federal officials; submission of views to Congress

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness--

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

Modification or adjustment of boundaries; public notice and hearings; administrative and executive recommendations to Congress; approval of Congress

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President.

The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section. Pub.L. 88-577, § 3, Sept. 3, 1964, 78 Stat. 891.

Library references: Records 6-14; C.J.S. Records § 25 et seq.

WILDERNESS AREAS

Site of Wilderness	Date of Designation
Great Swamp National Wildlife Refuge	Sept. 28, 1968
Wilderness, Morris County, New Jersey	
San Rafael Wilderness, Los Padres National Forest, California	May 24, 1968
San Gabriel Wilderness, Angeles National Forest, California	Mar. 21, 1968

§ 1133. Use of wilderness areas—Purposes of national forests, national park system, and national wildlife refuge system; other provisions applicable to national forests, Superior National Forest, and national park system

(a) The purposes of this chapter are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this chapter shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this chapter shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thyse-Blatnik Act (Public Law 783, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thyse-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 376), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this chapter shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this chapter shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with sections 1 and 2-4 of this title, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225); section 796(2) of this title; and the Act of August 21, 1935 (49 Stat. 665).

Agency responsibility for preservation and administration to preserve wilderness character; public purposes of wilderness areas

(b) Except as otherwise provided in this chapter, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Prohibition provisions: commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations; exceptions: area administration and personal health and safety emergencies

(c) Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter

and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Special provisions

(d) The following special provisions are hereby made:

Aircraft or motorboats; fire, insects, and diseases

(1) Within wilderness areas designated by this chapter the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Mineral activities, surveys for mineral value

(2) Nothing in this chapter shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mining and mineral leasing laws; leases, permits, and licenses; withdrawal of minerals from appropriation and disposition

(3) Notwithstanding any other provisions of this chapter, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to September 3, 1964, extend to those national forest lands designated by this chapter as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, water-lines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this chapter as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise ex-

pressly provided in this chapter: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this chapter shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after September 3, 1964 within the boundaries of wilderness areas designated by this chapter shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this chapter shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this chapter as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources, reservoirs, and other facilities; grazing

(4) Within wilderness areas in the national forests designated by this chapter, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

Management of Boundary Waters Canoe Area, Superior National Forest, Minnesota; motorboats

(5) Other provisions of this chapter to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this chapter shall preclude the continuance within the area of any already established use of motorboats.

Commercial services

(6) Commercial services may be performed within the wilderness areas designated by this chapter to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

State water laws exemption

(7) Nothing in this chapter shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

State jurisdiction of wildlife and fish in national forests

(8) Nothing in this chapter shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests. Pub.L. 88-577, § 4, Sept. 3, 1964, 78 Stat. 893.

Library references: United States Code; C.I.S. United States § 74.

References in Text. The Act of June 4, 1897 [c. 2] (30 Stat. 11), referred to in subsec. (a) (1), refers to the Sundry Civil Appropriation Act for Fiscal Year 1898. For distribution of such Act in the Code, see Tables Volume.

The Multiple-Use Sustained-Yield Act of June 12, 1960 [Pub.L. 86-517] (72 Stat. 215), referred to in subsec. (b) (1), is classified to sections 528-531 of this title.

The Shipstead-Nolan Act, referred to in subsec. (a) (2), is classified to sections 577b of this title.
 The Thyse-Blatnik Act, referred to in subsec. (a) (2), is classified to sections 577d, and 577e-577h of this title.
 The Humphrey-Thyse-Blatnik-Andre-Act, referred to in subsec. (a) (2), is classified to sections 577d-1, 577g-1, and 577h of this title.

The Act of June 8, 1906 [c. 2060] (24 Stat. 229), referred to in subsec. (a) (3), and popularly known as the National Monument Act (Preservation of Antiquities), is classified to sections 431, 432, and 433 of this title.
 The Act of August 21, 1935 [c. 593] (49 Stat. 606), referred to in subsec. (a) (3), and popularly known as the Historic Sites, Buildings and Antiquities Act, is classified to sections 461-467 of this title.

§ 1134. State and private lands within wilderness areas--Access; exchange of lands; mineral interests restriction

(a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this chapter as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

Customary means for ingress and egress to wilderness areas subject to mining claims or other occupancies

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Acquisition of lands

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this chapter as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress. Pub.L. 88-577, § 5, Sept. 3, 1964, 78 Stat. 896.

Library references: United States Code; C.J.S. United States §§ 71, 73.

§ 1135. Gifts, bequests, and contributions

(a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this chapter for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this chapter for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this chapter, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this chapter. Pub.L. 88-577, § 6, Sept. 3, 1964, 78 Stat. 896.

Library references: United States Code; C.J.S. United States §§ 71, 73.

§ 1136. Annual reports to Congress

At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and

descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make. Pub.L. 88-577, § 7, Sept. 3, 1964, 78 Stat. 896.

Library references: United States Ⓢ41; C.J.S. United States § 41.

CHAPTER 24.—CONSERVATION AND PROTECTION OF FUR SEALS, OTHER WILDLIFE, AND SEA OTTERS [NEW]

SUBCHAPTER I.—CONSERVATION AND PROTECTION OF THE NORTH PACIFIC FUR SEALS

- Sec. 1151. Prohibitions.
1152. Sealing permitted by Aleuts, Eskimos, and Indians.
1153. Scientific research on fur seal resources; use of fur seals for educational, scientific, or exhibition purposes.
1154. Authority of Secretary of Interior; agreements.
1155. Enforcement provisions.
- (a) Search of vessels; certificate of identification; exhibition to master.
- (b) Seizure or arrest; notice; delivery of vessel or person to authorized officials; surveillance.
- (c) Testimony of enforcement agents.
1156. North Pacific Fur Seal Commission; appointment of Commissioner and Deputy Commissioner; duties, compensation, and travel expenses.
1157. Same; acceptance or rejection by Secretaries of State and Interior of recommendations.
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1159. Definitions.

SUBCHAPTER II.—ADMINISTRATION OF THE Pribilof ISLANDS

1161. Special reservation; purposes.
1162. Contracts, agreements, leases, or permits for use of Government-owned property for specified purposes.
1163. Facilities, services, supplies, and equipment for natives, Federal employees and their dependents, tourists, and other persons and for carrying out this section; credit of proceeds to appropriation current at time of receipt.
1164. Agreements for education of natives in manner of education of citizens and for furnishing food, shelter, transportation, and other facilities, services, and equipment to natives.
1165. Medical and dental care for natives, Federal employees and their dependents, tourists, and other persons; facilities, services, and equipment for carrying out this section; costs chargeable to budget of Secretary of Health, Education, and Welfare; authority and responsibility of Secretary under other laws unaffected.
1166. St. Paul Island townsite.
- (a) Declaration of purposes; survey; patent to trustee; conveyance by trustee for

- Sec. 1166. St. Paul Island townsite—Cont'd
- homesite, commercial, or other purposes; uses of lots or tracts; restriction against alienation without Secretary's approval; exemptions; levy and sale for debts and claims of adverse possession or prescription; taxation and levy and sale under Alaska State law.
- (b) Purchase price; factors considered; terms and conditions for payment.
- (c) Sale proceeds; availability for municipal services.
- (d) Conveyance of unsold lands; terms and conditions.
- (e) Conveyance of surveyed streets and alleys; reservation of rights-of-way for surveying and establishment of streets and alleys; term of reservation; conveyance of lands outside townsite boundaries; conditions.
- (f) Valid existing rights unaffected.
1167. Penalties for violations.
1168. Civil service retirement benefits.
- (a) Credit of services performed by natives.
- (b) Adjustment of annuities.
- (c) Nonentitlement to lump-sum benefits.
- (d) Payment from civil service retirement and disability fund; reimbursement of such fund from Pribilof Islands fund; reimbursement as cost of administration of fur seal program.

SUBCHAPTER III.—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

1171. Prohibitions; evidence.
1172. Sale or other disposition of forfeited or seized sea otter skins and products; deposit of proceeds in Pribilof Islands fund in the Treasury.

SUBCHAPTER IV.—GENERAL PROVISIONS

1181. Enforcement provisions.
- (a) Seizures and forfeitures.
- (b) Application of related laws.
1182. Additional enforcement provisions.
- (a) Joint responsibility; State officers and employees as Federal law enforcement agents; non-Federal employees for civil service purposes.
- (b) Issuance of warrants or other process.
- (c) Execution of warrants or other process by enforcement agents.

agreement approved by him. Timber cut and destroyed in the exercise of the reserved rights shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage price charged in the locality.

(d) The water surface created shall be open to the Forest Service and its permittees when such use does not interfere with the original purpose of the development.

(e) The water surface shall be open to fishing by the public in accordance with State laws when such use does not interfere with the original purpose of the development.

(f) Plans for dams and supplemental structures, impounding or controlling more than 10 acre-feet of water or with a head in excess of 6 feet, shall be approved by the Regional Engineer of the Forest Service before construction shall begin.

(36 Stat. 962, as amended; 16 U. S. C. 518)

DESIGNATION OF AREAS

Source: §§ 251.20 to 251.25 appear at 4 F. R. 3994, Sept. 20, 1939, except as otherwise noted.

§ 251.20 Wilderness areas.

(a) Upon recommendation of the Chief, Forest Service, national forest lands in single tracts of not less than 100,000 acres may be designated by the Secretary as "wilderness areas," within which there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided*, That roads over national forest lands reserved from the public domain and necessary for ingress and egress to or from privately owned property shall be allowed under appropriate conditions determined by the forest supervisor, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice or public hearing to exclude the portion affected by the roads.

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for the pro-

tection of the forest may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses when the use is for other than administrative needs and emergencies the landing of airplanes and the use of motorboats are prohibited on national forest land or water unless such use by airplanes or motorboats has already become well established and the use of motor vehicles is prohibited unless the use is in accordance with a statutory right of ingress and egress.

(c) Wilderness areas will not be modified or eliminated except by order of the Secretary. Except as provided in paragraph (a) of this section notice of every proposed establishment, modification, or elimination will be published or publicly posted by the Forest Service for a period of at least 90 days prior to the approval of the contemplated order and if there is any demand for a public hearing, the regional forester shall hold such hearing and make full report thereon to the Chief of the Forest Service, who will submit it with his recommendations to the Secretary.

[4 F.R. 3994, Sept. 20, 1939, as amended at 20 F.R. 8422, Nov. 10, 1955]

§ 251.21 Wild areas.

Suitable areas of national forest land in single tracts of less than 100,000 acres but not less than 5,000 acres may be designated by the Chief, Forest Service, as "wild areas," which shall be administered in the same manner as wilderness areas, with the same restrictions upon their use. The procedure for establishment, modification or elimination of wild areas shall be as for wilderness areas, except that final action in each case will be by the Chief.

§ 251.22 Recreation areas.

Suitable areas of national forest land, other than wilderness or wild areas, which should be managed principally for recreation use may be given special classification as follows:

(a) Areas which should be managed principally for recreation use substantially in their natural condition and on which, in the discretion of the officer making the classification, certain other uses may or may not be permitted may

36 C.F.R. § 251.20 (1960)

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(5) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of water resources.

(6) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(7) While any activities and/or operations incident to the exercise of the reserved rights are in progress, the operators, contractors, subcontractors, and any employees thereof shall use due diligence in the prevention and suppression of fires, and shall comply with all rules and regulations applicable to the land.

(b) The conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 3, 1925, as amended (43 Stat. 1133, 64 Stat. 82; 16 U.S.C. 555).

(c) In cases where a State, or an agency, or a political subdivision thereof, reserves minerals, oil, gas, or other inorganic substances, in the conveyance of land to the United States under authorized programs of the Forest Service and there are provisions in the laws of such State or in conditions, rules and regulations promulgated by such State, agency or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, is hereby authorized, in his discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules and regulations in lieu of the conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this

section. In that event, such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and the reservation shall be exercised thereunder and in obedience thereto.

All regulations heretofore issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in conveyances of lands to the United States under authorized programs of the Forest Service shall continue to be effective in the cases to which they are applicable, but are hereby superseded as to mineral rights hereafter reserved in conveyances under such programs.

(Interpret or apply 36 Stat. 961, as amended; 16 U.S.C. 513, 42 Stat. 465, as amended; 16 U.S.C. 485, 486, and 50 Stat. 525, as amended; 7 U.S.C. 1011) [28 F.R. 4440, May 3, 1963]

DESIGNATION OF AREAS

§ 251.20 Wilderness areas.

(a) Upon recommendation of the Chief, Forest Service, national forest lands in single tracts of not less than 100,000 acres may be designated by the Secretary as "wilderness areas," within which there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided*, That roads over national forest lands reserved from the public domain and necessary for the exercise of a statutory right of ingress and egress shall be allowed under appropriate conditions determined by the Chief, and upon allowance of such roads the boundary of the wilderness area may be modified without prior notice of public hearing to exclude the portion affected by the roads.

[Paragraph (a) amended, 28 F.R. 5617, June 7, 1963]

(b) Grazing of domestic livestock, development of water storage projects which do not involve road construction,

and improvements necessary for the protection of the forest may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses when the use is for other than administrative needs of the Forest Service and of other Federal agencies when authorized by the Chief and emergencies, the landing of aircraft and the use of motorboats are prohibited on national forest land or water unless such use by aircraft or motorboats has already become well established, the use of motor vehicles is prohibited and the use of other motorized equipment is prohibited except as authorized by the Chief. These restrictions are not intended as limitations on statutory rights of ingress and egress or of prospecting, locating and developing mineral resources.

[Paragraph (b) amended, 28 F.R. 5617, June 7, 1963]

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§ 251.21a Primitive areas.

Those areas of national forest land classified by the Chief, Forest Service, as "primitive areas" prior to September 20, 1939, shall be administered in the same manner as wilderness areas and with the same restrictions on their use. The procedure for modifying or eliminating primitive areas shall be as for wilderness areas, except that final action in each case will be by the Chief. No new primitive areas shall be established.

[28 F.R. 5617, June 7, 1963]

§ 251.25 Occupancy and use.

Occupancy and use of national forest land shall be permitted only upon compliance with reasonable conditions for the protection and administration of the national forests and resources and the promotion of public health, welfare, safety, or convenience. Public notices shall be posted by the Forest Supervisor in such locations as will reasonably bring them to the attention of the public,

setting forth such conditions with respect to any areas on which special restrictions should be imposed. A copy of the conditions shall be kept available to the public in the offices of the Ranger and Supervisor.

[28 F.R. 5618, June 7, 1963; 28 F.R. 6333, July 3, 1963]

§ 251.25a Payment for occupancy and use of designated recreation areas.

Occupancy and use for recreational purposes of national forest land, facilities or services thereon, for which an entrance, admission or other recreation use fee has been established pursuant to section 2(a) of the Land and Water Conservation Fund Act of 1965, shall be permitted only upon payment of the required fee. Such fee shall be established by the Chief of the Forest Service or his delegate in accordance with Executive Order 11200 dated February 26, 1965, 30 F.R. 2645, and regulations of the Secretary of the Interior, 30 F.R. 3265, as supplemented or amended. Clear notice that a fee has been established shall be posted at each area. Any violation of this section is punishable by a fine of not more than \$100.

(Interprets or applies sec. 2, 78 Stat. 897) [30 F.R. 5707, Apr. 22, 1965]

**RIGHTS-OF-WAY FOR ELECTRIC POWER
TRANSMISSION LINES**

§ 251.52 General conditions.

(a) The Chief or Acting Chief of the Forest Service, within the limitations prescribed by the act, shall decide the width of the right-of-way and the tenure of the easement, and shall decide the conditions to be incorporated in the easement for the protection of the public interests and for the administration, protection, development and utilization

persons which have rights thereto under treaty or law;

(g) No fee shall be charged for commercial or other activities not related to recreation;

(h) No entrance or admission fee shall be charged any person conducting State, local, or Federal Government business;

(i) No entrance or admission fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances;

(j) No entrance or admission fees shall be charged at Designated Fee Areas requiring such fees for persons who have not reached their 16th birthday;

(k) Under authority granted in 80 Stat. 258 (1966), Boy Scouts from foreign countries or nations, who are in uniform and are en route to or from the 1967 Boy Scout World Jamboree, shall be exempted from all Federal fees collected at Designated Fee Areas.

§ 18.13 Public notification.

The administering agencies and departments shall notify the public of the specific recreation fees which will be charged for each Designated Fee Area under their respective jurisdictions. Such notification shall be accomplished by posting such information at each area and by local public announcements, press releases, and other suitable means.

§ 18.14 Production, distribution, and sale of permits and revision or interpretation of this part.

(a) The Director, Bureau of Outdoor Recreation, shall issue from time to time to the heads of the administering agencies and departments, as well as other concerned parties, instructions with respect to the production, distribution, and sale of permits.

(b) The Director, Bureau of Outdoor Recreation, shall be consulted prior to their issuance, with respect to agency-wide instructions implementing these regulations. He shall also consider recommendations from the heads of the agencies and departments administering the Designated Fee Areas for revision of §§ 18.2, 18.3, 18.6, 18.8, 18.11, and 18.13 of this part and, based upon justifications received, make such revisions, interpre-

tations, and supplements as he deems appropriate.

PART 19—WILDERNESS PRESERVATION

Subpart A—National Wilderness Preservation System

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| Sec. | |
| 19.1 | Scope and purpose. |
| 19.2 | Definitions. |
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Subpart B—Wilderness Preservation of Lands Exclusively Administered Through the Bureau of Land Management

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| 19.25 | Retention and management of certain classes of public lands for wilderness preservation. |
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AUTHORITY: The provisions of this Part 19 issued under 78 Stat. 890, R.S. 2478; 16 U.S.C. 1131-1136, 43 U.S.C. 1201.

SOURCE: The provisions of this Part 19 contained in circ. 2203, 31 F.R. 3011, Feb. 22, 1966, unless otherwise noted.

Subpart A—National Wilderness Preservation System

§ 19.1 Scope and purpose.

This subpart sets forth sections dealing with the administration by the Department of the Interior of certain provisions of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-1136).

§ 19.2 Definitions.

As used in this subpart the term:

(a) "National Forest Wilderness" means an area or part of an area of national forest lands designated by the Wilderness Act or by a subsequent act of Congress as a wilderness area.

(b) "National Park System" means all federally owned or controlled areas administered by the Secretary through the National Park Service.

(c) "National Wilderness Preservation System" means the federally owned areas designated by the Wilderness Act or subsequent acts of Congress as wilderness areas.

(d) "National Wildlife Refuge System" means those lands and waters administered by the Secretary as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any statute, proclamation, executive order, or public land order.

(e) "Roadless area" means a reasonably compact area of undeveloped Federal land which possesses the general characteristics of a wilderness and within which there is no improved road that is suitable for public travel by means of four-wheeled, motorized vehicles intended primarily for highway use.

(f) "Roadless island" means a roadless area that is surrounded by permanent waters or that is markedly distinguished from surrounding lands by topographical or ecological features such as precipices, canyons, thickets, or swamps.

(g) "Secretary" means the Secretary of the Interior or an official of the Department of the Interior who exercises authority delegated by the Secretary of the Interior.

(h) "Wilderness" means a wilderness as defined in section 2(c) of the Wilderness Act.

§ 19.3 Reviews of roadless areas and roadless islands.

(a) The Secretary is required by section 3(c) of the Wilderness Act to review every roadless area of 5,000 contiguous acres or more in each unit of the National Park System and every roadless area of 5,000 contiguous acres or more and every roadless island in the national wildlife refuges and game ranges of the National Wildlife Refuge System, which was under the supervision of the Secretary on September 3, 1964. The Secretary is further required to recommend to the President whether each such area and island is suitable or not suitable for preservation as wilderness. Reports and recommendations must be submitted by the Secretary in time to permit the President to advise the Congress of his recommendations thereon:

(1) Covering not less than one-third of such areas and islands by September 3, 1967;

(2) Covering not less than an additional one-third by not later than September 3, 1971; and

(3) Covering the remainder by not later than September 3, 1974.

(b) The primary objective of the Department of the Interior's review of roadless areas and roadless islands pursuant to section 3(c) of the Wilderness Act and the regulations of this Part shall be to identify and recommend for preservation as wilderness, by inclusion in the National Wilderness Preservation System, those areas which, after consideration of all relevant factors, it is concluded will achieve the policy of the Congress, as expressed in section 2(a) of the Wilderness Act.

(c) Nothing in the sections of this part shall, by implication or otherwise, be construed to lessen the authority of the Secretary with respect to the maintenance of roadless areas within units of the National Park System or the maintenance of roadless areas and islands within units of the National Wildlife Refuge System.

§ 19.4 Liaison with other governmental agencies and submission of views by interested persons.

(a) When a review is initiated under the provisions of section 3(c) of the Wilderness Act and the sections of this part, arrangements shall be made for appropriate consideration of problems of mutual concern with other Federal agencies and with regional, State, and local governmental agencies.

(b) Any person desiring to submit recommendations as to the suitability or nonsuitability for preservation as wilderness of any roadless area in any unit of the National Park System, or of any such area or any roadless island in any unit of the National Wildlife Refuge System, may submit such recommendations at any time to the superintendent or manager in charge of the unit. Such recommendations will be accorded careful consideration and shall be forwarded with the report of review to the Office of the Secretary.

§ 19.5 Hearing procedures.

(a) Before any recommendation of the Secretary concerning the suitability or nonsuitability of any roadless area or island for preservation as wilderness is submitted to the President, a public hearing or hearings shall be held thereon at a location or locations convenient to the area or areas affected. If the lands involved are located in more than one State, at least one such hearing shall be held in each State. At least 60 days before the date of any such hearing, public notice thereof shall be published in the FEDERAL REGISTER and in newspapers of general circulation in the area. The public notice shall contain or make reference to a map of the lands involved and a definition of boundaries and a statement of the action proposed to be taken by the Secretary thereon.

(1) Any hearing held under this section shall be presided over by a hearing officer designated by the Secretary.

(2) Any person may present testimony at the hearing orally or in writing, or both, by notification to the hearing officer in accordance with the published notice of the hearing. Witnesses shall not be subjected to cross-examination but the hearing officer may invite responses by witnesses to questions he may ask for the purpose of clarifying the testimony presented.

(3) The witnesses shall not be sworn, but statements made by them orally or in writing are subject to the provisions of 18 U.S.C. 1001, which makes it a crime for any person knowingly and willfully to make to any agency of the United States any false, fictitious, or fraudulent statement as to any matter within its jurisdiction.

(4) A verbatim record of the hearing shall be kept.

(5) The hearing officer may be instructed by the Secretary to prepare and submit a recommendation concerning the suitability or nonsuitability of the area or areas for preservation as wilderness.

(6) A copy of the transcript of the hearing record, and of any recommendation made by the hearing officer as a result thereof, shall, during the pendency of the subject matter, be maintained for public examination (i) in an

office of the Department of the Interior convenient to the area or areas affected, and (ii) in the headquarters office of the Department in Washington, D.C.

(7) The Secretary reserves the right at all times to consider information available to his office from any source, not limited to the record of the public hearing or hearings, in the further consideration of proposed recommendations concerning the suitability or the nonsuitability of the area or areas for preservation as wilderness.

(b) At least 30 days before the date of any such public hearing, the hearing officer shall advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and the other Federal departments and agencies concerned, and invite such officials and agencies to submit their views at the hearing. The Governor, the governing board, and the other Federal agencies may also submit views following the hearing but such views must be received in the Office of the Secretary by no later than 30 days following the date of the hearing to assure that they will receive consideration.

(c) Any public views received pursuant to the provisions of this section will be accorded careful consideration and a summary thereof shall be forwarded with the recommendations of the Secretary to the President with respect to the area under consideration.

§ 19.6 Regulations respecting administration and uses of wilderness areas under jurisdiction of the Secretary.

Regulations respecting administration and use of areas under the jurisdiction of the Secretary which may be designated as wilderness areas by statute shall be developed with a view to protecting such areas and preserving their wilderness character for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, with inconsistent uses held to a minimum.

§ 19.7 Private contributions and gifts.

(a) The Secretary is authorized by section 6(b) of the Wilderness Act to

accept on behalf of the United States private contributions and gifts to be used to further the purposes of the act. The Secretary, under the authorization of section 6(b), may accept on behalf of the United States any sums of money, marketable securities or other personal property (but not real property) to be used for such things as expediting reviews of roadless areas and islands under his jurisdiction, expediting mineral resource surveys of National Forest Wilderness, or fostering public information and research related to wilderness preservation.

(b) Anyone desiring to make a contribution or gift under the provisions of this section may submit an offer to the Secretary of the Interior, Washington, D.C., 20240, stating the amount of money or describing the securities or other personal property involved. If the offer involves property other than cash, the statement should set forth that the offeror is the owner of the property free and clear of all encumbrances and adverse claims. The offeror may specify a particular purpose for which the offer is made, but the Secretary may in his discretion reject any offer entailing purposes, terms, or conditions unacceptable to him.

(c) Sums of money and marketable securities received under this section that are not otherwise restricted and are allocated to furthering the purposes of the Wilderness Act as it relates to lands within the National Park System shall be transferred to a special account in the National Park Trust Fund and shall be administered in accordance with the provisions of 36 CFR Part 9.

(d) Offers of gifts of land to promote the purposes of a grazing district or facilitate administration of public lands, including preservation and management of wilderness values, may be tendered to the Secretary under the provisions of section 8(a) of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315g). Offers of gifts of land or interests in land to facilitate administration or contribute to improvement, management, use, or protection of public lands and their resources, including the preservation and management of wilderness values, may be tendered to the Secretary under the provisions of section 103(a) of the Public Land Administration Act of July 14,

1960 (74 Stat. 506; 43 U.S.C. 1364). Persons desiring to make such offers should follow the procedures established by 43 CFR Subpart 2111.

(e) Under the provisions of the Act of June 5, 1920 (41 Stat. 917; 16 U.S.C. 6), the Secretary is authorized, in his discretion, to accept donations of patented lands, rights-of-way over patented lands or other lands, buildings, or other property within the various national parks and national monuments for the purposes of the National Park System. Persons desiring to offer lands, rights-of-way, or buildings under the provisions of the Act of June 5, 1920, should make inquiry of the superintendent of the national park or monument within which the property is located.

§ 19.8 Prospecting, mineral locations, mineral patents, and mineral leasing within National Forest Wilderness.

Regulations issued under the provisions of the Wilderness Act pertaining to prospecting, mineral locations, mineral patents, and mineral leasing within National Forest Wilderness are contained in Parts 3327 and 3633 of Subchapter C of Chapter II of this Title.

Subpart E—Wilderness Preservation of Lands Exclusively Administered Through the Bureau of Land Management

§ 19.25 Retention and management of certain classes of public lands for wilderness preservation.

(a) Section 1(a) of the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-1418) directs the Secretary, among other things, to develop and promulgate regulations containing criteria under which he will determine which of the public lands and other Federal lands administered by the Secretary exclusively through the Bureau of Land Management shall be retained in Federal ownership, at least until June 30, 1969, and managed for certain purposes. Section 3 of the same Act directs the Secretary to develop and administer for multiple use and sustained yield of the several products and services obtainable therefrom those public lands he determines to be suitable for interim management in accordance with such regulations. Among the uses listed in the Act

for which lands retained in Federal ownership are authorized to be managed is wilderness preservation.

(b) Sections issued under the authority of the Act of September 19, 1964, are contained in Parts 2410 and 2411 of Subchapter B of Chapter II of this Title.

PART 20—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

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20.735-2	Definitions.
20.735-3	Interpretation and advisory service.
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Appendix-	List of Employees Required to File Statements.

AUTHORITY: The provisions of this Part 20 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

SOURCE: The provisions of this Part 20 appear at 33 F.R. 1046, Jan. 26, 1968, unless otherwise noted.

Subpart A—General Provisions

§ 20.735-1 Purpose.

(a) *Policy on employee conduct.* The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. Employees of the Department are expected to comply with all Federal statutes and with regulations issued by the Civil Service Commission and by the Department. Legal requirements are essentially concerned with official conduct, i.e., the behavior of the employee in the course of or in relation to his official duties. Employees of the Department are required to conduct themselves in such a manner that the work of the Department is effectively accomplished and to observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or its clientele. Personal and private conduct of an employee (as opposed to official conduct), that reflects adversely upon the dignity and prestige of the Federal Service, is also a matter of concern to Departmental management. All employees are expected to cultivate those personal qualities which characterize a good civil servant—loyalty to the United States, a deep sense of responsibility for the public trust, and a standard of personal deportment which will be a credit to the individual.

(b) *Subordination to authority.* An employee is required to carry out the announced policies and programs of the Department. While policies related to his work are under consideration, he may, and is expected to express his opinions and points of view; but once a decision has been rendered by those in authority, he will be expected unreservedly to assure the success of programs which it is his responsibility to effectuate. If he fails to carry out any lawful regulation, order, or policy, or deliberately refuses to obey the proper requests of his

91ST CONGRESS
1ST SESSION

S. 853

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 1969

Mr. CHURCH (for himself and Mr. JORDAN of Idaho) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That, in order to assure the preservation of, and to pro-
4 tect the scenic, historic, pastoral, fish and wildlife, and
5 other recreational values of the Sawtooth Mountains and
6 adjacent valley lands, there is hereby established, subject
7 to valid existing rights, the Sawtooth National Recreation
8 Area.

9 SEC. 2. The boundaries of the recreation area shall be
10 those shown on the map entitled "Proposed Sawtooth Na-

1 tional Recreation Area", dated April 1, 1966, which is on
2 file and available for public inspection in the office of the
3 Chief, Forest Service, Department of Agriculture. The
4 Secretary of Agriculture (hereinafter called the "Secre-
5 tary") shall, as soon as practicable after the date this Act
6 takes effect, publish in the Federal Register a notice of the
7 establishment of the Sawtooth National Recreation Area,
8 together with a detailed description and map showing the
9 boundaries thereof.

10 SEC. 3. The Secretary shall administer the Sawtooth
11 National Recreation Area in such manner as will best provide
12 for (1) the protection and conservation of the salmon and
13 other fisheries; (2) the conservation and development of
14 scenic, historic, pastoral, wildlife, and other values contribut-
15 ing to and available for public enjoyment, including the
16 preservation of sites associated with and typifying the eco-
17 nomic and social history of the American West; and (3) on
18 federally owned lands, the management, utilization, and dis-
19 posal of natural resources, such as lumbering, grazing, and
20 mining, that will not substantially impair the purposes for
21 which the recreation area is established.

22 SEC. 4. Subject to the limitations hereinafter set forth,
23 the Secretary may acquire by purchase with donated or ap-
24 propriated funds, by gift, exchange, bequest, or otherwise,
25 such lands or interests therein within the boundaries of the

1 recreation area as he determines to be needed for the pur-
2 poses of this Act. But any property or interest within the
3 recreation area owned by the State of Idaho or any political
4 subdivision thereof may be acquired under the authority of
5 this Act only with the concurrence of the owner.

6 In exercising his authority to acquire property by ex-
7 change, the Secretary may accept title to any non-Federal
8 property or interests therein located within the boundaries of
9 the recreation area and convey to the grantor of such prop-
10 erty any federally owned property or interests therein within
11 the State of Idaho under the jurisdiction of the Secretary,
12 notwithstanding any other provision of law. The properties so
13 exchanged shall be approximately equal in fair market value:
14 *Provided*, That the Secretary may accept cash from or pay
15 cash to the grantor in such an exchange in order to equalize
16 the values of the properties exchanged.

17 Notwithstanding any other provision of law, any Fed-
18 eral property located within the recreation area may, with
19 the concurrence of the agency having custody thereof, be
20 transferred without consideration to the administrative juris-
21 diction of the Secretary for use by him in carrying out the
22 purposes of this Act.

23 SEC. 5. (a) The authority of the Secretary to acquire
24 an interest in private property within the recreation area

1 without the owner's consent and by means of condemnation
2 shall be limited to—

3 (1) the acquisition of scenic easements when the
4 private owner fails to use his property in conformance
5 with the standards of a use provided for in subsection
6 (b) of this section, and

7 (2) the acquisition of easements for access to and
8 utilization of public property: *Provided*, That such
9 acquisition shall not exceed 5 per centum of the total
10 acreage of all private property within the recreation
11 area as of the effective date of this Act.

12 (b) The Secretary shall make and publish regulations
13 setting standards for the use, subdivision, and development of
14 privately owned property within the boundaries of the rec-
15 reation area. Such regulations shall be generally in further-
16 ance of the purposes of this Act and shall have the object
17 of assuring that the highest and best private use, subdivision,
18 and development of such privately owned property is con-
19 sistent with the purposes of this Act and with the overall
20 general plan of the Sawtooth National Recreation Area. Such
21 regulations shall be as detailed and specific as is reasonably re-
22 quired to accomplish such objective and purpose. Such regula-
23 tions may differ amongst the several parcels of private land in
24 the boundaries and may from time to time be amended by the
25 Secretary. All regulations adopted under this Act shall be

1 promulgated in conformity with the provisions of the Admin-
2 istrative Procedure Act. The United States District Court
3 for the District of Idaho shall have jurisdiction to review
4 such regulations after their effective date, upon a complaint
5 filed by any affected landowner, in an action for a declara-
6 tory judgment.

7 (c) To assure that private land within the boundaries
8 of the national recreation area is used in a manner which is
9 not detrimental to the purposes of this Act, the Secretary
10 is authorized to procure by gift, purchase with donated or
11 appropriated funds, or otherwise, scenic easements within
12 the boundaries of the recreation area.

13 As used in this Act the term "scenic easement" means
14 the right to control the use of land in order to protect the
15 esthetic values for the purposes of this Act, but shall not
16 preclude the continuation of any use exercised by the owner
17 as of the date of this Act.

18 (d) Where an owner of private property within the
19 exterior boundaries of the recreation area as of the date of
20 this Act, or his heirs and devisees, desires to dispose of such
21 property to the Federal Government, the Secretary shall
22 purchase said property at a price that shall include compen-
23 sation for any decrease in the value thereof not previously
24 compensated for under the provisions of this Act that may

1 have resulted from the promulgation of regulations, standards,
2 or other consequences of the establishment of the recreation
3 area. In the event the Secretary and the owner are unable to
4 agree upon the purchase price, and the Secretary declines
5 to complete the purchase, the owner may file a complaint set-
6 ting out these facts, together with a good and sufficient deed
7 to the property, in the United States District Court for the
8 District of Idaho. After the filing of an answer by the United
9 States, the case shall be treated to the extent possible, in the
10 same manner as an action for the condemnation of property
11 brought by the United States: *Provided, however,* That the
12 provisions of this subsection shall cease to be in effect after a
13 period of ten years from the date of the enactment of this Act.

14 SEC. 6. Nothing in this Act shall affect the applicability
15 of the United States mining and mineral leasing laws on
16 the federally owned lands within the recreation area, except
17 that all mining claims located or leases issued after the
18 effective date of this Act shall be subject to regulations the
19 Secretary may prescribe to effectuate the purposes of this
20 Act. Any patent issued on any mining claim located after the
21 effective date of this Act shall recite this limitation and con-
22 tinue to be subject to such regulations. All such regulations
23 shall provide, among other things, for such measures as may
24 be reasonable to protect the scenic and esthetic values of
25 the recreation area and to assure against pollution of the

1 Salmon River and other streams and waters within the
2 recreation area.

3 SEC. 7. Provisions for review, recommendations, and
4 other procedures of the Wilderness Act of September 3,
5 1964, shall apply to the Sawtooth Primitive Area and ad-
6 jacent public lands within the national forests. The Secre-
7 tary of Agriculture shall comply with the requirements of
8 section 3 of said Act in relation to such primitive area in an
9 expeditious manner.

10 SEC. 8. The Secretary may cooperate with other Fed-
11 eral agencies, with State and local public agencies, and with
12 private individuals and agencies in the development and
13 operation of facilities and services in the area in furtherance
14 of the purposes of this Act, including, but not limited to, the
15 restoration and maintenance of the historic setting and back-
16 ground of the old mining town of Atlanta and the frontier
17 ranch-type town of Stanley.

18 SEC. 9. Nothing in this Act shall diminish, enlarge, or
19 modify any right of the State of Idaho, or any political sub-
20 division thereof, to exercise civil and criminal jurisdiction
21 within the recreation area or of rights to tax persons, corpo-
22 rations, franchises, or property, including mineral or other
23 interests, in or on lands or waters within the recreation area.

24 SEC. 10. Nothing in this Act shall affect the jurisdiction

1 or responsibilities of the State of Idaho under other provi-
2 sions of law with respect to hunting and fishing.

3 SEC. 11. The jurisdiction of the State and the United
4 States over waters of any stream included in the Sawtooth
5 National Recreation Area shall be determined by estab-
6 lished principles of law. Under the provisions of this Act, any
7 taking by the United States of water right which is vested
8 under either State or Federal law at the time of enactment
9 of this Act shall entitle the owner thereof to just compensa-
10 tion. Nothing in this Act shall constitute an express or im-
11 plied claim or denial on the part of the Federal Government
12 as to exemption from State water laws.

13 SEC. 12. Money appropriated from the land and
14 water conservation funds shall be available for the acquisi-
15 tion of lands and scenic easements for the purposes of this
16 Act. There is hereby authorized to be appropriated not
17 more than \$27,380,000 to carry out the provisions of this
18 Act.

An Act to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent valley and mountain lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

Sec. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area", dated June 1960, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

Sec. 3. The Secretary shall administer the Sawtooth National Recreation Area in accordance with the laws, rules, and regulations applicable to the National Forests in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries; (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, the management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

Sec. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But any property or interest within the recreation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property or interests therein located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property or interests therein within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

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

Sec. 5. (a) The authority of the Secretary to acquire an interest in private property

within the recreation area without the owner's consent and by means of condemnation shall be limited to—

(1) the acquisition of scenic easements when the private owner is unwilling to use his property in conformance with the standards of a use provided for in subsection (b) of this section, and

(2) the acquisition of easements for access to and utilization of public property and land for recreation and other administrative facilities: *Provided*, That such acquisition shall not exceed 5 per centum of the total acreage of all private property within the recreation area as of the effective date of this Act.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision, and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision, and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this section shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds, or otherwise, scenic easements within the boundaries of the recreation area.

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

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof not previously compensated for under the provisions of this Act that may have resulted from the promulgation of regulations, standards, or other consequences of the establishment of the recreation area. In the event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States: *Provided, however*, That the provisions of this subsection shall cease to be in effect after a period of ten years from the date of the enactment of this Act.

Sec. 6. Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws or the federally

owned lands within the recreation area, except that all mining claims located or leases issued after the effective date of this Act shall be subject to regulations the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, that prospecting, exploration, development, mining, and related activities shall be carried out under such measures as may be reasonable to protect the scenic and esthetic values of the recreation area and to assure against pollution of the Salmon River and other streams and waters within the recreation area.

Sec. 7. Provisions for review, recommendations, and other procedures of the Wilderness Act of September 3, 1964, shall apply to the Sawtooth Primitive Area and adjacent public lands within the national forests. The Secretary of Agriculture shall comply with the requirements of section 3 of said Act in relation to such primitive area in an expeditious manner.

Sec. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of this historic setting and background of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

Sec. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

Sec. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

Sec. 11. The jurisdiction of the State and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

Sec. 12. Money appropriated from the land and water conservation funds shall be available for the acquisition of lands and scenic easements for the purposes of this Act. There is hereby authorized to be appropriated \$50,000,000 for the development of recreation and related facilities and for the acquisition of land and interest in land pursuant to this Act.

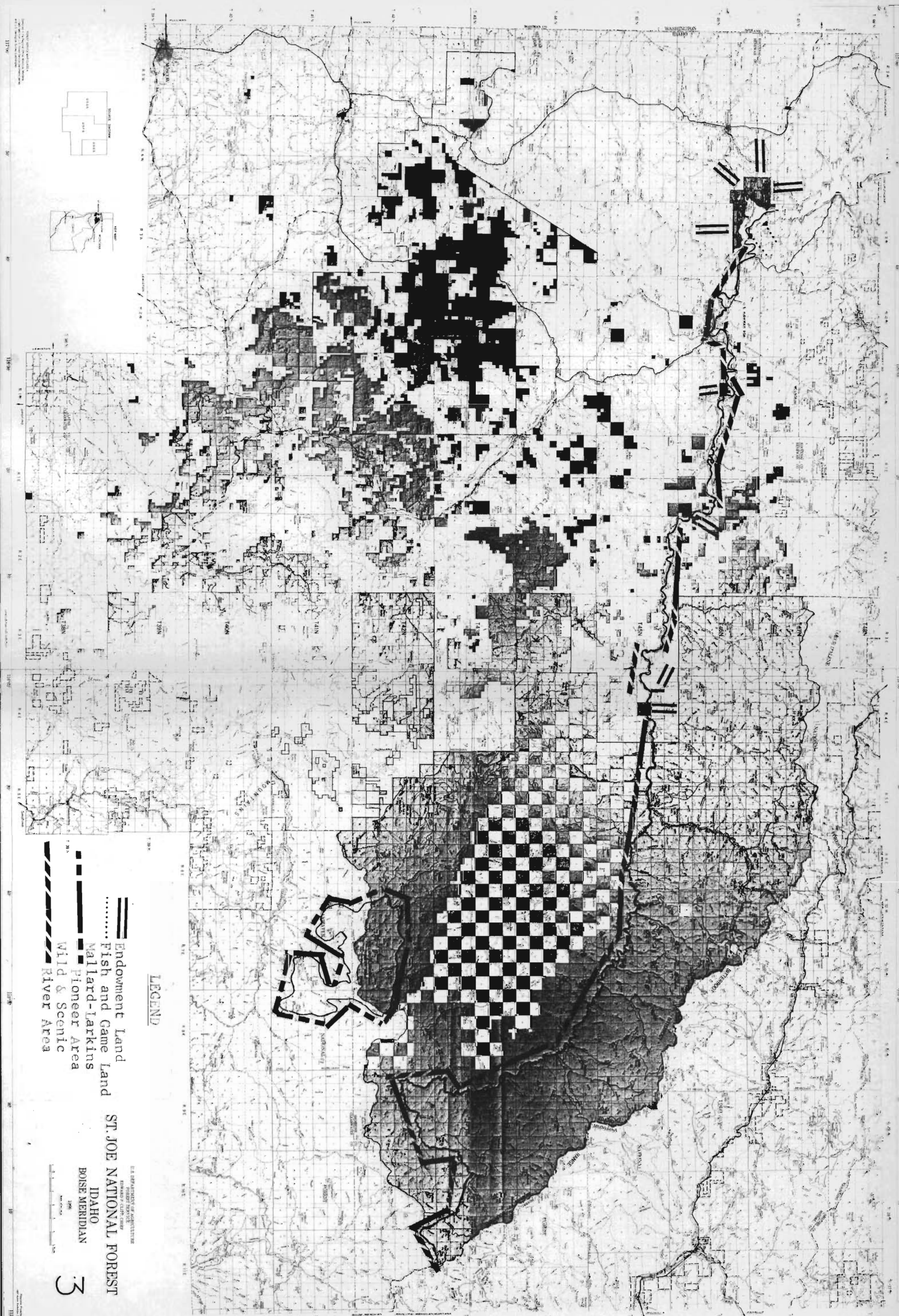
KANISU NATIONAL FOREST
MONTANA IDAHO AND WASHINGTON
PRINCIPAL MERIDIAN MONTANA BOISE MERIDIAN
AND
WILLAMETTE MERIDIAN

2

LEGEND

- Endowment Land
- Wild & Scenic
- River Area
- Upper Priest Lake
- Scenic Area





LEGEND

- ==== Endowment Land
- Fish and Game Land
- Mallard-Larkins
- Pioneer Area
- Wild & Scenic
- River Area

ST. JOE NATIONAL FOREST

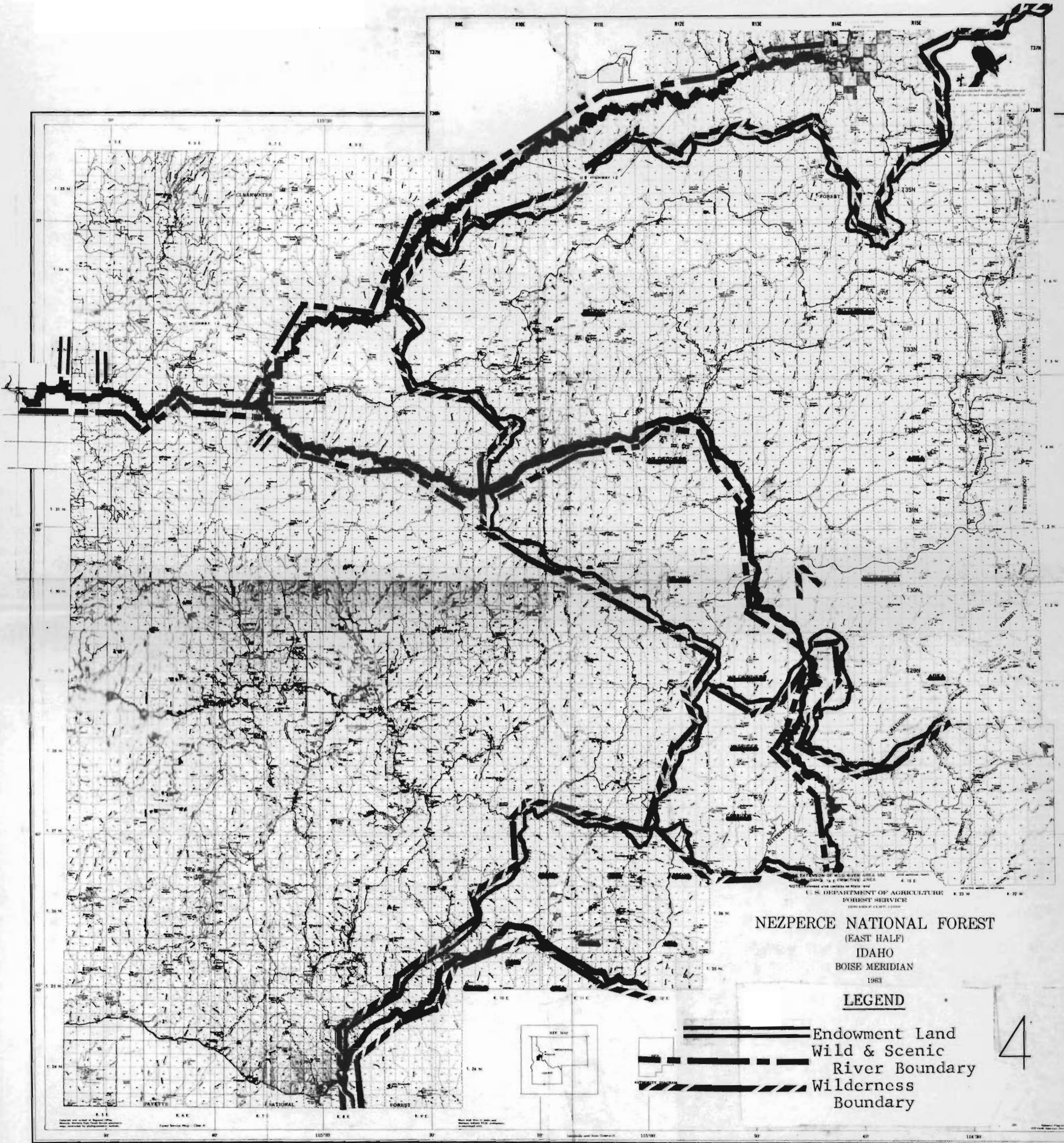
IDAHO
BOISE MERIDIAN

3

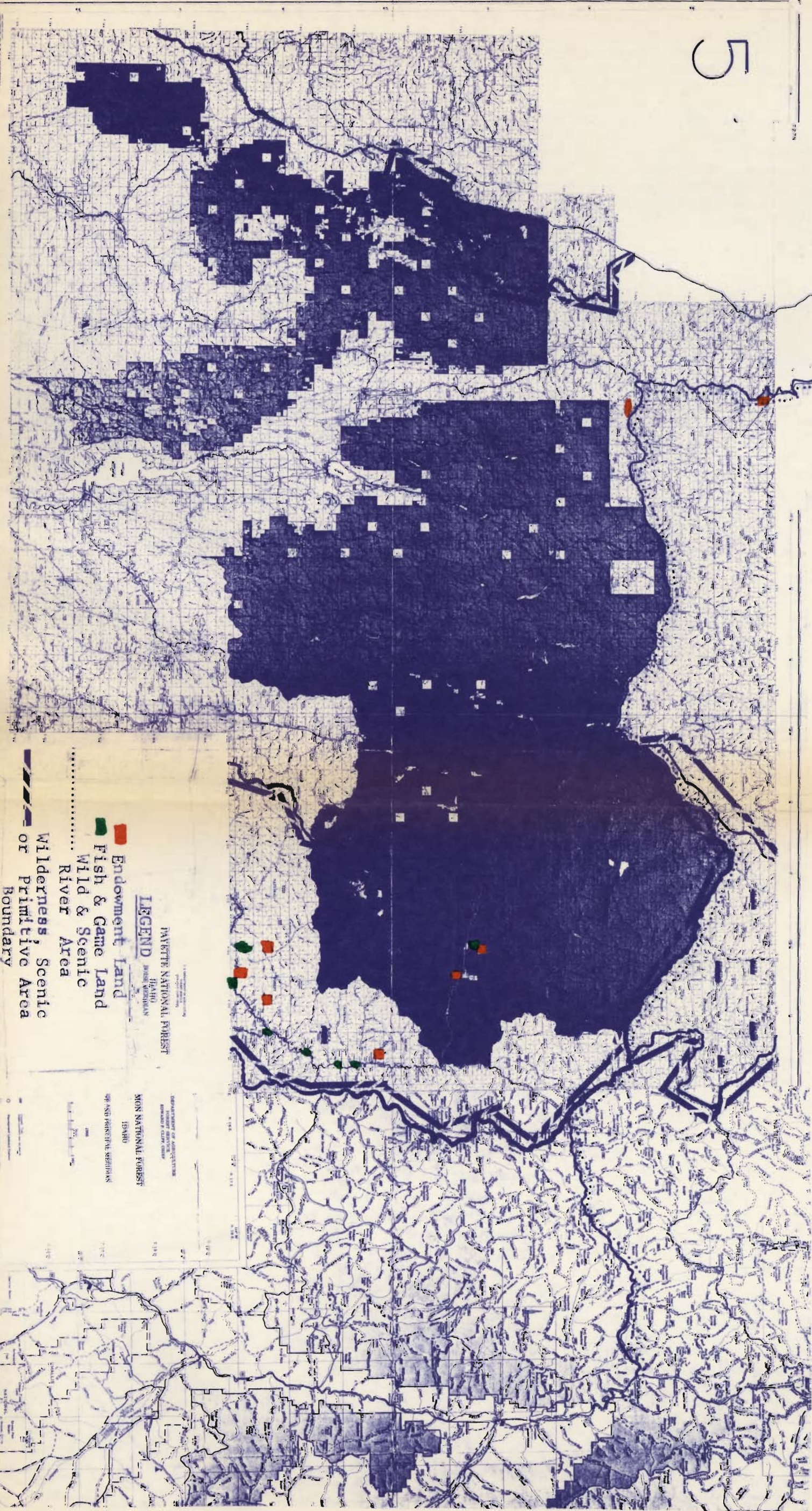
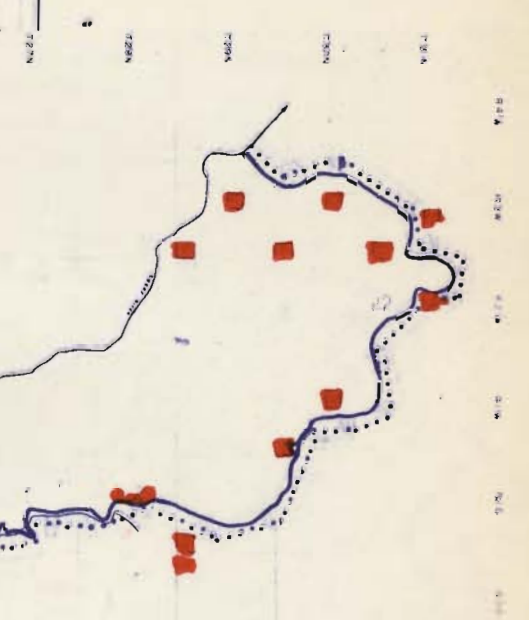
U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF LAND MANAGEMENT

1968

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5



DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BUREAU OF LAND MANAGEMENT
IDAHO

JAYETTE NATIONAL FOREST
BOISE TERRITORY

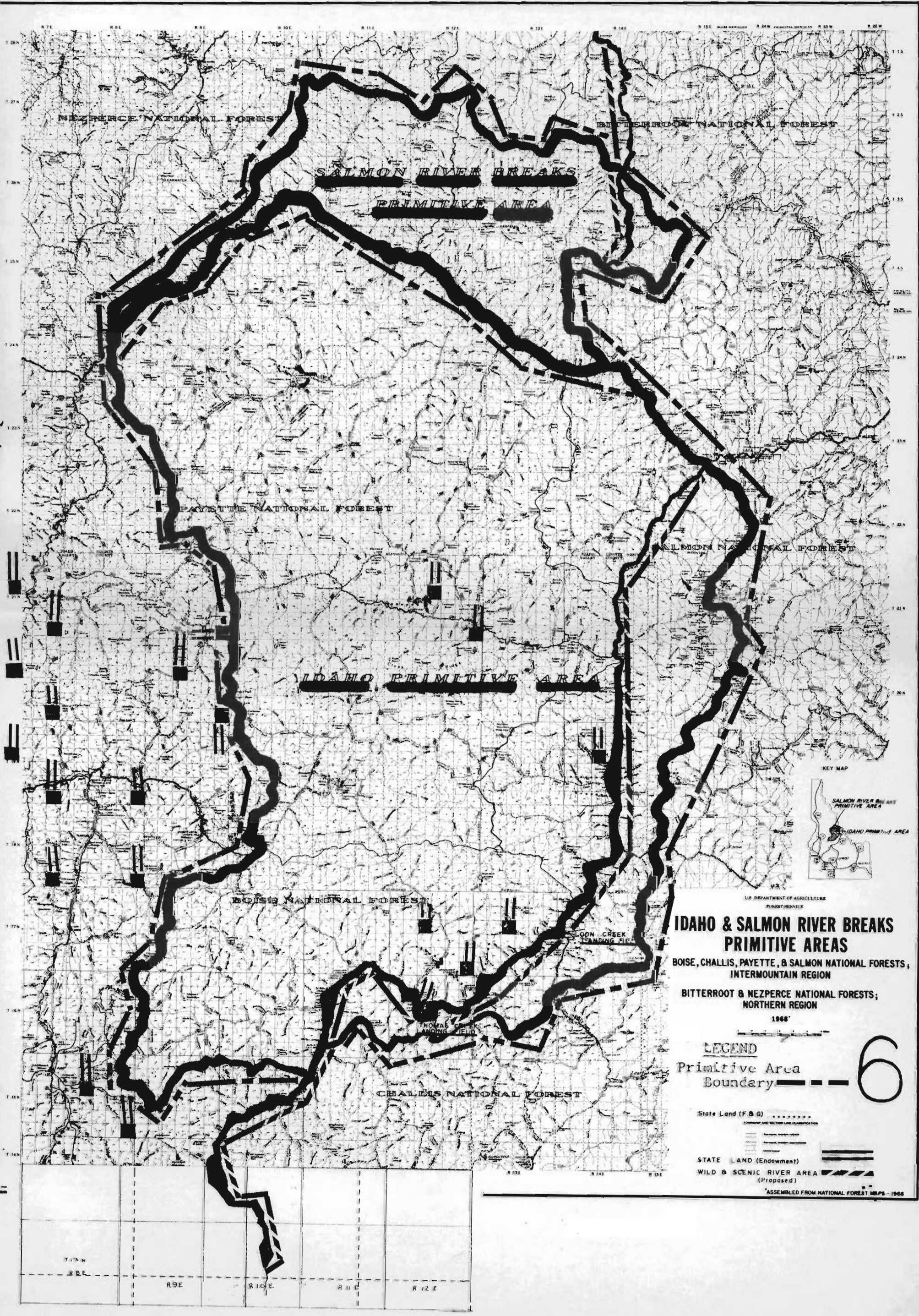
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BUREAU OF LAND MANAGEMENT
IDAHO

MON NATIONAL FOREST
IDAHO

- LEGEND**
- Endowment Land
 - Fish & Game Land
 - Wild & Scenic River Area
 - Wilderness, Scenic or Primitive Area Boundary

Scale: 1 inch = 1 mile

Vertical scale: 0, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000



U.S. DEPARTMENT OF AGRICULTURE
 FOREST SERVICE

**IDAHO & SALMON RIVER BREAKS
 PRIMITIVE AREAS**

BOISE, CHALLIS, PAYETTE, & SALMON NATIONAL FORESTS,
 INTERMOUNTAIN REGION

BITTERROOT & NEZPERCE NATIONAL FORESTS;
 NORTHERN REGION

1968

LEGEND

Primitive Area 6

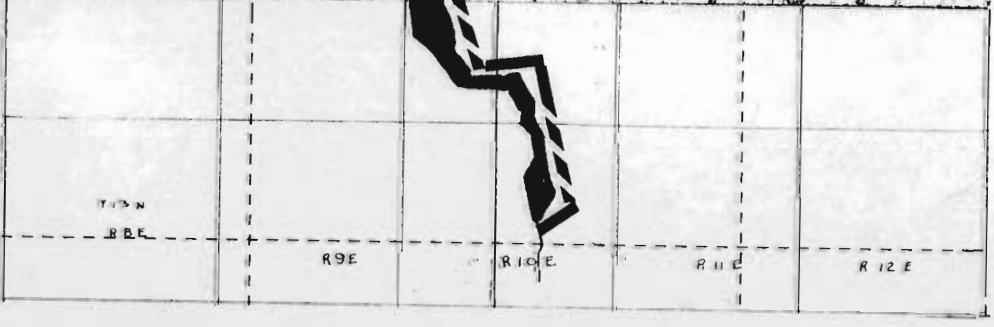
Boundary

State Land (F & G)

STATE LAND (Endowment)

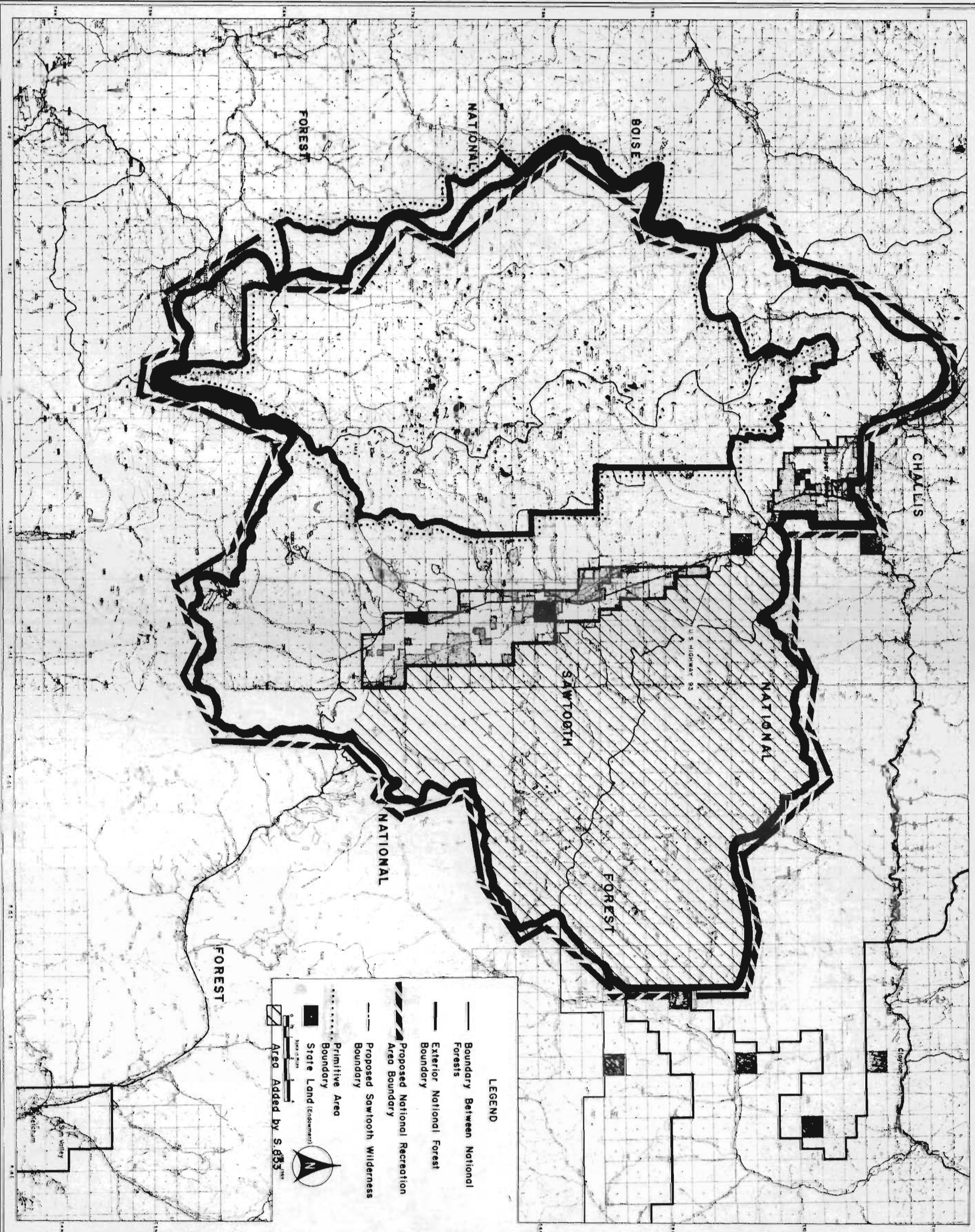
WILD & SCENIC RIVER AREA (Proposed)

ASSEMBLED FROM NATIONAL FOREST MAPS - 1966



PROPOSED SAWTOOTH NATIONAL RECREATION AREA

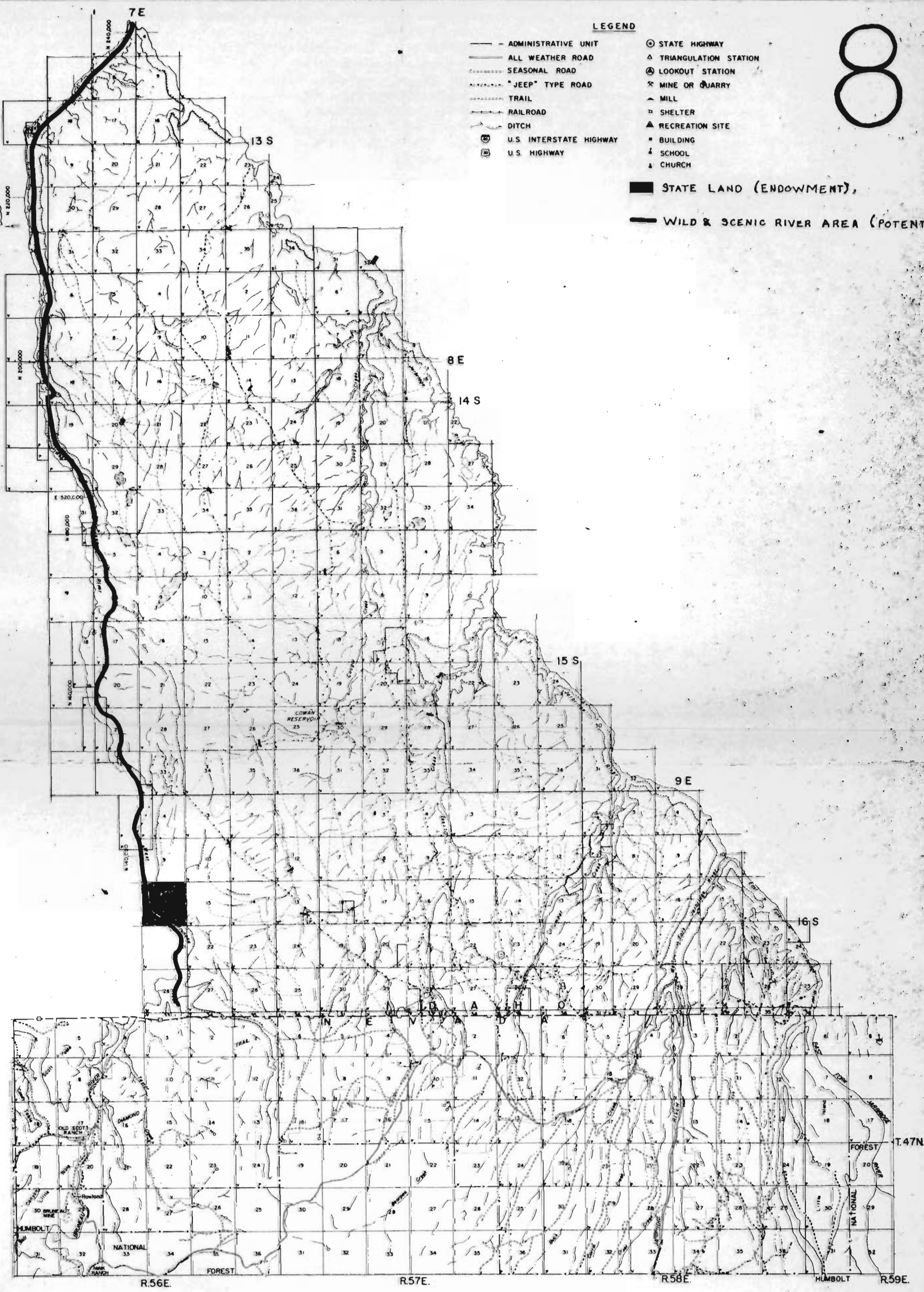
7



8

LEGEND

- ADMINISTRATIVE UNIT
- ALL WEATHER ROAD
- SEASONAL ROAD
- - - "JEEP" TYPE ROAD
- TRAIL
- RAILROAD
- - - DITCH
- U.S. INTERSTATE HIGHWAY
- U.S. HIGHWAY
- ⊙ STATE HIGHWAY
- △ TRIANGULATION STATION
- ⊙ LOOKOUT STATION
- * MINE OR QUARRY
- ⋈ MILL
- ▢ SHELTER
- ▲ RECREATION SITE
- BUILDING
- ⌄ SCHOOL
- ⋈ CHURCH
- STATE LAND (ENDOWMENT)
- WILD & SCENIC RIVER AREA (POTENTIAL)



U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
DIAMOND "A" ADMINISTRATIVE UNIT
 BOISE DISTRICT

IDAHO
1965

SCALE: 1" = 1 MILE



REVISIONS	
PLANIMETRY	_____
STATUS	_____

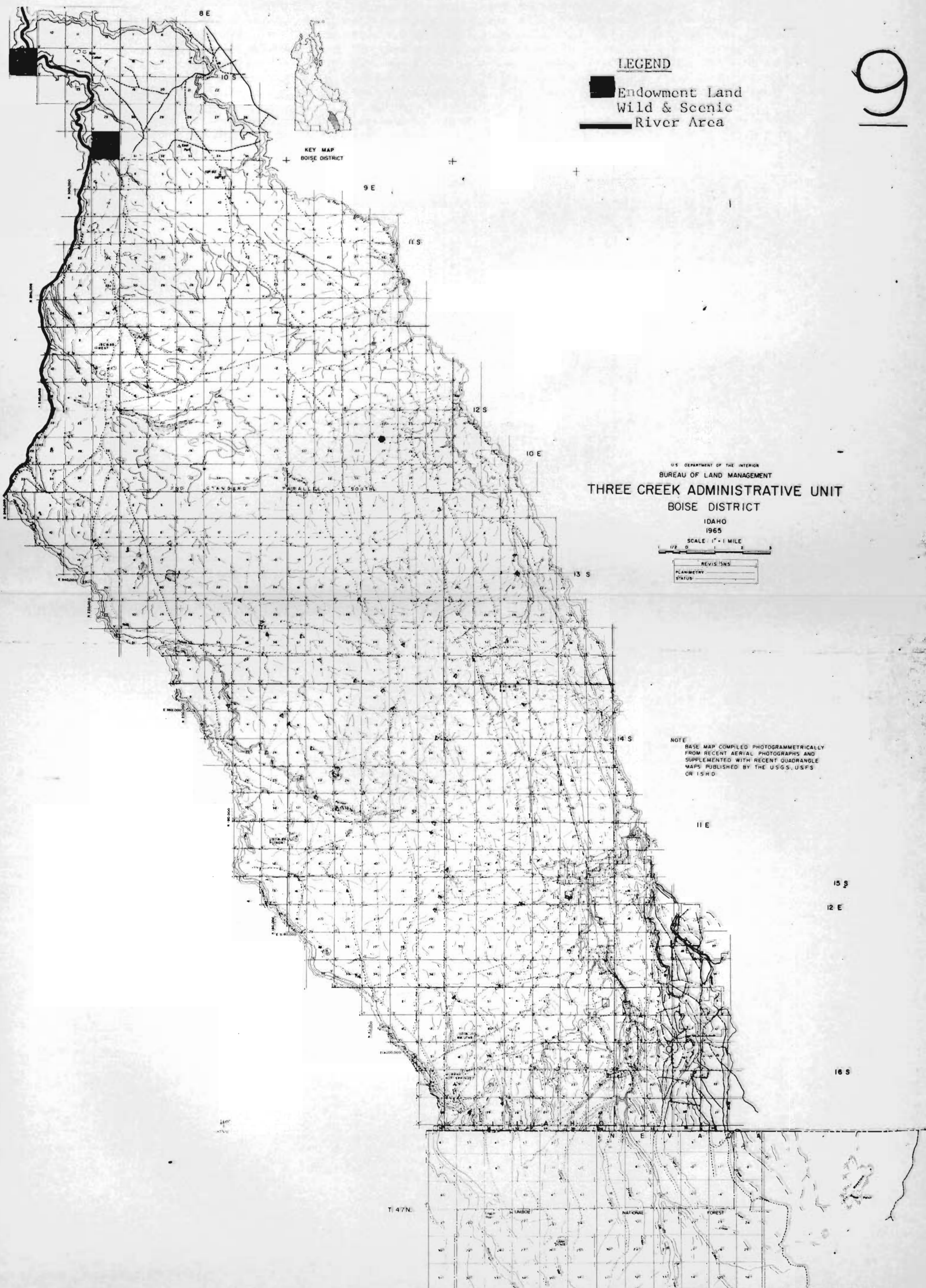
NOTE:
 BASE MAP COMPILED PHOTOGRAMMETRICALLY
 FROM RECENT AERIAL PHOTOGRAPHS AND
 SUPPLEMENTED WITH RECENT QUADRANGLE
 MAPS PUBLISHED BY THE U.S.G.S., U.S.F.S.
 OR I.S.H.D.

LEGEND

- Endowment Land
- Wild & Scenic
- River Area



KEY MAP
BOISE DISTRICT



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
THREE CREEK ADMINISTRATIVE UNIT
BOISE DISTRICT

IDAHO
1965

SCALE: 1" = 1 MILE

REVISIONS

NOTE
BASE MAP COMPILED PHOTOGRAMMETRICALLY
FROM RECENT AERIAL PHOTOGRAPHS AND
SUPPLEMENTED WITH RECENT QUADRANGLE
MAPS PUBLISHED BY THE USGS, USFS
OR ISHD.

