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NEW RIVER GORGE NATIONAL RIVER, WEST VIRGINIA

GOVERNMENT

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JOINT HEARING

DOCUMENTS

BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION

FEB 2 1979

OF THE

COMMITTEE ON

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KANSAS STATE UNIVERSITY

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

AND THE

SUBCOMMITTEE ON

NATIONAL PARKS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2866

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE NEW RIVER GORGE NATIONAL RIVER IN THE STATE OF WEST VIRGINIA, AND FOR OTHER PURPOSES

H.R. 12001

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE NEW RIVER GORGE NATIONAL RIVER IN THE STATE OF WEST VIRGINIA, AND FOR OTHER PURPOSES

OCTOBER 3, 1978

Publication No. 95-163

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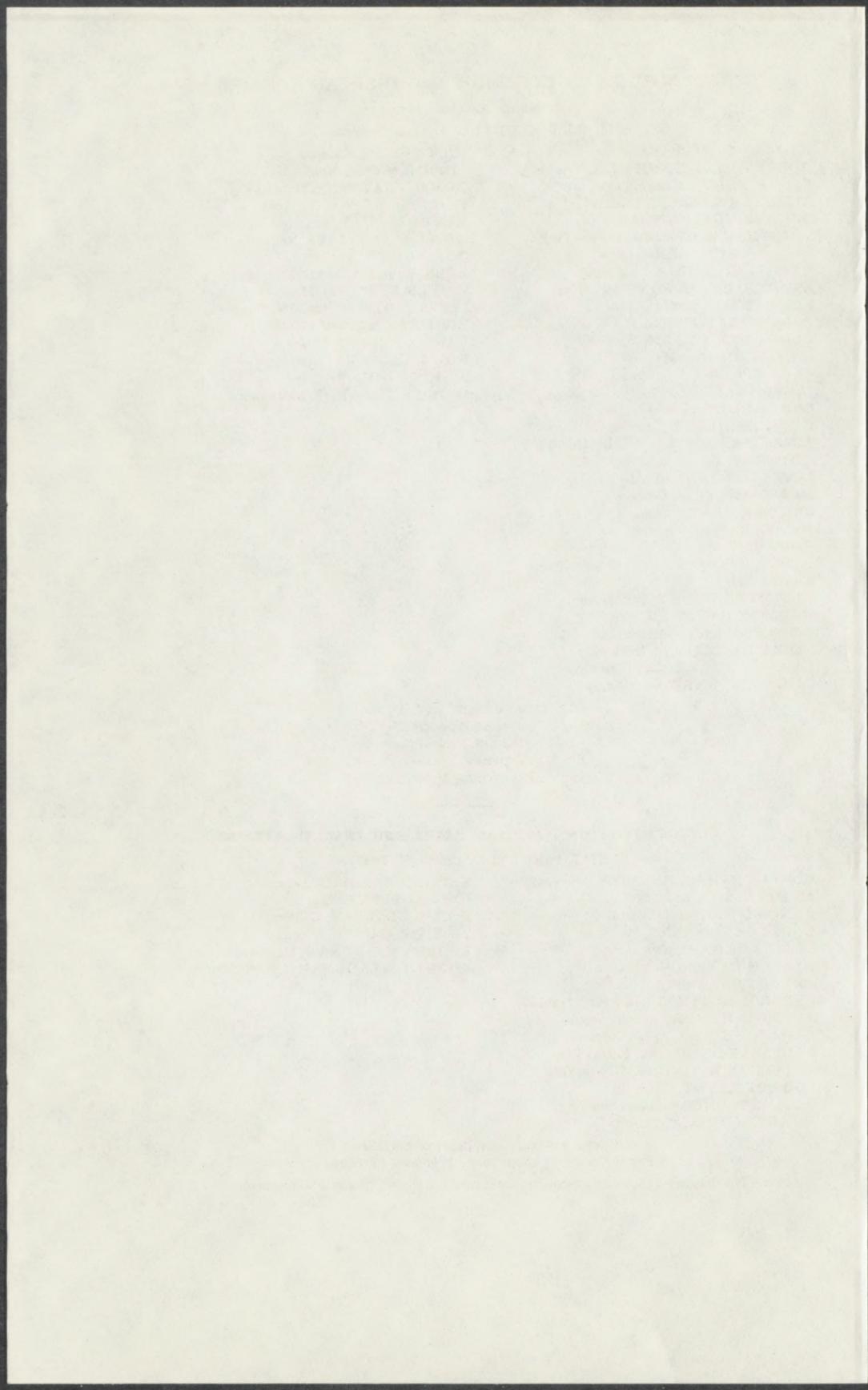
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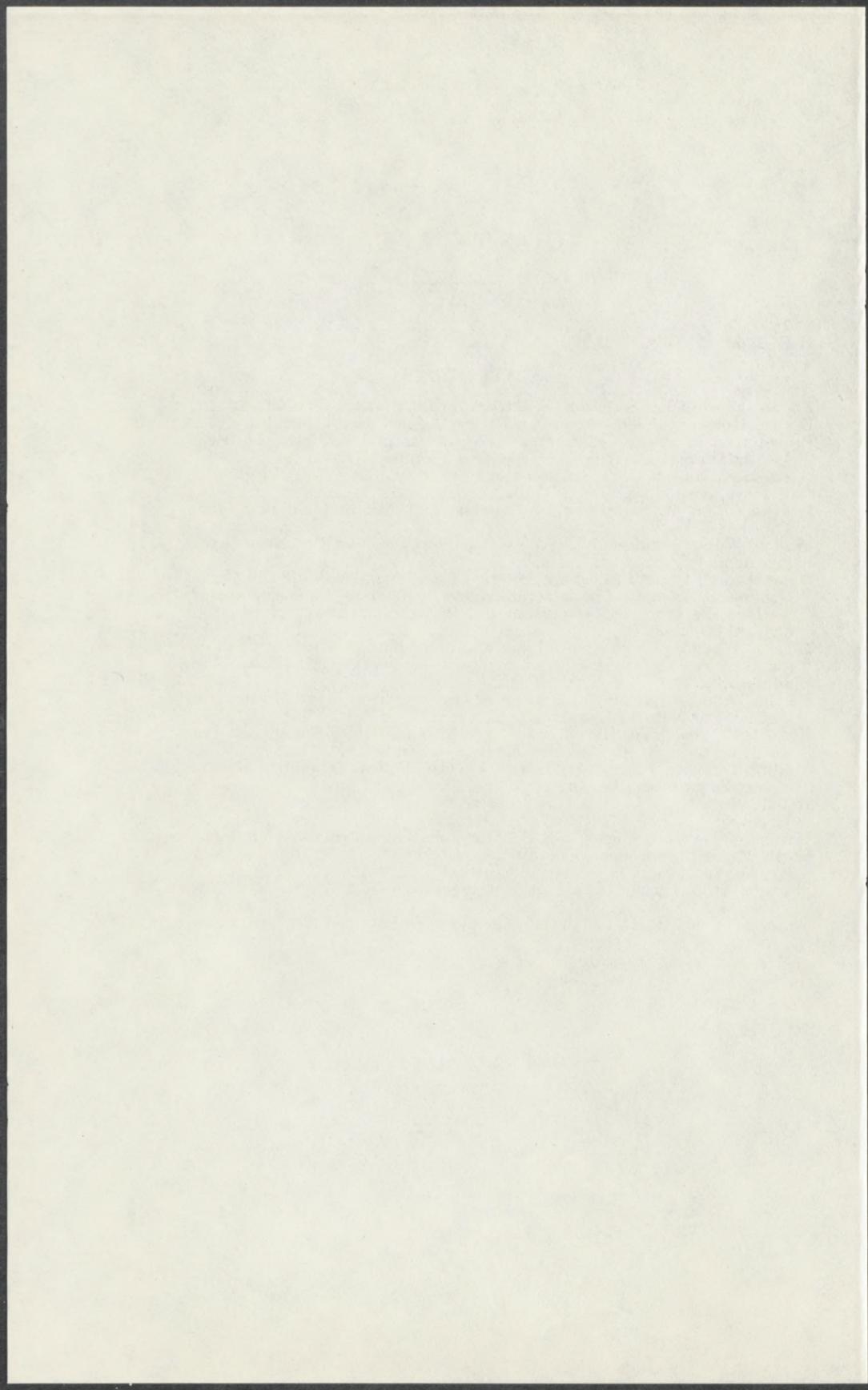


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NEW RIVER GORGE NATIONAL RIVER,
WEST VIRGINIA

TUESDAY, OCTOBER 3, 1978

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL PARKS AND INSULAR AFFAIRS,
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9 a.m., in room 3110, Dirksen Office Building, Hon. James Abourezk, presiding.

Present: Senators Abourezk, Hansen, Randolph, and Congressman Rahall.

Also present: Thomas B. Williams and Laura L. Beaty, professional staff members.

OPENING STATEMENT OF HON. JAMES ABOUREZK, A U.S. SENATOR
FROM THE STATE OF SOUTH DAKOTA

Senator ABOUREZK. The hearing will come to order, please.

Because this is a joint hearing before the Senate Subcommittee on Parks and Recreation and the House Subcommittee on National Parks and Insular Affairs, I want to welcome the person who is representing the House today as a committee member, Congressman Nick Joe Rahall who is from West Virginia. In fact, he is a farmer neighbor of mine when I lived in Beckley, W. Va. We lived right next door to his grandparents; my sister did for many years, and he will represent the House subcommittee today.

The purpose of the hearing this morning is to receive testimony on the proposals to provide for the establishment of the New River Gorge National River in the State of West Virginia.

At this point in the record I will insert the bills, Senate bill 2866, and the House bill, 12001.

[The bills follow:]

S. 2866

IN THE SENATE OF THE UNITED STATES

APRIL 10 (legislative day, FEBRUARY 6), 1978

MR. RANDOLPH (for himself, and Mr. ROBERT C. BYRD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the establishment of the New River Gorge National River in the State of West Virginia, 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 for the purpose of conserving and interpreting outstand-
4 ing natural, scenic, and historic values and objects in and
5 around the New River Gorge and preserving as a free-flow-
6 ing stream an important segment of the New River in West
7 Virginia for the benefit and enjoyment of present and future
8 generations, the Secretary of the Interior (hereinafter re-
9 ferred to as the "Secretary") shall establish and adminis-
10 ter the New River Gorge National River. The boundaries

1 of the national river shall be as generally depicted on the
2 drawing entitled "Proposed New River Gorge National
3 River", which shall be on file and available for inspection in
4 the offices of the National Park Service, Department of the
5 Interior.

6 SEC. 2. (a) Within the boundaries of the New River
7 Gorge National River, the Secretary may acquire lands and
8 waters or interests therein by donation, purchase, transfer
9 or exchange. Lands owned by the State of West Virginia
10 or a political subdivision thereof may be acquired by dona-
11 tion only. Within the communities of Brooks, Meadow Creek,
12 Prince, Quinnemont, Sandstone, Terry, Thayer, and Thur-
13 mond, as depicted on the above-mentioned map, the Secre-
14 tary shall not acquire lands or interests therein except when
15 such lands have undergone, since January 1, 1978, or, in
16 the judgment of the Secretary, are imminently about to
17 undergo, changes in land use which are incompatible with
18 the purposes of the national river. Within these communities
19 the Secretary is authorized to enter into cooperative agree-
20 ments with organizations or individuals to mark or interpret
21 properties of significance to the history of the Gorge area.

22 (b) Exclusive of those lands which may be donated,
23 the Secretary may acquire in fee only such lands as he
24 determines to be necessary for visitor use facilities and

1 accommodations, river access, historic interpretation, and the
2 preservation of the natural integrity of the Gorge area.

3 (c) For the purposes of this Act, the term "improved
4 property" means: (i) a detached single family dwelling, the
5 construction of which was begun before January 1, 1977
6 (hereafter referred to as "dwelling"), together with so
7 much of the land on which the dwelling is situated, the said
8 land being in the same ownership as the dwelling, as the
9 Secretary shall designate to be reasonably necessary for the
10 enjoyment of the dwelling for the sole purpose of noncom-
11 mercial residential use, together with any structures necessary
12 to the dwelling which are situated on the land so designated,
13 or (ii) property developed for agricultural uses, together
14 with any structures accessory thereto which were so used
15 on or before January 1, 1977. In determining when and
16 to what extent a property is to be considered an "improved
17 property", the Secretary shall take into consideration the
18 manner of use of such buildings and lands prior to January 1,
19 1977, and shall designate such lands as are reasonably
20 necessary for the continued enjoyment of the property in the
21 same manner and to the same extent as existed prior to
22 such date.

23 (d) The owner of an improved property, as defined in
24 this Act, on the date of its acquisition, as a condition of such

1 acquisition, may retain for himself, his heirs and assigns, a
2 right of use and occupancy of the improved property for non-
3 commercial residential or agricultural purposes, as the case
4 may be, for a definite term of not more than twenty five
5 years, or, in lieu thereof, for a term ending at the death of
6 the owner or the death of his spouse, whichever is later.
7 The owner shall elect the term to be reserved. Unless the
8 property is wholly or partially donated, the Secretary shall
9 pay to the owner the fair market value of the property on
10 the date of its acquisition, less the fair market value of the
11 property on that date of the right retained by the owner.
12 A right retained by the owner pursuant to this section shall
13 be subject to termination by the Secretary upon his deter-
14 mination that it is being exercised in a manner incon-
15 sistent with the purposes of this Act, and it shall terminate
16 by operation of law upon notification by the Secretary to
17 the holder of the right of such determination and tendering
18 to him the amount equal to the fair market value of that
19 portion which remains unexpired.

20 SEC. 3. (a) Within two years after the date of enact-
21 ment of this Act, the Secretary shall submit, in writing,
22 to the House Committee on Interior and Insular Affairs and
23 the Senate Committee on Energy and Natural Resources
24 and to the Committees on Appropriations of the United
25 States Congress a detailed plan which shall indicate—

1 (i) the lands and areas which he deems essential to
2 the production and public enjoyment of the natural, scenic
3 and historic values and objects of this national river;

4 (ii) the lands which he has previously acquired by
5 purchase, donation, exchange, or transfer for the purpose
6 of this national river; and

7 (iii) the annual acquisition program (including the
8 level of funding) which he recommends for the ensuing
9 four fiscal years.

10 SEC. 4. The Secretary shall on his own initiative, or at
11 the request of any local government having jurisdiction over
12 land located in or adjacent to the Gorge area, assist and con-
13 sult with the appropriate officials and employees of such local
14 government in establishing zoning laws or ordinances which
15 will assist in achieving the purposes of this Act. In providing
16 assistance pursuant to this section, the Secretary shall en-
17 deavor to obtain provisions in such zoning laws or ordinances
18 which—

19 (1) have the effect of restricting incompatible com-
20 mercial and industrial use of all real property in or adja-
21 cent to the Gorge area;

22 (2) aid in preserving the character of the Gorge area
23 by appropriate restrictions on the use of real property
24 in the vicinity, including, but not limited to, restrictions
25 upon: Building and construction of all types; signs and

1 billboards; the burning of cover; cutting of timber (ex-
2 cept tracts managed for sustained yield); removal of
3 topsoil, sand or gravel; dumping, storage, or piling of
4 refuse; or any other use which would detract from the
5 aesthetic character of the Gorge area; and

6 (3) have the effect of providing that the Secretary
7 shall receive advance notice of any hearing for the pur-
8 pose of granting a variance and any variance granted
9 under, and of any exception made to, the application of
10 such law or ordinance.

11 SEC. 5. (a) Notwithstanding any other provision of
12 law, no surface mining of any kind shall be permitted on fed-
13 erally owned lands within the boundary of the national river
14 where the subsurface estate is not federally owned. Under-
15 ground mining on such lands may be permitted by the Secre-
16 tary only if—

17 (1) the mining operation will have no significant
18 adverse impact on the public use and enjoyment of
19 the national river;

20 (2) the mining operation will disturb the minimum
21 amount of surface necessary to extract the mineral; and

22 (3) the surface so disturbed is not visible from
23 the river, unless there is no technologically feasible alter-
24 native.

25 (b) The harvesting of timber on federally owned lands

1 within the national river boundary is prohibited, except inso-
2 far as it is necessary for the Secretary to remove trees for
3 river access, historic sites, primitive campgrounds, scenic
4 vistas, or as may be necessary from time to time for
5 reasons of public health and safety.

6 (c) The owner of a mineral estate subject to this sec-
7 tion who believes he has suffered a loss by operation of this
8 section, may bring an action only in a United States district
9 court to recover just compensation, which shall be awarded
10 if the court finds that such loss constitutes a taking of prop-
11 erty compensable under the Constitution.

12 SEC. 6. The Secretary shall permit hunting and fishing
13 on lands and waters under his jurisdiction within the bound-
14 aries of the New River Gorge National River in accordance
15 with applicable Federal and State laws, except that he may
16 designate zones where, and establish periods when, no hunt-
17 ing, fishing, or trapping shall be permitted for reasons of
18 public safety, administration, fish or wildlife management,
19 or public use and enjoyment. Except in emergencies, any
20 rules and regulations of the Secretary pursuant to this section
21 shall be put into effect only after consultation with the appro-
22 priate State agency responsible for hunting, fishing, and
23 trapping activities.

24 SEC. 7. The Federal Energy Regulatory Commission
25 shall not license the construction of any dam, water conduit,

1 reservoir, powerhouse, transmission line, or other project
2 works under the Federal Power Act (41 Stat. 1063) as
3 amended (16 U.S.C. 791a et seq.), on or directly affecting
4 the New River Gorge National River and no department or
5 agency of the United States shall assist by loan, grant,
6 license, or otherwise in the construction of any water
7 resources project that would have a direct and adverse
8 effect on the values for which such river was established,
9 as determined by the Secretary. Nothing contained in
10 the foregoing sentence, however, shall preclude licensing
11 of, or assistance to, developments below or above the
12 New River Gorge National River or on any stream trib-
13 utary thereto which will not invade the area or diminish
14 the scenic, recreation, and fish and wildlife values present
15 in the area on the date of this section. No department or
16 agency of the United States shall recommend authorization
17 of any water resources project that would have a direct and
18 adverse effect on the values for which such river was estab-
19 lished, as determined by the Secretary or request appro-
20 priations to begin construction on any such project whether
21 heretofore or hereafter authorized, without advising the Sec-
22 retary in writing of its intention to do so at least sixty days
23 in advance, and without specifically reporting to the Con-
24 gress in writing at the time it makes its recommendation or
25 request in what respect construction of such project would

1 be in conflict with the purposes of this section and would
2 effect the national river and the values to be protected by
3 it under this section.

4 SEC. 8. Section 5 (a) of the Act of October 2, 1968 (82
5 Stat. 910) is hereby amended to provide for study of two
6 principle tributaries of the New River in West Virginia, the
7 Bluestone River and the Gauley River, and the tributaries
8 of the Gauley River and for potential addition to the National
9 Wild and Scenic Rivers System or to the national river.

10 SEC. 9. Within three years from the date of enactment
11 of this Act, the Secretary shall develop and transmit to the
12 Committee on Energy and Natural Resources and the Com-
13 mittee on Interior and Insular Affairs of the United States
14 House of Representatives a general management plan for the
15 full development of the national river consistent with the pur-
16 poses of this Act, indicating—

17 (1) the facilities needed to accommodate the
18 health, safety, and interpretive needs of the visiting
19 public;

20 (2) the location and cost of such facilities;

21 (3) the projected need for any additional facili-
22 ties; and

23 (4) transportation alternatives for public access to
24 the park including the use of existing rail lines.

1 SEC. 10. The Secretary of the Interior shall consult with
2 the Secretary of the Army concerning the water require-
3 ments of the National River. The Secretary of the Army
4 shall provide for release of water from the Bluestone Lake
5 project consistent with that projects purposes and activities
6 in sufficient quantity and in such manner to facilitate protec-
7 tion of biological resources and recreational use of the
8 national river.

9 SEC. 11. For the purposes of part C of the Clean Air
10 Act, the State may redesignate the national river only as
11 class I or class II.

12 SEC. 12. There are hereby authorized to be appropriated
13 such sums as may be necessary for the purposes of this Act,
14 but not more than \$20,000,000 for the acquisition of lands
15 and interests in lands.

95TH CONGRESS
2D SESSION

H. R. 12001

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 1978

Mr. RAHALL (for himself and Mr. STAGGERS) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the establishment of the New River Gorge National River in the State of West Virginia, 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 for the purpose of conserving and interpreting outstand-
4 ing natural, scenic, and historic values and objects in and
5 around the New River Gorge and preserving as a free-flow-
6 ing stream an important segment of the New River in West
7 Virginia for the benefit and enjoyment of present and future
8 generations, the Secretary of the Interior (hereinafter re-
9 ferred to as the "Secretary") shall establish and administer
10 the New River Gorge National River. The boundaries of the

1 national river shall be as generally depicted on the drawing
2 entitled "Proposed New River Gorge National River" num-
3 bered _____, dated _____, which shall be on file
4 and available for inspection in the offices of the National
5 Park Service, Department of the Interior.

6 SEC. 2. (a) Within the boundaries of the New River
7 Gorge National River, the Secretary may acquire lands and
8 waters or interests therein by donation, purchase, transfer,
9 or exchange. Lands owned by the State of West Virginia
10 or a political subdivision thereof may be acquired by dona-
11 tion only. Within the communities or Brooks, Meadow
12 Creek, Prince, Quinnemont, Sandstone, Terry, Thayer, and
13 Thurmond, as depicted on the above-mentioned map, the
14 Secretary shall not acquire lands or interests therein except
15 when such lands have undergone, since January 1, 1978,
16 or, in the judgment of the Secretary, are imminently about
17 to undergo, changes in land use which are incompatible
18 with the purposes of the national river. Within these com-
19 munities the Secretary is authorized to enter into coopera-
20 tive agreements with organizations or individuals to mark
21 or interpret properties of significance to the history of the
22 Gorge area.

23 (b) Exclusive of those lands which may be donated,
24 the Secretary may acquire in fee only such lands as he deter-
25 mines to be necessary for visitor use facilities and accommoda-

1 tions, river access, historic interpretation, and the preserva-
2 tion of the natural integrity of the Gorge area.

3 (c) For the purposes of this Act, the term "improved
4 property" means (i) a detached single family dwelling, the
5 construction of which was begun before January 1, 1977
6 (hereafter referred to as "dwelling"), together with so much
7 of the land on which the dwelling is situated, the said land
8 being in the same ownership as the dwelling, as the Secre-
9 tary shall designate to be reasonably necessary for the en-
10 joyment of the dwelling for the sole purpose of noncom-
11 mercial residential use, together with any structures neces-
12 sary to the dwelling which are situated on the land so des-
13 igned, or (ii) property developed for agricultural uses,
14 together with any structures accessory thereto which were
15 so used on or before January 1, 1977. In determining when
16 and to what extent a property is to be considered an "im-
17 proved property", the Secretary shall take into consideration
18 the manner of use of such buildings and lands prior to Janu-
19 ary 1, 1977, and shall designate such lands as are reasonably
20 necessary for the continued enjoyment of the property in the
21 same manner and to the same extent as existed prior to such
22 date.

23 (d) The owner of an improved property, as defined in
24 this Act, on the date of its acquisition, as a condition of such
25 acquisition, may retain for himself, his heirs and assigns, a

1 right of use and occupancy of the improved property for
2 noncommercial residential or agricultural purposes, as the
3 case may be, for a definite term of not more than twenty-five
4 years, or, in lieu thereof, for a term ending at the death of
5 the owner or the death of his spouse, whichever is later. The
6 owner shall elect the term to be reserved. Unless the prop-
7 erty is wholly or partially donated, the Secretary shall pay
8 to the owner the fair market value of the property on the
9 date of its acquisition, less the fair market value of the
10 property on that date of the right retained by the owner. A
11 right retained by the owner pursuant to this section shall be
12 subject to termination by the Secretary upon his determina-
13 tion that it is being exercised in a manner inconsistent with
14 the purposes of this Act, and it shall terminate by operation
15 of law upon notification by the Secretary to the holder of the
16 right of such determination and tendering to him the amount
17 equal to the fair market value of that portion which remains
18 unexpired.

19 SEC. 3. (a) Within two years after the date of enactment
20 of this Act, the Secretary shall submit, in writing, to the
21 House Committee on Interior and Insular Affairs and the
22 Senate Committee on Energy and Natural Resources and to
23 the Committees on Appropriations of the United States
24 Congress a detailed plan which shall indicate—

25 (i) the lands and areas which he deems essential to

1 the protection and public enjoyment of the natural,
2 scenic, and historic values and objects of this national
3 river;

4 (ii) the lands which he has previously acquired by
5 purchase, donation, exchange, or transfer for the purpose
6 of this national river; and

7 (iii) the annual acquisition program (including the
8 level of funding) which he recommends for the ensuing
9 four fiscal years.

10 SEC. 4. The Secretary shall on his own initiative, or at
11 the request of any local government having jurisdiction over
12 land located in or adjacent to the Gorge area, assist and con-
13 sult with the appropriate officials and employees of such local
14 government in establishing zoning laws or ordinances which
15 will assist in achieving the purposes of this Act. In providing
16 assistance pursuant to this section, the Secretary shall en-
17 deavor to obtain provisions in such zoning laws or ordinances
18 which—

19 (1) have the effect of restricting incompatible com-
20 mercial and industrial use of all real property in or
21 adjacent to the Gorge area;

22 (2) aid in preserving the character of the Gorge
23 area by appropriate restrictions on the use of real prop-
24 erty in the vicinity, including, but not limited to, restric-
25 tions upon building and construction of all types; signs

1 and billboards; the burning of cover; cutting of timber
2 (except tracts managed for sustained yield) ; removal of
3 topsoil, sand, or gravel; dumping, storage, or piling of
4 refuse; or any other use which would detract from the
5 esthetic character of the Gorge area; and

6 (3) have the effect of providing that the Secretary
7 shall receive advance notice of any hearing for the pur-
8 pose of granting a variance and any variance granted
9 under, and of any exception made to, the application of
10 such law or ordinance.

11 SEC. 5. (a) Notwithstanding any other provision of law,
12 no surface mining of any kind shall be permitted on federally
13 owned lands within the boundary of the national river
14 where the subsurface estate is not federally owned. Under-
15 ground mining on such lands may be permitted by the Sec-
16 retary only if—

17 (1) the mining operation will have no significant
18 adverse impact on the public use and enjoyment of the
19 national river;

20 (2) the mining operation will disturb the minimum
21 amount of surface necessary to extract the mineral; and

22 (3) the surface so disturbed is not visible from the
23 river, unless there is no technologically feasible alterna-
24 tive.

25 (b) The harvesting of timber on federally owned lands

1 within the national river boundary is prohibited, except in-
2 sofar as it is necessary for the Secretary to remove trees for
3 river access, historic sites, primitive campgrounds, scenic
4 vistas, or as may be necessary from time to time for reasons
5 of public health and safety.

6 (e) The owner of a mineral estate subject to this sec-
7 tion who believes he has suffered a loss by operation of this
8 section, may bring an action only in a United States district
9 court to recover just compensation, which shall be awarded
10 if the court finds that such loss constitutes a taking of prop-
11 erty compensable under the Constitution.

12 SEC. 6. The Secretary shall permit hunting and fishing
13 on lands and waters under his jurisdiction within the boun-
14 daries of the New River Gorge National River in accordance
15 with applicable Federal and State laws, except that he may
16 designate zones where, and establish periods when, no hunt-
17 ing, fishing, or trapping shall be permitted for reasons of
18 public safety, administration, fish or wildlife management,
19 or public use and enjoyment. Except in emergencies, any
20 rules and regulations of the Secretary pursuant to this section
21 shall be put into effect only after consultation with the appro-
22 priate State agency responsible for hunting, fishing, and
23 trapping activities.

24 SEC. 7. The Federal Energy Regulatory Commission
25 shall not license the construction of any dam, water conduit,

1 reservoir, powerhouse, transmission line, or other project
2 works under the Federal Power Act (41 Stat. 1063) as
3 amended (16 U.S.C. 791a et seq.), on or directly affecting
4 the New River Gorge National River and no department or
5 agency of the United States shall assist by loan, grant,
6 license, or otherwise in the construction of any water re-
7 sources project that would have a direct and adverse effect
8 on the values for which such river was established, as deter-
9 mined by the Secretary. Nothing contained in the foregoing
10 sentence, however, shall preclude licensing of, or assistance
11 to, developments below or above the New River Gorge Na-
12 tional River or on any stream tributary thereto which will
13 not invade the area or diminish the scenic, recreation, and
14 fish and wildlife values present in the area on the date of
15 this section. No department or agency of the United States
16 shall recommend authorization of any water resources project
17 that would have a direct and adverse effect on the values for
18 which such river was established, as determined by the Sec-
19 retary or request appropriations to begin construction on any
20 such project whether heretofore or hereafter authorized,
21 without advising the Secretary in writing of its intention
22 to do so at least sixty days in advance, and without specifi-
23 cally reporting to the Congress in writing at the time it
24 makes its recommendation or request in what respect con-
25 struction of such project would be in conflict with the pur-

1 poses of this section and would effect the national river
2 and the values to be protected by it under this section.

3 SEC. 8. Section 5(a) of the Act of October 2, 1968
4 (82 Stat. 910) is hereby amended to provide for study of
5 two principal tributaries of the New River in West Virginia,
6 the Bluestone River and the Gauley River, and the tribu-
7 taries of the Gauley River and for potential addition to the
8 National Wild and Scenic Rivers System or to the national
9 river.

10 SEC. 9. Within three years from the date of enactment
11 of this Act, the Secretary shall develop and transmit to the
12 Committee on Energy and Natural Resources and the Com-
13 mittee on Interior and Insular Affairs of the United States
14 House of Representatives a general management plan for
15 the full development of the national river consistent with
16 the purposes of this Act, indicating—

17 (1) the facilities needed to accommodate the
18 health, safety, and interpretive needs of the visiting
19 public;

20 (2) the location and cost of such facilities;

21 (3) the projected need for any additional facilities;

22 and

23 (4) transportation alternatives for public access to
24 the park including the use of existing rail lines.

25 SEC. 10. The Secretary of the Interior shall consult with

1 the Secretary of the Army concerning the water require-
2 ments of the national river. The Secretary of the Army
3 shall provide for release of water from the Bluestone Lake
4 project consistent with that project's purposes and activities
5 in sufficient quantity and in such manner to facilitate pro-
6 tection of biological resources and recreational use of the
7 national river.

8 SEC. 11. For the purposes of part C of the Clean Air
9 Act, the State may redesignate the national river only as
10 class I or class II.

11 SEC. 12. There are hereby authorized to be appropri-
12 ated such sums as may be necessary for the purposes of this
13 Act, but not more than \$20,000,000 for the acquisition of
14 lands and interests in lands.

Senator ABOUREZK. I first would like to welcome all of the witnesses who are here and all the spectators who are here from West Virginia. I think this shows a great deal of interest in this particular legislation, and I commend all of you for it.

I would like to welcome, also, as the first witness this morning, the distinguished colleague and a good friend, Hon. Jennings Randolph, U.S. Senator from the State of West Virginia.

I might say that these hearings have been called at the request of Senator Randolph, who has been prevailing upon me all year to set hearings. Although we have a full calendar of parks legislation this year, overly full, to the point where we barely had time to do it, we have such great respect for Jennings Randolph that we finally decided to do the hearing at the earliest moment possible and that is this moment.

I want to express my thanks to Senator Randolph for his continued interest in this project.

I would like to ask Senator Hansen if he has any statement before we call on you to testify, Jennings.

Senator HANSEN. I do not, Mr. Chairman. I thank you for your often demonstrated willingness to accommodate members, colleagues, and I am sorry I won't be able to stay here. We have an executive markup in finance, and I will be going down there, but I wanted the distinguished colleague of ours from West Virginia to know that he has all the authority and power that can be mustered on both sides. Thank you.

Senator ABOUREZK. I would like to ask Congressman Rahall if he wants to give any kind of opening statement.

STATEMENT OF HON. NICK J. RAHALL II, A U.S. REPRESENTATIVE FROM THE STATE OF WEST VIRGINIA

Mr. RAHALL. Thank you, Senator. I appreciate very much the opportunity to participate in the joint hearings today. Congressman Phil Burton, the chairman of the subcommittee on the House side, is unable to be with us today. He has expressed to me a strong support for this legislation that we are considering and has been very helpful to me in setting up these hearings.

We have had many meetings with all parties concerned. Senator Randolph met with many West Virginians, with the Department of the Interior, and at this time last year when we had our first draft of this legislation presented to us. It does represent what I think is a consensus bill that has been drafted and redrafted and worked out with all parties concerned.

I think these hearings are a big step toward enacting this legislation to protect one of our most valuable and scenic areas of our Nation. So I want to commend Senator Abourezk for having these hearings, and Senator Randolph for his help, for his instigation of these hearings, Senator Byrd for his cosponsorship on the Senate side and Congressman Harley Staggers for his cosponsorship on the House side.

Congressman Staggers is unable to be with us this morning, also. But I have his testimony which I would like to insert in the record at the proper time along with my testimony and along with Senator Robert Byrd's testimony.

Senator ABOUREZK. Thank you, Congressman Rahall.

[The prepared statements of Congressmen Rahall, Staggers, and Senator Byrd of West Virginia follow:]

STATEMENT OF HON. NICK J. RAHALI II, A U.S. REPRESENTATIVE FROM THE
STATE OF WEST VIRGINIA

Mr. Chairman: First of all, I would like to express my sincere gratitude to Chairman Burton of the National Parks and Insular Affairs Subcommittee and Chairman Abourezk of the Parks and Recreation Subcommittee for scheduling joint House-Senate hearings on a bill that means a great deal to me, to my fellow West Virginia colleagues who share sponsorship of this legislation with me, to the people of West Virginia, and to any person who has been fortunate enough to experience the splendor of the New River.

For many, many years, earnest effort by concerned individuals has been made to preserve and protect the area that surrounds the New River, one of America's oldest natural resources. We as legislators, my fellow West Virginia colleagues, have the unique opportunity to preserve one of nature's most beautiful creations through our joint, but identical legislative efforts. H.R. 12001 and S. 2866 is the means by which we can preserve for now and future generations the various recreational activities that draw visitors from all over our nation, the unique plant and animal species that are found no where else on earth, and the serenity and magnificence of the New River Gorge area. This is a dramatic example of one of God's finest creations and it is our responsibility to make sure that every precaution be taken to maintain the area in its wild and natural state.

The legislation shares the support of businessmen, conservationists and the Administration. Several meetings with representatives from all areas of concern have taken place in order to arrive at a "consensus bill" that would suit the needs of all those affected by designating a specific portion of the New River as a "national river" and thus placing it under the protection of the Department of Interior. I can truthfully say that the majority of individuals who have studied this bill feel that with minor exception, H.R. 12001/S. 2866 is the best way to protect the New River Gorge area.

I do have, Mr. Chairman, some amendments that I would like to offer at the appropriate time that I feel would make this legislation even more suitable to all concerned. Again, these concepts to perfect the bill were derived by the people who live and work along the New River and who only want a bill that mandates federal protection that the people are willing to accept and live with.

In brief, I would like to emphasize the importance of this legislation not only speaking as a West Virginian, but as an American who wishes to protect an area that is "Almost Heaven".

I urge the members of both Subcommittees to act favorably and expeditiously on H.R. 12001 and S. 2866.

STATEMENT OF HON. HARLEY O. STAGGERS, A U.S. REPRESENTATIVE FROM THE
STATE OF WEST VIRGINIA

Mr. Chairman: I would like to begin by thanking each of you for your personal effort in bringing about this joint hearing. I would also like to thank the members of the House Subcommittee on National Parks and Insular Affairs and the Senate Subcommittee on Parks and Recreation for their interest in expediting this important legislation.

H.R. 12001, introduced by Representative Rahall and myself, and S. 2866, introduced by Senators Randolph and Byrd, are identical. The purpose of this legislation is to protect and preserve for future generations the natural, scenic and historic values of the beautiful New River Gorge area by establishing the New River Gorge National River.

The portion of the New River which would be protected by this bill is a magnificent gift from God. One of the world's oldest rivers has cut a rocky path through nature, with its banks reaching as high as 1,300 feet above valley floors that are filled with biological and archaeological treasures. If we were to stand idly by and allow this unique area to fall victim to over commercialization, we would have failed to live up to our duty as God's caretakers of this earth.

As the Representative from West Virginia's Second Congressional District, I can assure you that the residents in the immediate area and all West Virginians want the New River Gorge to be protected.

Furthermore, I believe that there now exists a widespread consensus among the citizens I represent, that this legislation, which you have before you today, offers the best means of protecting this natural splendor. The bill allows us to fairly and reasonably balance the need for preservation along with legitimate

rights of property owners and the desire for increased activity in the area. In short, I believe this bill provides adequate protection without imposing undue restrictions.

As the members of both subcommittees know, Sec. 8 provides for a study to determine if two tributaries of the New River, the Gauley River and the Blue-stone River, qualify for designation as either part of the National Wild and Scenic Rivers System or a part of the national river created by this bill, I recommend that consideration also be given to a study of the Greenbrier River and that section of the New River which flows from Fayetteville to Gauley Bridge.

As you are, no doubt, already aware, Secretary of the Interior Cecil Andrus supports this legislation and I certainly commend him for his leadership in this effort.

This bill is very important to West Virginians and to all who realize the priceless value of such a natural treasure.

I urge both subcommittees to act favorably and promptly on this bill.

Thank you.

STATEMENT OF HON. ROBERT C. BYRD, A U.S. SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. Chairman, I thank you for this opportunity to present my views on this legislation to provide protection to one of the Nation's greatest scenic areas.

This area has been under study by the Department of the Interior for several years. I am pleased to have obtained funds for these studies through the Senate Appropriations Subcommittee on the Interior on which I have served and which I now have the honor to Chair.

In fiscal year 1975, I was able to obtain funds for the Bureau of Outdoor Recreation to perform the study which is known as the New River Gorge Study. It was this study that initiated the concept of balanced protection and non-detrimental use. This study did identify a major problem, namely, that of coal deposits in the Gorge area and their value.

In fiscal year 1976, I was able to obtain \$400,000 and appropriations committee report language authorizing a one-year mineral appraisal by the U.S. Bureau of Mines and U.S. Geological Survey. This study indicated that by mining coal from entries well outside the boundaries of the New River Gorge, the acquisition cost for coal would not be prohibitive.

In May of 1977 and again in October of 1977, I prompted and encouraged the administration to come forward with a legislative recommendation based upon these studies by various agencies with the Department of the Interior. After negotiations with the Department and with OMB, the administration submitted draft legislation that is now the subject of this hearing.

It is now time to provide protection for this scenic area, one of the areas of greatest natural beauty anywhere in our Nation. With the increasing urbanization particularly in the Eastern United States, we must act to preserve natural areas such as the New River Gorge for future generations to enjoy.

I am most pleased to co-sponsor the administration's proposal to create the New River Gorge National River. I believe this bill is an excellent balance between providing protection for the area for future enjoyment, and recognizing and allowing to continue the present uses and activities in the area that are not detrimental.

This bill contains three features that should be noted. Land acquisition within communities in the Gorge would occur only if they have undergone, or are about to undergo, changes in use incompatible with the purposes of the national river. Fee acquisition will be allowed only for visitor-use facilities, river access, historic interpretation, and preservation of the natural beauty of the Gorge. Easements only would be acquired over other lands.

There are other witnesses who have specific recommendations with regard to boundaries, land acquisition, and management policies which I know, Mr. Chairman, you and the committees will carefully consider. This bill contains the concept of a balance between protection for future enjoyment and present non-detrimental use and enjoyment. Whatever specific changes the committee makes, I believe this balance should be maintained.

The New National River would make West Virginia the home of a fine new national recreation area. Visitors from other States would be welcomed to share with us the excitement and pleasures of one of America's oldest natural wonders—The New River Gorge.

I would hope and urge that the committees take quick action to favorably report this legislation.

Senator ABOUREZK. Senator Randolph.

**STATEMENT OF HON. JENNINGS RANDOLPH, A U.S. SENATOR
FROM THE STATE OF WEST VIRGINIA**

Senator RANDOLPH. Thank you very much, Mr. Chairman. Your presence here today as chairman of the Subcommittee on Parks and Recreation of the Committee on Energy and Natural Resources is most important. Perhaps another important item to mention is your first-hand knowledge of the area as a former resident of West Virginia. Based on this and your expertise in the area I'm sure you agree this area should be protected.

The interest of Senator Hansen of Wyoming, who has come to this session, even though he cannot stay, is evidence of the subcommittee's dedication to this legislation.

There have been continued problems for the State of West Virginia, and we have always been given the opportunity to act jointly and to sit at this table, Senator Abourezk, with you and other members to discuss national issues, that have often had an impact on our State and our people.

Now, again, today there are those who have come to Washington, D.C., to be active participants in this very important hearing on the New River Gorge National River legislation.

Nick, I believe you and Congressman Staggers represent the district that this section of the New River Gorge is located, is that correct?

Mr. RAHALL. Yes, sir, that's correct.

Senator RANDOLPH. S. 2866 as introduced by Senator Byrd and me and Representatives Harley Staggers and Nick Joe Rahall addresses the protection of one of the most scenic and historically valuable areas of West Virginia and the Nation.

But this is not, as our friends from West Virginia know, and others who are present, the first attempt to protect the New River and the gorge. Mr. Maddy, your predecessor at the Fayette Plateau Chamber of Commerce and Jim Hess approached me in October 1972 with the genuine concern that the New River be preserved in all its beauty. In September 1974, I introduced S. 3975, a bill to designate the New River area a national park. Our efforts, however, were not successful. In October 1975, Senator Henry M. Jackson, the chairman of this committee, introduced by request S. 2577, to include the New River in the Wild and Scenic River System. I felt at that time, as I feel today, that wild and scenic designation, frankly, is not enough.

My efforts and support of protection for the New River did not stop there. In June 1977, with the assistance of the Fayette, Raleigh, and Summers County Commissions, the Coalition to Save the New River, the chamber of commerce, along with State representatives, such as Pat Hamilton and other concerned citizens of the New River area, I initiated a more determined drive to protect the New River resulting in S. 2866.

In our efforts to provide this vitally needed protection national river designation, a part of the National Park System, was seen as the most viable solution. This designation not only prevents encroachment upon the river and the gorge but also provides an acceptable

means of utilizing the river's valuable recreational resources. It is certainly well recognized that the New River offers some of the best fishing in the East, along with the excitement of running the rapids with experienced rafting outfitters. These are sports enjoyed by West Virginia's coal miner and area residents as well as visitors throughout the Nation.

Another of my concerns was the coal already determined to exist in the New River area. As a result, several studies were undertaken to insure not only the beauty of the area but also to provide an acceptable means of reaching one of the lifelines of West Virginia, its coal. In a report issued by the Department of Interior, it was stated that in a 58,000 acre area of the gorge, there is at least 2.6 million tons of accessible low-sulphur, low-ash coking coal. With this in mind, boundaries were drawn that will allow for the underground mining of this coal from entries outside the proposed area without obstructing or damaging the gorge.

The New River also boasts the longest arched suspension span in the world. This bridge, crossing the second oldest known river in the world, has added to the attraction of the New River, and has drawn tourists from all over the United States, as well as from other countries.

I will at this point say that construction of that bridge was accomplished through funds from the Appalachian Regional Commission, in the amount of 70 cents on each dollar spent with other moneys coming from the State of West Virginia.

Senate 2866 includes provisions for study and possible inclusion to the Wild and Scenic River System or the National River, the Blue-stone River, the Gauley River and its tributaries. I am considering, Mr. Chairman, proposing amendments that will allow for studies of the Greenbrier River and the segment of the New River from Fayetteville to Gauley Bridge.

A further amendment will be introduced to protect the present New River Gorge property owner. The language of this amendment will prevent condemnation by the Secretary of the Interior, of "improved properties," including homes, farms, and small businesses being used in a manner compatible with the purpose of this measure. The Secretary will, however, have the authority to acquire scenic easement within the boundaries of the New River.

In conclusion I say again to those who live in this area, our efforts must continue. We must protect the New River Gorge. Thank you Mr. Chairman.

Senator ABOUREZK. Thank you very much, Jennings, we appreciate your concern and your interest in this designation.

Senator RANDOLPH. Thank you.

Senator ABOUREZK. I would like to call now as our next witness Hon. David Hales—Jennings. We had hoped—David is Deputy Secretary of Fish, Wildlife, and Parks, and Mr. William Whalen, Director of the National Park Service.

Senator RANDOLPH. One moment, Mr. Chairman.

Senator ABOUREZK. I hope you will be able to stay here with us through this hearing.

Senator RANDOLPH. Thank you, Mr. Chairman.

Senator ABOUREZK. At least you are invited.

Senator RANDOLPH. I appreciate that very much, and we are trying to readjust my schedule to do that. You, of course, know we have conflicts, but I do have a priority of being here, and of course I want to. I wonder if I might interpose a question to Nick—

Senator ABOUREZK. May I make a brief announcement first?

Senator RANDOLPH. Yes.

Senator ABOUREZK. Senator Byrd was scheduled to come here this morning to be at the hearing and testify. He was called down to the White House this morning for a meeting with the President. And I questioned his priorities, very frankly. No, he really couldn't make it, but he wanted to, and he just couldn't be here at this time. But his statement has already been inserted in the record.

Senator RANDOLPH. Mr. Chairman, for the record, I would also add that I know Senator Byrd is equally concerned with protecting the New River Gorge.

Senator ABOUREZK. You don't expect any resistance on this legislation on the Senate floor, I might say, from the leadership.

Senator RANDOLPH. Well, the President went to the football game last night, so he's relaxed, I'm sure.

Senator ABOUREZK. Is he going to take credit for that? Nixon used to, you know.

Senator RANDOLPH. I do have a question that I would ask of Nick.

Senator ABOUREZK. Please do.

Senator RANDOLPH. Nick, I made the reference to the boundaries, would you list the counties that are in your district.

Mr. RAHALL. There are portions of it, as I said, that do flow through Raleigh County, which is in my congressional district. The largest portion of the New River George we're talking about designating as a national river, however is in Fayettee and Sommers County, Congressman Staggers' district.

Senator RANDOLPH. Thank you.

Senator ABOUREZK. David Hales, welcome to the committee, and you may go ahead and testify.

STATEMENT OF DAVID HALES, DEPUTY ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY WILLIAM WHALEN, DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR; AND DICK STANTON, REGIONAL DIRECTOR

Mr. HALES. Thank you, Mr. Chairman, good morning Congressman and Senator Randolph. We, Mr. Chairman—may I depart for one moment and say as a native Texan, I hope the President does not take credit for the Redskins' victory last night. But anyway, moving to the question—

Senator ABOUREZK. He has a juggling act to do, doesn't he?

Mr. HALES. Even in Washington there are higher priorities than the Redskins.

Senator ABOUREZK. What are those?

Mr. HALES. It is indeed, as I mentioned last time, a pleasure to be here on this particular bill. The administration recommends enactment of the bill with one minor amendment. Perhaps two, and we'll

communicate those to the staff. The bill would protect, Mr. Chairman, one of the most spectacular natural resources in the eastern part of the United States.

The Department of the Interior and the National Park Service have long recognized its beauty and its potential in this area to provide great recreational opportunities for millions of Americans. From its rushing white water and sheer rock falls, to the historic valleys that testify to pioneer strengths, the New River Gorge is a superlative part of the American heritage. That deserves the best protection from all of us.

Mr. Chairman, we realize that time is short and there are a number of people who have traveled substantial distance to testify before you this morning. Our position is, I hope, well known on this issue, and stated in our report to you which we sent up in April.

One amendment to that report, which deserves to be stated, Mr. Chairman, is concerning the map which was attached to the report. Following our initial report to both committees in April we met with officials of the State of West Virginia, and refined the boundaries, particularly in the vicinity of Fayetteville.

And additionally we have removed the exclusionary lines which surrounded the towns of Thurmond and Meadow Creek. And we point out also that the language of section 2(a) greatly restricts the authority of the Department to acquire lands within those and other cited communities.

There has been much concern for us, Mr. Chairman, in the matter of land acquisition, notably with reference to the Secretary's authority to condemn lands. Representatives of the National Park Service met with several of the locally interested citizens at a meeting chaired by Senator Randolph, personally in January of this year, and at this time we would like to reiterate what was said concerning eminent domain, and New River Gorge.

It is not our intention to needlessly acquire in fee all lands within the boundaries of the national river. It is our intention, as noted in the language of section 2, to preserve the historic and scenic quality of the gorge area, which brought it to our attention in the first place. The language of section 2 stresses less than fee acquisition wherever possible, and retention of use and occupancy right wherever that is possible.

Limited residential use of the gorge area today is an acceptable use, and absent an incompatible change in that use, we see no reason to acquire those lands not actually needed for visitor use facilities, and the other uses which are specified in section 2(b) of both bills before us.

Mr. Chairman, for those brief remarks, Director Whalen and Regional Director Dick Stanton and I would be glad to answer any questions which the committee may have.

Senator ABOUTREZK. Thank you, Mr. Hales, we appreciate your testimony. I do have some questions that we've prepared in advance, and I would like to propound them and get them on the record. In section 2, the authority of the Secretary to acquire lands within certain communities is suspended.

Do you interpret this to include communities or improvements located in the general vicinity of those specified communities or only those actually within the community boundary lines?

Mr. HALES. Senator, there are only several communities within the gorge that have an established boundary line. There are a number of communities which do not, and we anticipate that those boundaries would be established as part of the general management plan process that would be done in full consultation with those who live in the area.

Senator ABOUREZK. Section 2(c) defines improved property to include detached, single family dwellings, and property developed for agricultural uses. What status will commercial and small business properties located within the area be given?

Mr. HALES. For those, Senator, which are within the incorporated areas, they will continue as they now are, and for those which are not within incorporated areas, and would refer you specifically again to the language of 2(b), and our attempt to acquire land only for those purposes enumerated and in almost every instance the businesses located there can continue doing business as they now are.

Senator ABOUREZK. Although the northern boundary for the national river begins near Fayetteville, would you support a study provision within this measure to consider an extension of the north boundary to Gauley Bridge?

Mr. HALES. Yes, Senator, and that can very easily be done as part of the general management plan process.

Senator ABOUREZK. Would you support the inclusion of the Greenbrier River for study as a potential addition to the Wild and Scenic River System in support of the national river system?

Mr. HALES. The Heritage Conservation and Recreation Service is at this time doing a fairly broad scale search for rivers which might have potential for applying, and we would have no objection to a specific study of the Greenbrier.

Senator ABOUREZK. In your estimation, does the Secretary have adequate authority in this bill to insure consistent flow of water from Bluestone Lake to facilitate protection of resources, recreation use as well as safety of the visitors within the national river?

Mr. HALES. Yes, sir.

Senator ABOUREZK. Senator Randolph, do you have any questions?

Senator RANDOLPH. Thank you very much, Mr. Chairman. Secretary Hales, you are speaking of the survey also of the Greenbrier River. This causes me, for the purpose of the record, to indicate that West Virginia very accurately in some degree has been referred to as the State of the mother of rivers.

And not too many people realize that the Potomac River, where does it begin? Where does it begin, sir?

Mr. HALES. Senator, in West Virginia.

Senator RANDOLPH. It begins in West Virginia, naturally, and so it is true that these rivers, that their origins are in the uplands, and they are very important and the reason I mentioned it, I look toward the addition of the Greenbrier, and possibly there might be another river that could even be included.

But, we do know how much these rivers have helped in connection with the only national park that we have in West Virginia, the Harpers Ferry National Historical Park. It is on a branch of the Potomac, of course, and the Shenandoah River. They meet there through that beautiful area.

And we emphasize today that at the time I had introduced the legislation for the National Historic Park at Harper's Ferry, there was really no idea of the value that that could be, not only in the preservation programs, but the heritage and the history associated with this section. There is no real appreciation of really how much we need these areas for the recreation, and for the change of pace of millions of people who live in the cities of our country.

I remember so very well a hearing that we had in Harper's Ferry, and I had used the term that when the park was established and the facilities were there, that we could anticipate 1 million visitors, and there was no feeling that that could come about.

We've had at Harper's Ferry Park over 1 million visitors in several of the years. Particularly the year of the Bicentennial. And so, I think we cannot underestimate, Mr. Chairman, when we do something like this, that we are benefiting really hundreds and hundreds of thousands of persons who are really anxious to come from metropolitan areas of America and to see, to use, and to frankly strengthen themselves mentally and physically by a park such as would be created here.

Now, do you share that belief? Is it important that the record show it? Because oftentimes we deal just with boundaries, and what we are going to do, but I think there is a lift there to the people of America, as an industrial nation, to have these areas, and to have them used by the men and women and families of our world.

Mr. HALES. Senator, we share that sentiment fully and perhaps that is the core of the truth which is in the word we use, we pronounce recreation, but can also be pronounced re-creation. And it gets to the point that I believe you are making. And as one who lives in this metropolitan area, and who loves to get to West Virginia whenever possible to enjoy the fruits of your labors in Harper's Ferry, and will in the future with New River Gorge, we share fully those sentiments. And it is important that they be expressed.

Senator RANDOLPH. I thank you, Mr. Secretary. Now, we have been wondering what would be the amount of what we call public involvement in the land management program for the New River.

Mr. HALES. Director Whalen.

Mr. WHALEN. Senator, I am very pleased that this has come up so that we could make it a matter of record here since we have so many people from West Virginia here. We in the Park Service pledge that we will be deeply involved in all of the communities, as well as the region there, and public involvement not only in developing the broad objectives and later on the general management plan, but also in developing that land use, or the purchasing plan that we need to bring back to the Congress within 2 years after enactment.

So we will be going in very quickly, as soon as the legislation is passed, and talking to all of the residents in trying to get a general idea of where we should be going. And then come back to them again with their ideas about what we think we heard them say, and we will begin from that point.

Senator RANDOLPH. Well, you've cleared that matter, which is a major concern, and do you have this problem recurring on other projects of this kind?

Mr. WHALEN. Senator, we have had this problem historically. Years ago, we didn't consult the public enough, and we found out that we didn't get the plans that were completed and we had a lot of problems.

But we have started an extensive program, nationwide, to consult the public, prior to the development of a plan.

And we find that our plans are much better because collectively we and the residents of the areas, as well as the region, can generally come up with a much better plan than we alone could do.

Senator RANDOLPH. Well, I think that that is valuable. Now we've had that in our Committee on the Environment and Public Works so many times in projects, and there is a lot of criticism, especially of the U.S. Corps of Engineers. But of recent years especially we've been urging that in connection with the projects to carefully consider the opinions of the people who would be involved, and hold hearings, not one or two, but many hearings, and give an opportunity for people to be heard.

Because it is much better when building any project to act, I think, in a way that takes people into our confidence before the fact, rather than after the fact. And this does happen in many phases of construction, and the creation of public domain. Is that correct?

Mr. WHALEN. That has happened to people before, yes, Senator.

Senator RANDOLPH. Thank you, very much, Mr. Chairman.

Senator ABOUREZK. Congressman Rahall.

Mr. RAHALL. Thank you, Mr. Chairman. I want to commend you on your excellent testimony, Mr. Hales. I have one question which concerns me. As you know, the Secretary is given the right in this bill to acquire lands, whether it be by donation, transfer, or exchange. We are authorizing \$20 million in this bill for such acquisition. I'm wondering if you believe that is a sufficient amount or should there be increased amounts for such acquisition?

Mr. HALES. Congressman, we believe that is sufficient, and we will address that fully and in detail in the land acquisition plan, which we will bring back to the Congress as required by the bill, within 2 years, I believe.

Mr. WHALEN. Two years after enactment.

Mr. HALES. But it is our belief \$20 million would be sufficient.

Mr. RAHALL. In that plan you would submit to us in 2 years you would have detailed the amounts of money you would need?

Mr. HALES. We would be, as I understand, acquiring land during that interim, but we will also be bringing back to you as part of the general management plan, detail statements, on which land would be acquired, and Congressman, should there be a need for additional funds, I think that would be the point where we could address it most specifically.

Mr. RAHALL. And one more question. In section 4, the Secretary on his own initiative, or at the request of any of the local governments having jurisdiction over the land located in or adjacent to the Gorge area, shall consult with local officials on zoning, laws, ordinances, and so forth. I'm wondering if you could define for the record what is referred to by land located in or adjacent to the Gorge area?

Mr. HALES. I think the intent of this provision, Congressman, is for us to become in a very real sense partners in the family of people that live in that area. As Senator Randolph and Director Whalen have indicated, we will be spending tax dollars paid by people in this area. And as we do that we would like to, not in an intrusive way, but in a helpful way, make whatever resources we have available in terms of zoning advice, in terms of technical expertise available on call to the

people in the area, or immediately adjacent to the area, which would experience perhaps impact in the future from our actions, your actions here today, and our actions subsequently.

Mr. RAHALL. There is no definition of the boundary of that adjacent area?

Mr. HALES. No, Congressman, there is not. That, I think, would be a matter of commonsense in determining where we would be helpful for all of us. And that is the intent of this proviso, and it would be our intent to carry it out.

Mr. RAHALL. Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you, very much, Secretary Hales, Mr. Stanton, and Mr. Whalen.

Our next witness is Mr. David Fox of Ansted, W. Va. We would like to welcome you to the committee hearing, Mr. Fox. If you are prepared to begin your testimony, go right ahead.

STATEMENT OF DAVE FOX, ANSTED, W. VA.

Mr. Fox. Thank you, Senator. Senator Abourezk and Congressman Rahall, and Senator Randolph, ladies, and gentlemen, I would like to express a deep appreciation to the subcommittee for allowing me to comment on this important legislation. My remarks on this subject will not be long. Before I begin I have a couple of photographs I would like to hand you if I might, sir.

I didn't have much time to prepare this.

[Photographs offered to the subcommittee.]

Senator ABOUREZK. You don't have a picture of the suspension bridge, do you?

Mr. Fox. No, sir, not on me. I'm dealing with the section on the Gorge.

Senator ABOUREZK. You may go ahead and testify.

Mr. Fox. Thank you, sir. My name is Dave Fox, I'm from Ansted, W. Va., and I live approximately 1 mile from the New River Gorge in Fayette County. I am one of the three democratic nominees for the West Virginia House of Delegates from Fayette County. Although I am not here as a politician, this has really nothing to do with State legislation, but I have come to Washington for the very sense of urgency to express the concern of many West Virginians who love and respect the New River Gorge, regarding one particular aspect of Senate bill 2866, and House bill 12001.

To begin with, I want to express my support before I go any further for the concept of assigning national river status to the gorge. That portion of the gorge outlined in the bill. My purpose in appearing before you today, however, is to emphasize what myself and many in our community feel is a tremendous defect in these two bills.

Neither of these bills would give national river status to our relatively small, yet very spectacular section of the New River Gorge. This region is commonly referred to as the Hawks Nest area, and runs just west of the New River Gorge Bridge, approximately 8 miles to the confluence of the New and the Gauley River.

Why is this section of the New River Gorge so special? Well, please keep in mind that the New River terminates where it joins the Gauley to form the Kanawha River. This is also the natural stopping place for the New River Gorge itself. This legislation as it stands now

would give the New River national river status, beginning at Kates Branch, and continuing westward, approximately 60 miles to a point six-tenth of a mile west of the New River Gorge Bridge.

It is just at that point, right in the heart of one of the most spectacular regions of the Gorge, after 60-long miles, and only 7 miles from the end of the New River Gorge itself, the proposed National River status is arbitrarily terminated under the provisions of this legislation.

It is hard to understand why this is so. The Hawks Nest area of the New River Gorge not only is compatible with the criteria for national river status, being applied to the 60-mile stretch of the New River currently included in these bills, but one could argue persuasively, I think, that the Hawks Nest area epitomizes those ideals.

This area, from the New River Gorge Bridge to the Gauley River covers some of the most beautiful scenery, some of the most rugged and undeveloped territory, some of the most dramatic evidence of geological history, some of the steepest canyon walls, some of the most awe inspiring sandstone cliffs, I might add some of the best fishing to be found in the entire New River Gorge.

If I can ask why the Hawks Nest area was not included in this bill, and you might ask me conversely why it should be included, well let me just say briefly that first I think the Hawks Nest area of the Gorge should be included in this legislation for the very same reasons that the other 60-mile area of the New River Gorge is also included.

Second, it would seem only logical to do so. Why stop after 60 miles, in the middle of a gorge, and only 7 or 8 miles from its natural point of termination.

Third, almost all of the Hawks Nest region is unimproved, rugged, steep woodland owned by a few large concerns. Therefore, I think giving this area national river status would entail very little disruption of the population, or require a great amount of rehabilitation.

Four, approximately one-half of this Hawks Nest region is already accessible to viewing by the public, since U.S. Route 60, the major highway in this area, borders much of the canyon run. The thousands of citizens from all over this country have stopped and gazed out over the gorge from the overlook at Hawks Nest. There is testimony to the splendor and the value of this new section of the New River Gorge.

In closing, I wanted to thank the subcommittee for allowing me to testify. I am very glad and honored to have the opportunity as a citizen to come to Washington, and give my comments on this legislation. I cannot urge you strongly enough to amend this legislation, to include the Hawks Nest region in the boundary of the national river and the New River Gorge. Thank you very much.

Senator ABOUREZK. Thank you very much, Mr. Fox.

Senator RANDOLPH. May I just add, is there, Mr. Chairman, any reason why this study of the area could not include another area, a continuing area, that Mr. Fox advocates here today, being inclusive. Are there any here from the Federal Government, who could comment on that?

Senator ABOUREZK. I think the Park Service has pulled up their stakes and left. But I think we can get an opinion from them very quickly.

Senator RANDOLPH. Yes, Mr. Chairman, I think that Senator Byrd and Congressman Rahall, all of us would want to know how much that would mean in the way of cost, and how much it would entail. It does not seem to me it would be an idea that could hopefully not become a part of this study.

Mr. Fox. If I can make one more comment, the bill is 60 miles, and I'm only talking about 7 or 8 miles, Senator.

Senator ABOUREZK. Thank you very much.

[The prepared statement of Mr. Fox follows:]

STATEMENT OF DAVE FOX, ANSTED, W. VA.

I would like to express my deep appreciation to the subcommittee for allowing me to comment on this important legislation. My remarks on this subject will not be long.

My name is Dave Fox. I'm from Ansted, W. Va. and I live approximately one mile from the New River Gorge in Fayette County. I am one of the three democratic nominees for the W. Va. House of Delegates from Fayette County. I have come to Washington with a sense of urgency to express the concern of many West Virginians who love and respect the New River Gorge regarding one particular aspect of Senate Bill 2866 and House Resolution 13001.

First, I want to express my support for the concept assigning national river status to a large portion of the New River Gorge in West Virginia.

My purpose in appearing before you today, however, is to emphasize what myself, and many in our community, feel is a *tremendous defect* in these two bills.

Neither of these bills would give national river status to a relatively small, yet very spectacular, section of the New River Gorge. This region, commonly referred to as the Hawks Nest area, runs just west of the New River Gorge Bridge approximately eight miles to the confluence of the New and the Gauley Rivers.

Why is this section of the New River Gorge so special?

Please keep in mind that the New River terminates where it joins the Gauley to form the Kanawha River. This is also the natural stopping place for the New River Gorge. This legislation, as it stands now, would give the New River national river status beginning at Kates Branch and continuing westward approximately 60 miles to a point 0.6 mile west of the New River Gorge Bridge.

Just at that point, right in the heart of one of the most spectacular regions of the Gorge, after 60 long miles, and only seven miles from the end of the New River, the proposed national river status is *arbitrarily terminated* under the provisions of this legislation.

It is hard to understand why this is so.

The Hawks Nest area of the New River Gorge not only is as compatible with the criteria for national river status being applied to the 60 mile stretch of the New River currently included in these bills, but one could argue persuasively that the Hawks Nest area *epitomizes* those ideals.

This area, from the New River Gorge Bridge to the Gauley River, offers some of the most beautiful scenery, some of the most rugged and undeveloped territory, some of the most dramatic evidence of geological history, some of the steepest canyon walls, some of the most awe-inspiring sandstone cliffs, and, I might add, some of the best fishing to be found in the entire New River Gorge.

The only reason I have been able to ascertain for not including the Hawks Nest area in these bills is that to do so would cost too much. Yet, to my knowledge, no cost studies have been done on this section of the Gorge as it relates to national river status. If one were to divide the \$20,000,000 price tag for the proposed legislation by 60 (for the number of miles of river included in those bills) and apply that figure, roughly \$330,000 per mile, to the Hawks Nest area, one would arrive at a cost of approximately \$2.6 million.

If this can be taken as a rough estimate, it would not appear to be too high a price to pay for such a tremendous natural resource, especially in light of the overall cost of this project. By way of contrast, it is interesting to note that the New River Gorge Bridge alone cost approximately \$33,000,000.

If I can ask why the Hawks Nest area *was not* included in these bills, you could ask, conversely, why it *should be* included.

First, I think the Hawks Nest area of the Gorge should be included in this legislation for the same reasons other sections of the Gorge are being considered.

Secondly, it would seem only *logical* to do so. Why stop, after 60 miles, in the middle of the Gorge and only seven or eight miles from its natural boundary?

Third, almost all of the Hawks Nest region is unimproved, rugged, steep woodland owned by a few large concerns. Therefore, giving this area national river status would entail very little disruption of population or require a great amount of relocation.

Fourth, approximately one half of this Hawks Nest region is already accessible to viewing by the public since U.S. Rt. 60, the major highway in this area, borders much of the canyon rim. The thousands of citizens from all over the country who stop and gaze out over the Gorge from the overlook at Hawks Nest State Park is testimony to the splendor and value of this section of the New River Gorge.

In closing, I want to thank the subcommittee for allowing me to testify. I can not urge you strongly enough to amend this legislation to include the Hawks Nest region in the boundaries of the national river in the New River Gorge.

Thank you very much.

Senator ABOUREZK. I would like to ask the next three witnesses to come up together and sit together at the table as sort of a panel. Mr. Willis Hertig, Jr., deputy director, parks and services, West Virginia Department of Natural Resources; Mr. Douglas Maddy, executive director of Fayette Plateau Chamber of Commerce, Fayetteville; and Mr. James Watkins III, chairman, Coalition To Save the New River.

I would like to welcome all of you to the committee hearings and I would like to ask Mr. Hertig to begin testifying first.

STATEMENT OF WILLIS HERTIG, JR., DEPUTY DIRECTOR, PARKS AND SERVICES, WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES

Mr. HERTIG. Thank you, Mr. Chairman, Congressman Rahall, and Senator Randolph. I would like to emphasize that the West Virginia Department of Natural Resources, because of its conservation and presentation mission, supports the intent and purpose of the House and Senate bills to establish the New River Gorge as an national river.

It does seem clear to us from our evaluation that the impact of the proposed legislation bears rather heavily on the socioeconomic parameters which fall outside the purview of the Department of Natural Resources. Nonetheless, there are some points which raise concerns. And I assume these take the form of suggested amendments.

One of the major impacts that we anticipated would center on our State park, camping, and lodging facilities in the area of the national river. We would expect the load on our present facilities to dramatically increase and our concern here in whether the taxpayers of the State of West Virginia can bear the burden alone of expanding facilities to meet the expected demand.

Another point relates to the language of the bill, which permits the Secretary to establish hunting, fishing, and trapping. We certainly feel that establishing zones is appropriate, however, we feel that we are probably in the Department of Natural Resources, perhaps in a tough position to determine the timeliness.

Another general sort of concern has perhaps, other than general, perhaps it is specific. We would like to suggest an amendment, I suppose, which in section 5, paragraph A, would delete where the sub-

surface of the State is not federally owned. This would refer to surface mining on the area, and we are suggesting that the last part of that sentence be deleted.

Senator RANDOLPH. I couldn't hear you, Mr. Hertig.

Mr. HERTIG. The last part of that sentence, and if I may read it, "notwithstanding any other provision of law, no surface mining, of any kind shall be permitted on federally owned lands within the boundary of the national river."

Where the subsurface of the State is not federally owned we are proposing to drop off where the subsurface of the State is not federally owned. Another concern which really falls outside of the purview of the Department, but it does seem to be an important issue, we feel that the zoning, that is promulgated between the Secretary and local governmental units, and certainly we approve, we feel that the language read to cover the boundary, or land within the boundary of the national river, which would change it as it is now. It is referred to in or adjacent, in or adjacent, or vicinity. And we would like to see it—we would like to substitute boundary rather than in or adjacent.

The Department of Natural Resources does hold some properties within the proposed boundary of the national river and to demonstrate the Department of Natural Resources' good faith, we would seriously consider making recommendations to the West Virginia State Legislature that certain of these properties be donated to the Department of the Interior as provided in the bill.

I would like to take the opportunity to thank this joint subcommittee for permitting me to testify, and I feel that this legislation is of extreme importance to the State of West Virginia, and to the people of this Nation. Thank you.

Senator ABOUREZK. Thank you Mr. Hertig.

[The prepared statement of Mr. Hertig follows:]

STATEMENT OF WILLIS HERTIG, JR., DEPUTY DIRECTOR, PARKS AND SERVICES,
WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES

The West Virginia Department of Natural Resources, because of its conservation and preservation mission, supports the intent and purpose of the House and Senate bills to establish the New River Gorge National River. It is clear to us from our evaluation that the impact of the proposed legislation bears heavily on socio-economic parameters which fall outside the purview of the Department of Natural Resources. Nonetheless, there are some matters which concern us should the bills be passed. Specifically:

1. One of the major impacts we anticipate would center on our State park camping and lodging facilities in the vicinity of the National River. We would expect the load on our present facilities to dramatically increase. Our concern, of course, is whether the taxpayers of West Virginia can bear the burden alone of expanded facilities to meet the expected demand.

2. Another concern of the Department relates to the wording in section 6, line 16. We feel that it should be the prerogative of the Department of Natural Resources to establish times for hunting, fishing and trapping. We, therefore, suggest that the section be reworded as follows: "The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the New River Gorge National River in accordance with applicable Federal and State laws, except that he may designate zones where no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment."

3. Another concern is with the wording in section 5, paragraph (a). We would recommend that the first sentence be altered to read as follows: "Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on federally owned lands within the boundary of the national river."

4. There is one issue which falls outside the purview of the Department of Natural Resources which needs to be raised. It is our opinion that section 4 should be amended to read, "The Secretary shall on his own initiative, or at the request of any local government having jurisdiction over land located within the boundary of the New River Gorge National River, assist and consult with the appropriate officials and employees of such local government in establishing zoning laws or ordinances which will assist in achieving the purposes of this Act. In providing assistance pursuant to this section, the Secretary shall endeavor to obtain provisions in such zoning laws or ordinances which—

(1) have the effect of restricting incompatible industrial and commercial use of all real property within the boundary of the New River Gorge National River Area;

(2) aid in preserving the character of the Gorge area by appropriate restrictions on the use of real property within the boundary, including, but not limited to restriction upon * * *.

As presently written, the bill is only concerned with getting zoning laws or ordinances adopted to protect land in or adjacent to the Gorge area. By encouraging the adoption of local zoning ordinances for all land within the boundary of the New River Gorge National River area, future incompatible land use practices can be prevented, thus preventing the need for condemnation and purchase of such properties by the Federal Government.

The Department of Natural Resources does hold properties within the proposed boundaries of the National River. To demonstrate the Department of Natural Resources' good faith, we would seriously consider making recommendations to the West Virginia State Legislature that certain of these properties be donated to the Department of the Interior as provided in the proposed bills.

I would like to take this opportunity to thank this Joint Subcommittee for affording me the opportunity to testify this morning on legislation which is of great importance to the State of West Virginia and the Nation.

Senator ABOUREZK. Mr. Douglas Maddy.

Senator RANDOLPH. Would you rather, Mr. Chairman, wait for the presentation of the testimony before asking questions?

Senator ABOUREZK. Yes; then we can ask them as a panel.

Senator RANDOLPH. Thank you.

STATEMENT OF DOUGLAS MADDY, EXECUTIVE DIRECTOR, FAYETTE PLATEAU, CHAMBER OF COMMERCE, FAYETTEVILLE, W. VA.

Mr. MADDY. My name is Doug Maddy, I'm executive vice president of the Fayette Plateau Chamber of Commerce, I'm also here representing the Mountain Air Travel Council. We certainly appreciate the invitation of this joint committee to give our testimony on this piece of legislation, which we feel will affect our area of southern West Virginia as much as any legislation in recent years.

The economic and ecological significance of this bill cannot be overstated. There are others here today who will speak to the historical significance and magnificence of the New River Gorge and the New River. Representing the business community of the Fayette Plateau area, I will leave these remarks and rather emphasize the potential for economic diversity and prosperity that this designation will inevitably mean.

A few facts. Governor Rockefeller set a goal of \$1 billion in West Virginia by 1980. Currently it is estimated that renting on the New River this year will be a \$2½ million industry. And that excludes meals, lodging, and gasoline. Traffic projections for corridor L over the New River Gorge Bridge last October were 5,000 per day.

In less than a year these projections have been tripled, and there are over 100,000 autos per week crossing the new bridge. These figures are expected to leap again substantially once corridor L is completed,

to I-77 and I-64, which is scheduled to be completed by July 1980. It is estimated that the national river designation will in and of itself attract over 1 million additional tourists to the first year of its enactment.

We in southern West Virginia are diversified in our economy, and travel and tourism will be of tremendous economic importance to Fayette and the surrounding counties. There is no single event which could trigger this economic development so significantly as can the passage of Senate bill 2866 and House bill 12001.

Now to address a few specific points in the legislation. First, and probably the most important thing is the time for passage now. There is currently mining and timbering taking place within the New River Gorge, there is absolutely no reason to delay preservation of the New River Gorge. Delay can only result in a greater cost, and further damage. If there is any way feasibly possible it would also be very desirable, and it is the position of the chamber of commerce that the boundaries of the national river be extended to the confluence of the Gauley River at Gauley Bridge.

As has been pointed out today, it is some of the most scenic and accessible area of the New River Gorge lying between the New River Gorge Bridge and Gauley Bridge. Third, the Fayette Plateau Chamber of Commerce does support, indeed commends the initiative of the whitewater outfitters, and their recommendations for limiting the number of commercial passengers being permitted on the national river to a maximum of 960 per day.

Part of the beauty of the New River is its free flowing status, and it wouldn't be free flowing with bumper to bumper raft traffic. It is also our feeling in this regard that noncommercial boating be permitted within the boundaries of the national river without restrictions. Four, the chamber does support the principle of a regulated minimum and maximum flow on the New River within the national river boundaries, for very important environmental reasons as well as for commercial reasons.

Inasmuch as it would allow land maximum, efficient usage by the licensed outfitters. We say we support in principle the concept of a minimum and maximum flow. The reason that the chamber does not embrace 100 percent the specific controlled flow of 3,500 cubic feet per second to 15,000 cubic feet per second as recommended by the licensed outfitters, is that we have not heard opposing arguments, and have not heard the specific, technical information on the subject.

Finally, having met with leaders and citizens of Fayette County on many occasions, and as recently as yesterday, I can testify to this committee that the support for this bill is strong and the support is unified, with all the groups to save the gorge. And thank you very much.

Senator ABOUREZK. Thank you very much.

[The prepared statement of Mr. Maddy follows:]

STATEMENT OF DOUGLAS MADDY, EXECUTIVE DIRECTOR, FAYETTE PLATEAU, CHAMBER OF COMMERCE, FAYETTEVILLE, W. VA.

We certainly appreciate the invitation of this joint committee to give testimony on this piece of legislation which we feel will affect our area of southern West Virginia as much as any legislation in recent years. The economic and ecological significance of this bill cannot be over stated.

There are others here today who will speak to the historic significance and magnificence of the New River Gorge. Representing the business community of the Fayette Plateau area I will leave those remarks and that this destination will inevitably mean.

Governor Rockefeller has set a goal of \$1 billion in tourism in West Virginia by 1980.

Currently, it is estimated that rafting on New River, this year will be a \$2½ million industry excluding meals, lodging and gasoline.

Traffic projections for Corridor L over the New River Gorge bridge were 5,000 per day. In less than a year these projections have been tripled and there are over 100,000 autos per week crossing the new bridge. These figures are expected to leap substantially once Corridor L is connected to 1-77 and L-64, scheduled July, 1980.

It is estimated that the National River designation will in of itself attract over 1 million tourists the 1st year.

We, in southern West Virginia, are diversifying our economy and travel and tourism will be of tremendous economic importance to Fayette and surrounding counties. There is no single event which could trigger this economic development so significantly as can the passage of Senate Bill 2866 and House Bill 12001.

Now to address some specific points of the legislation :

1. The time is for passage now. There is currently mining and timbering taking place within the New River Gorge. There is absolutely no reason to delay preservation of the New River Gorge. Delay could only result in a greater cost and further damage.

2. If there is any way feasibly possible, it would be most desirous and is the position of the Chamber of Commerce that the boundaries of the National River be extended to the confluence of the Gauley River at Gauley Bridge. Some of the most scenic and accessible area of the New River Gorge lie between the New River Gorge bridge and Gauley bridge.

3. The Fayette Plateau Chamber of Commerce does support, indeed commends, the initiative of the whitewater outfitters in their recommendation for limiting the number of commercial passengers to be permitted on the National River to a maximum of 960 per day. Part of the beauty of the New River is it's free-flowing state and it wouldn't be the same free-flowing state with bumper-to-bumper raft traffic.

It is also our feeling that non-commercial boating should be permitted within the boundaries of the National River without restrictions.

4. The Chamber does support the principal of a regulated minimum and maximum flow on the New River within the National River boundaries for very important environmental reasons as well as for commercial reasons, inasmuch, as it would allow planned, maximum efficient usage by the licensed outfitters.

We say we support in principle the concept of a minimum and maximum flow. The reason that the Chamber of Commerce does not embrace the specific controlled flow of 3,500 cubic feet per second to 15,000 cubic feet per second as recommended by the licensed outfitters is that we have not heard the opposing arguments and have not heard the specific, technical information the subject.

Finally, the lack of representation at this hearing is in no way indicative of support for this legislation. It is rather an indication of the extremely short notice given the concerned people in Fayette County.

Having met with the leaders and citizens of Fayette County on many occasions and as recently as yesterday, I can testify that the support for this bill is strong and the support is unified. With all groups the message is the same, "Save the Gorge."

Thank you.

Senator ABOUREZK. Mr. Watkins.

STATEMENT OF JAMES H. WATKINS III, CHAIRMAN, COALITION TO SAVE THE NEW RIVER

Mr. WATKINS. Thank you, Mr. Chairman. Mr. Chairman, distinguished Members of the U.S. Senate and House of Representatives, I wish to express my gratitude in having the opportunity to address this joint committee hearing on the New River George National River bills. I am chairman of the Coalition To Save the New River, I am

also vice president of the National Committee for New River, based in Winston-Salem, N.C., and the first vice president of the West Virginia Division of the Izaak Walton League of America. I reside at Beckley, W. Va., home of Congressman Rahall.

I was fortunate enough to be present at the White House Rose Garden on September 11, 1977, when former President Gerald Ford signed the New River bill, extending national wild and scenic river protection for 26½ miles of the New River in North Carolina. For most concerned citizens of this country this new event signified that into a 14-year effort to preserve the New River.

For those of us in West Virginia, however, this was only phase one. The head waters of the New River are now protected, but not the gorge, which is truly a natural national treasure. Most people believe that there are three grand canyons in this country; the Grand Canyon in Arizona, the Waimea Canyon on the Island of Kauai, in Hawaii, called the Grand Canyon of the Pacific Ocean, and the New River Gorge in West Virginia, considered by most as the Grand Canyon of the East. Both the Grand and Waimea Canyons have been preserved for future generations. It would be a tragedy for the New River Gorge to go unprotected and be lost by mankind. The gorge needs protection now.

In addition to its natural beauty and rich history of the New River Gorge, the river is the oldest in the United States, second oldest in the world. Only the Nile is older. This river supplies one of the highest quality fisheries of any stream in the Eastern United States. Stretches of the beautiful canyon stream provide some of the best white water in the country.

Rivaled only by streams such as the Colorado River, this grand river is of high quality water, relatively free of pollution. For these reasons the New River qualifies for scenic river classification. The local governing bodies of the counties affected by this legislation have expressed support of the New River Gorge national river.

The West Virginia Legislature has resolved, "memorializing the Congress of the United States to enact legislation to preserve the natural beauty and quality of the New River area in West Virginia." In addition, the Department of the Interior and the administration have endorsed this bill. The National Committee for the New River, the Izaak Walton League of America, and various civic and social organizations have called for passage of both New River Gorge national river bills.

I would like to point out one error in the proposed legislation, however. In section 8 it calls for amending the Wild and Scenic Rivers Act to provide for study of two principal tributaries of the New River in West Virginia, the Bluestone River and the Gauley River for potential addition to the system. The Greenbrier River is a principal tributary of the New River, not the Gauley.

The Gauley and the New Rivers join up to make up the Great Kanawha River. I would like to point out that the U.S. Corps of Engineers and their Kanawha River comprehensive basis study recommended wild and scenic river study for the Greenbrier River as far back as June 1971. We are not against including the Gauley River in the study, we hope you will.

However, we feel it is imperative to include the Greenbrier River in the study. According to the West Virginia Department of Natural Resources stream survey, the Greenbrier River, if compared to most of West Virginia's larger streams is relatively free of pollution, and offers some of the best stream fishing scenic flow trips in the State.

We urge you to amend section 8 to include the Greenbrier River. Now, I might point out that the amendments offered by Senator Randolph appear here, and also the previous testimony concerning the additional boundaries, also are included in this. I want to come away from my text just a minute.

By passing this legislation the Congress has a unique opportunity, no new free flowing streams are being created while more and more streams are being inundated with impoundments. You have the opportunity to protect one of God's most unique and increasingly rare creations, a free flowing stream. I hope you will take advantage of this opportunity and pass Senate bill 2866, and House bill 12001. Thank you, sir.

Senator ABOUREZK. Thank you very much. I would like to thank all the witnesses.

[The prepared statement of Mr. Watkins follows:]

STATEMENT OF JAMES H. WATKINS III, CHAIRMAN, COALITION TO SAVE THE NEW RIVER

Mr. Chairman and distinguished members of the United States Senate and House of Representatives, I wish to express my gratitude in having the opportunity to address this Joint Committee Hearings for the New River Gorge National River Bills (S. 2866 and H.R. 12001).

I was fortunate enough to be present in the White House Rose Garden on September 11, 1976 when former President Gerald Ford signed the New River Bill extending National Wild and Scenic River protection to twenty-six and a half miles of the New River in North Carolina. For most concerned citizens of this country, this event signified an end to a fourteen year effort to preserve the New River. For those of us in West Virginia however, this was only phase one. True, the head waters of the New River are now protected, but not the Gorge which is truly a natural national treasure.

Most people believe that there are three Grand Canyons in this country. The Grand Canyon in Arizona, the Waimea Canyon on the Island of Kauai in Hawaii called the Grand Canyon of the Pacific Ocean, and the New River Gorge in West Virginia considered by most as the Grand Canyon of the East. Both the Grand and Waimea Canyons have been preserved for future generations. It would be a tragedy for the New River Gorge to go unprotected and be lost by mankind. The Gorge needs protection now.

In addition to its natural beauty and rich history of the New River Gorge, the river is the oldest in the United States, second oldest in the world (only the Nile is older). This river supplies one of highest quality fisheries of any stream in the eastern United States. Stretches of the beautiful canyon stream provide some of the best white water in the country, rivalled only by streams such as the Colorado River. This grand river is of high quality water, relatively free of pollution. For these reasons, the New River qualifies for scenic river classification.

The local governing bodies of the counties effected by this legislation have expressed support of the New River Gorge National River. The West Virginia Legislature has resolved, quote, "Memorializing the Congress of the United States to enact legislation to preserve the natural beauty and quality of the New River Gorge area in West Virginia", unquote. In addition the Department of the Interior and the Administration have endorsed the bills.

The National Committee for the New River, the Izaak Walton League of America, Inc., and various civic and social organizations have called for passage of both New River Gorge National River Bills.

I would like to point out one error in the proposed legislation. In Section 8 it calls for amending the Wild and Scenic Rivers Act to provide for study of two principle tributaries of the New River in West Virginia, the Bluestone River and the Gauley River for potential addition to the system. The Greenbrier River is a principle tributary of the New River not the Gauley. The Gauley and the New Rivers join to make up the great Kanawha River.

I would like to point out that the U.S. Corps of Engineers in their Kanawha River Comprehensive Basin Study recommended Wild and Scenic River study for the Greenbrier River as far back as June, 1971. We are not against including the Gauley River in the study, we hope you will, however we feel it is imperative to include the Greenbrier River in the study. According to the West Virginia Department of Natural Resources' "Stream Survey", the Greenbrier River, if compared to most of West Virginia's larger streams, is relatively free of pollution and offers some of the best stream fishing and scenic float trips in the state. We urge you to amend Section 8 to include the Greenbrier River.

By passing this legislation, the Congress has a unique opportunity. No new free flowing streams are being created while more and more streams are being inundated with impoundments. You have the opportunity to protect one of God's most unique and increasingly rare creations, a free flowing stream. I hope you will take advantage of this opportunity and pass S. 2866 and H.B. 12001.

Thank you.

Senator ABOUREZK. Now, we will ask Senator Randolph if he wants to ask some questions.

Senator RANDOLPH. Thank you, Mr. Chairman, very briefly. Mr. Hertig, I have had the opportunity to talk about this program, and I think that David has intense interest to develop this area. Is that correct?

Mr. HERTIG. Yes, sir.

Senator RANDOLPH. I think we are fortunate that you and others identified with the decisionmaking in that park. I felt that this is important, and hopefully one that can be determined at an early date by the Congress. Is that correct?

Mr. HERTIG. Yes, sir.

Senator RANDOLPH. Now, does the State of West Virginia have plans for that area which surrounds the State park? You remember you spoke of the possibility of private development, adjacent, and whether the State would have the financing, really, the base—

Mr. HERTIG. I'm sorry, Senator, I was referring to Babcock State Park and Twin Falls State Park, existing State parks that we have on the grounds now. And we are anticipating, anyway, that this would be a very popular area. And I think as pointed out by my colleague here, Doug Maddy, the area will be used heavily. And I guess what our concern is, that if we're going to expand Babcock, Hawks Nest, Twin Falls, it's going to require money.

Senator RANDOLPH. There are at times, you know, the scenic overlooks that take place on actually a part of let's say this program. But still they are adjacent to it. I remember the discussion of the so-called Canyon Rim of the park. Now, what is the status of that in your thinking?

Mr. HERTIG. That is currently being developed. I am not sure just how near completion it is.

Mr. WATKINS. Senator, I would be glad to address that, fortunately the contract on that, it is in the latter stages of completion on phase I, which is on the northeast corner of the New River Gorge Bridge. That should be completed by some time this fall, in just a few weeks.

Phase II, which is on the northeast corner of the bridge, is now on the drafting board, and should be let, I think, this fall. If the sched-

ule is correct, the other two corners are in the very early staging plans at this point. But we anticipate those will come off the drafting board as well.

Senator RANDOLPH. That is all private, is it?

Mr. WATKINS. No; that's the State of West Virginia.

Senator RANDOLPH. State of West Virginia.

Mr. WATKINS. Correct.

Senator RANDOLPH. How much money is involved?

Mr. WATKINS. I would have to look at the original figure and—

Mr. MADDY. I believe it's in the vicinity of \$250,000.

Senator RANDOLPH. Was that money made available through a special act of the legislature?

Mr. WATKINS. Yes; in 1973.

Senator RANDOLPH. What I was directing my attention to and this is helpful, when there is an area developed with let's say the State park or a Federal park, whatever the case may be, we have to have the facilities to take care of the people who are coming there. Not all of them will move in and out by car, you know, within a period of hours.

But they're coming to remain overnight or even several nights. And the area that we speak of in relation to this proposed national park would there be a need for facilities from the standpoint of hotels or motels or lodges that would be in private ownership?

Mr. MADDY. Yes, Senator. Currently there are two major chain motels, planning facilities, and as a matter of fact I expect ground to be broken on one within the month, in the vicinity of the New River Gorge. I would expect that once this national river is fully developed, that there would be many such private industry coming in to take care of the additional travel business that we are anticipating.

Mr. WATKINS. I might also point out, Senator, that these would be far enough back from the rim on private property that it would not interfere with the scenic and natural beauty of the gorge itself. Also, to address that question the bill does have a provision which calls for a concept for us to come back and report to the Congress in a couple of years, and part of that would be working with the Department of Natural Resources, and working, of course, in any areas that they own.

I've been given assurances that the Department is as anxious to work with the Federal Government as the Federal Government is with the Department of Natural Resources, and I think for that part we can give you a little more detailed information as to the exact specification on specifics.

Senator RANDOLPH. I had wanted to ask the representatives of the Interior Department, in the bill we have a 2-year study for review, and we want an adequate time, and that is very important. But I am wondering whether there might be consideration, Mr. Chairman, to a shorter period of time, if it is felt that the job could be done with adequate staff and so forth.

I sometimes think we have a study that is over too long a period of time, and frankly we don't dig into it, we just wait and wait. Because we have got to use—it doesn't proceed as quickly as we might. I know that I had 2 years in the bill. Is there a thought on that from you, Mr. Chairman, or others?

Senator ABOUREZK. No, I would tend to agree with the concept, and we will consult with the Park Service on this. Ms. Beaty reminds me we have to make sure there is time for the public to express their views.

Senator RANDOLPH. Yes, I certainly would want that.

Mr. RAHALL. That was my concern, also. That, as I understand it, is a recommendation of the Department of Interior, and I hope that we can urge them to speed up the study and possibly cut back the time involved.

Mr. WATKINS. Mr. Chairman, the language in the bill is actually 3 years instead of 2 years, but it says for the general management of the plan in full development. I am sure it would take at least that long, if we do it in 3 years. I would think we are probably talking maybe 5 years before we see campsites being developed, and things like this, because it just can't be done overnight. I wish it could.

Senator RANDOLPH. Well, I think this is subject matter to go into very carefully. Doug, in reference to your testimony, you speak for the plateau, is that correct, and the chamber of commerce organizations?

Mr. MADDY. Yes, sir.

Senator RANDOLPH. How many persons would you say if you can that you think you express their thinking in this matter today?

Mr. MADDY. Senator, speaking strictly for the chamber of commerce, we have a couple of hundred businesses representing, or that the chamber represents, however, the chamber as you are well aware, since 1972, has been the local forum for discussion of this national park, as it originally was introduced. And consequently a national river legislation.

And we have been in contact with the bulk of the people in Fayette County, as well as adjoining counties, who are concerned with this piece of legislation. Speaking strictly from the chamber, we represent the business community.

Senator RANDOLPH. I think all of the correspondence that has been directed to our office has been positive. I don't believe we have any letters or calls or contacts that have been other than in favor of the project, and that is what you believe. Is that correct?

Mr. MADDY. Yes, Senator, there has been conflict in the past, at this point, and indecision on which direction we should go. But as I pointed out, we met as recently as yesterday, several of the people here in this room met with us at the chamber office yesterday, and we discussed the pros and cons of this bill. And I would generally say that support of this specific legislation is unified throughout the county.

Senator RANDOLPH. Jim, you speak for a coalition, don't you?

Mr. WATKINS. That is correct. I'm also vice president of the National Committee for New River, which has over 10,000 new members in the national committee and the board of directors in their meeting of July 3 fully endorsed both bills. We feel like the coalition does have the input of the people from all over the State, if not the local area. And we've heard virtually no opposition.

There are some questions about, "Can I keep my fishing camp?" and things like this. We've addressed those, Senator. The final draft which was submitted to you was really a coalition of thoughts. I personally spoke with the people and drove to see people and held meetings in all three counties of the area involved here.

And we have had virtually no serious opposition. There have been some questions, of course, of people that are not informed a lot of times, or are afraid. You know, I've had my camp down here for 50 years and I want to be able to live out my retirement here. These questions, I am sure, will continue to come about until we educate every person in the area.

But I see no opposition.

Senator RANDOLPH. I don't want to be facetious, but you speak of the coalition. I believe that you and your wife were married in this New River Gorge recently because you thought it would be a good spot to sort of unite, is that right?

Mr. WATKINS. Well, a couple of reasons. I have spent 16 years fighting to preserve the New River and the New River Gorge. My wife also, her grandmother was the first postmaster of Fayette, and her mother was born there and also her uncle. So it was very meaningful for both of us that we had the opportunity to be married right under, practically, the New Gorge Bridge at the Fayette Rapids. That's one of the loveliest places in the world, I think.

Senator ABOUREZK. That is a time-honored way to form a coalition, I would say.

Mr. WATKINS. Thank you.

Mr. RAHALL. I may add, Mr. Chairman, that I understand although it rained that day, you still had one of the most beautiful weddings in one of the most beautiful areas of our country. I think it shows where your heart is.

Mr. WATKINS. Thank you very much. It did quit raining when the minister said, "We gather here in the sight of God." I think he's got pretty good connections.

Senator RANDOLPH. I just thought I would mention it.

Mr. WATKINS. Thank you very much.

Senator RANDOLPH. I have no further questions. There might be some questions, Mr. Chairman, that I might wish to present in writing, to different witnesses today so that they could respond for the printed record.

Senator ABOUREZK. The hearing record will remain open for 3 days. Ordinarily we would hold it open for 2 or 3 weeks, but we are approaching a time limit, and we intend to try and pass this bill by the end of this week or early next week.

Senator RANDOLPH. Yes. The reason is that as I look through the testimony here, there is a reason, perhaps, that I might wish to ask a few questions, and we might do that today.

Senator ABOUREZK. I think it would be helpful to the committee if you would do that.

Senator RANDOLPH. I appreciate the opportunity to question the three gentlemen.

Senator ABOUREZK. Congressman Rahall?

Mr. RAHALL. I just have a brief question for each of you three gentlemen that have presented testimony. Dr. Hertig, in your suggestion No. 3 of this bill, in section 5, paragraph A, where you recommend that the first sentence be altered to read as follows: "Notwithstanding any other provision of law, no surface mining of any kind shall be permitted on land within the boundary of the national river." You delete the language in the bill which goes further to say where the subsurface State is not federally owned.

Could you give us an estimate, or have you, as such, figured out what is available in this county land that we are talking about here?

Mr. HERTIG. No, sir, I'm afraid I really can't in terms of how much land is involved.

Mr. RAHALL. How much coal is involved?

Mr. HERTIG. I really cannot. I guess our concern, and I don't want to suggest a mistrust at all, but we felt that where subsurface, a State is not federally owned. If one takes the converse of that, it suggests that surface mining might be performed on coal lands that are federally owned. That was our reason for suggesting that we stop it at the end of the national river.

Mr. RAHALL. I would imagine there is not much land involved here at all.

Mr. HERTIG. I don't believe there is.

Mr. RAHALL. In section 4, discussing the zoning and ordinances, your revision, your suggested revision, deletes the language stating "land adjacent to the gorge area."

Mr. HERTIG. In or adjacent.

Mr. RAHALL. In or adjacent. I wonder why you delete that. Where you are referring to the Secretary in consultation with local officials.

Mr. HERTIG. We felt that it would perhaps be more inclusive, and in or adjacent to the gorge is not quite as definitive as we felt it should be. We felt that if we used "boundary" rather than "in or adjacent," then there would be no question about the area of concern.

Mr. RAHALL. You feel it is more narrowly defined in the area you are talking about.

Mr. HERTIG. I think it gives a broader latitude in that we can operate with the Secretary, and he can work with local governments within the boundary of the national river rather than having to determine what is in or adjacent to the gorge itself.

Mr. RAHALL. Thank you, Dr. Hertig. I want to commend you and the Department of Natural Resources for working with us in this bill, and your input. One brief question for Doug, if I might. No. 3 of your suggestions concerns limiting the number of raft trips on the river to a maximum of 960 per day. I'm wondering if you could state for the record the number of companies that are involved presently in running raft trips on the river, their opinion of this matter, and if you have discussed it with them.

Mr. MADDY. Yes, Congressman, this idea was theirs originally. They brought this proposal to the chamber of commerce and asked for our endorsement on it, and I thought it was very farsighted on the part of the outfitters. They met as an informal association. I believe nine outfitters, nine of the major outfitters. There are others licensed, I think, there's probably—

Mr. WATKINS. There are 13 that are running projects of one kind or another on the river this year, at this point—13 last week, there may be more now.

Mr. MADDY. The number fluctuates from day to day.

Mr. RAHALL. I was under the impression it was close to 30, but you say 13.

Mr. MADDY. In the State there are 20-some licensed outfitters now, but they don't operate on the New River. But between 9 and 13, for the record, outfitters who met together, and to my knowledge it is the

first time that they had met on any particular issue, and recommended not only this suggestion of the maximum number of passengers per day, but also the minimum and maximum flow on the river.

We supported this action; this is actually less than what some of the outfitters are currently operating, and they have curtailed themselves. And the chamber felt this was highly commendable on their part, and we support them in this effort.

Mr. RAHALL. There is a consensus then among the major companies on the river to accept an amendment that would limit the number of trips per day.

Mr. MADDY. Yes, Congressman.

Mr. RAHALL. Thank you. As you know, Jim, and as the Senator has mentioned, that we are prepared to offer amendments to include the Greenbrier River, as you suggested in your testimony; that is all the questions that I have, Mr. Chairman.

Senator RANDOLPH. Mr. Chairman, could I make just a final comment?

Senator ABOUREZK. Please.

Senator RANDOLPH. And question. Perhaps, Jim, it would be best if it came to you. In connection with the protection of the area as proposed, we think of the three States that are involved, really; North Carolina, Virginia, and West Virginia, as a part of a new river. Its beauty, its value.

What about the other areas. Is there any reason to think at this time about those areas, or is there a provision now for the protection of the sections of the river?

Mr. WATKINS. Right now, of course, 26½ miles from the Virginia-North Carolina border south, 4½ miles, and then another 22 miles of the New River, are now National Wild and Scenic River status.

Senator RANDOLPH. And what is that of the total in mileage?

Mr. WATKINS. 321 miles, I believe, total miles of the New River. That pretty well takes the headwaters into effect. There are mileage between Claytor Dam and Bluestone Dam, which I think should be considered at a later time. It is 97 miles, and I've paddled that 97 miles a few times, and parts of it on several occasions. That needs to be protected.

There is some abuse going on now, and one that I might point out, by the Federal Government, with the Department of the Army until recently, they were dumping their raw sewage in the river. That has been corrected, but there is still some damage going on in the area.

As a national committee for the New River, we would like to see additional areas protected, simply because it is a very beautiful river, and the three stages, it's really a different river, almost.

Senator RANDOLPH. The characteristics of change.

Mr. WATKINS. Right. And I think it's significant. If you're ever on U.S. 460 traveling east from West Virginia, when you get to Virginia you can actually see where the New River cuts through the Appalachian Mountains. It is just so significant, the mountains come down in a great big V, and all of a sudden it just goes like that.

And if you want to ride sometimes, and your heart's in good shape, I'd be glad to take you over that waterfall in my canoe. I've been over it three times, and that's quite a ride. But that's where the gorge really starts the gorge proper, that area down through the headwaters of the Bluestone. It is just a beautiful, recreational area.

That really is called "the Myrtle Beach of the coalminers," because during the summertime it's just lined with tents and people raft it, they boat it, they canoe it, and they use small, little boats to get to their fishing spots.

Senator ABOUREZK. Are you offering to take the committee over a waterfall in a canoe?

Mr. WATKINS. I said if your heart is in good shape, sure.

Senator ABOUREZK. If it weren't for the honor, Senator Randolph, I would just as soon settle for getting married in the rain out there, or something.

Mr. WATKINS. It is quite a river, though; a lot of people have been able to enjoy from just using it from a motorboat between some of the rapids. Well, I might point out that that river has never been stocked, and I have yet to get skunked when I went fishing on the New River, even at high water and when it's muddy. I've yet to get skunked on the river. Fishing is fantastic.

Senator RANDOLPH. What are you catching?

Mr. WATKINS. Basically it is smallmouth and red-eyed bass type of fish. There are some largemouth, there are some catfish, your blue lake catfish, of course different kinds of fanfish. There are some carp that somehow get up in the high water from the lower Kanawha and the Ohio River. It basically is sport fishermen.

Senator RANDOLPH. Jim, you mentioned catfish. I remember when I was a lad fishing for what we called yellow catfish, which was a good eating fish, there was a gentleman down the way and he was catching and I wasn't, and I went down and asked him what bait he was using, and he told me little slices of liver.

And I said well, that's what I'm doing, too; but then he pulled out a little vial, and in it was citranella; he was touching the liver with citranella, and said that made a difference. Do you know anything about that?

Mr. WATKINS. No, sir.

Senator RANDOLPH. You never heard of that, did you?

Mr. WATKINS. No, sir.

Senator RANDOLPH. So he gave me a little bit and I caught some yellow cat, the same as he did. But you're right, the game fish are there, they are plentiful.

Mr. WATKINS. And it's never been stocked.

Senator RANDOLPH. And that attracts hundreds of persons.

Mr. WATKINS. Yes; there's a study done by the department of natural resources at the head of our proposed natural river here, and six-tenths of a mile area in 1968, I believe it was. There was something like 25,000 fishermen that just used that six-tenths of a mile right there below Bluestone annually, just in six-tenths of a mile area.

Senator RANDOLPH. Mr. Chairman, just this final comment, and I promise that is final. But I do think that the word that has been, by business organizations, recreational organizations, conservation organizations, the governmental units, the people generally, that we've had one common purpose, and that is to preserve and yet have use of that which is there for men, women, and children.

When we think of our park service in West Virginia, these parks that are dotted about over the State, and what they mean, it is highly important and I just feel that it is a truism when we say that tourism is even now the second most important industry in West Virginia. I believe that possibly is true.

And increasingly we are going to find that in the years ahead, the adjustments within the city will cause people to want to come down and even to come into our State and live. We have a very rapid population growth, as you know, in the last 5 years, throughout sections of West Virginia.

And many, many of those people have told me personally that they want to be near to the countryside, the beautiful mountain and valley areas of our State. And wish to have their children grow up in such an atmosphere. And we are doing a duty here, and in the State I am sure that we can preserve, yet we can have the area in use. Is that a twin purpose that we have and can have?

Mr. WATKINS. If I might address that. Yes; it is. However, the bill as written will also preserve some areas but you're still going to have to get there by putting tackle on your back and hoofing it, and that's important to me because I personally like that area more than where you can drive up in a Winnebago. We're going to have both, and this is what makes it so unique is that we will have both.

Senator RANDOLPH. Thank you very much. I appreciate the testimony of all of our witnesses today, especially those who have come to express their feelings through the organizations and the coalition and the parks from the State of West Virginia. Thank you, Mr. Chairman.

Senator ABOUREZK. Thank you, Senator Randolph. Congressman Rahall would like to make a closing statement.

Mr. RAHALL. Thank you, Mr. Chairman. I would commend everyone who gave testimony here today. I think it will be very helpful to us as we go to markup on this bill, which I'm happy to hear will possibly be near the end of this week or next week, and action on the Senate floor.

I know that there are several people that wanted to testify today but weren't able to make the trip on such short notice to Washington, and I would like to ask unanimous consent, Mr. Chairman, that their testimony be included in the record. That would include testimony from John Dragan, of Wildwater Expeditions Unlimited on the New River; Raleigh County Commission President Scott; Maude Brunstetter of the American Association of the University of Women, whom I've had the pleasure of hiking along the New River with; and testimony of Mrs. Wanda Hauser, past State president and immediate past executive director of the West Virginia division of the Izaak Walton League of America.

And I would ask unanimous consent that their testimony be allowed in the record, at this point.

Senator ABOUREZK. They will be.

[The statements follow:]

STATEMENT OF JOHN A. DRAGAN, PRESIDENT, WILDWATER EXPEDITIONS
UNLIMITED, INC., THURMOND, W. VA.

My name is Jon A. Dragan and I work with a licensed public rafting company known as Wildwater Expeditions Unlimited, Inc. Wildwater Expeditions was the first licensed outfitter in the great State of West Virginia and the first to offer commercial raft trips on New River. Wildwater Expeditions has seen many changes in the New River area the past few years and that is why we would like you to give careful consideration to several areas that relate to the preservation of New River as a national river.

One of the areas that need clarification is the land acquisition provision contained in Senate Bill No. 2866 and H.R. 12001. We feel that this should be amended to prohibit the Secretary of the Interior from condemning owner occupied property, either private or commercial, unless there is a willing seller and a willing buyer. It would be supposed that these lands are maintained as a compatible segment of the intended use of the national river. If incompatible land use should develop, then the Secretary could possibly acquire these lands by condemnation proceedings. More simply stated, what is there can remain, but to curtail further development.

The second area that needs consideration is the guaranteeing of 3,200 c.f.s. as a minimal daily flow in order to optimize the recreational opportunities of New River and to maintain the normal ecology of the river basin. We feel this needs to be done in order to assure that the river is available for all persons at all times. In this connection, we feel that the Secretary of the Army should also be directed to meet with the Secretary of the Interior in order to discuss and outline these recreational needs since the operation of the Bluestone Dam has a direct effect on the recreational and aquatic life of New River.

We would also recommend that the National Park Service be directed to study a method of limiting the number of commercial raft trips permitted on any given section, on any given day. There is currently a problem with the increasing number of outfitters on the useable river segments, and the safety of individual rafters and boaters is becoming a major concern.

Lastly, we would also like to see the inclusion of the Greenbrier River for study as possible inclusion into the Wild and Scenic River Act as it would be an ideal compliment to the intended recreational use of the New River national river system.

We would urge you to consider these amendments to the bill and we would be happy to meet and discuss these items in detail with you.

STATEMENT OF MINOR L. SCOTT, PRESIDENT, COUNTY COMMISSION OF RALEIGH COUNTY, BECKLEY, W. VA.

For several years the Raleigh County Commission has been active in considering protection for the Raleigh County portion of the New River Gorge. We are fully aware of the outstanding natural scenic and historic values and objects in and around the New River Gorge. We are also fully aware that the New River, which flows through our county, is one of the oldest rivers on this continent.

With proper protection, the New River Gorge will provide enjoyment for present and future generations. By establishing the New River Gorge National River, the people of our county and state, as well as the entire nation, will benefit from the recreational potential as well as from the scenic beauty. The area surrounding the New River Gorge should also reap the benefits from additional tourism which is to be expected. Therefore, it gives us great pleasure to endorse S.B. 2866 and H.B. 12001.

STATEMENT OF MAUDE BRUNSTETTER, AREA REPRESENTATIVE FOR CULTURAL INTERESTS, AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, WEST VIRGINIA DIVISION

At the state convention of the West Virginia Division of the American Association of University Women held this spring at Jackson's Mill, a resolution was passed unanimously which stated that the Division "reaffirms its continuing concern for recognition of the urgent need of federal protection for the 66-mile segment of the New River Gorge, from the Bluestone Dam at Hinton to Kanawha Falls at Gauley Bridge."

In the interest of furthering this goal by securing as much as is possible now of the unique scenic beauty and recreational opportunities which the New River Gorge offers both area residents and tourists, we strongly urge the passage into law this year of Senate Bill No. 2866 introduced by Senators Robert Byrd and Jennings Randolph, and of House Bill No. 12001 introduced by Representative Harley Staggers and Nick Joe Rahall.

Passage of this legislation this year could at one and the same time protect a vital attraction for tourism for the area and preserve what is perhaps the most valuable historic and cultural possession in southern West Virginia.

Thank you for what is hoped will be immediately positive action on this critically needed legislation.

STATEMENT OF WANDA HAUSER, PAST STATE PRESIDENT AND IMMEDIATE PAST EXECUTIVE DIRECTOR, WEST VIRGINIA DIVISION, IZAAK WALTON LEAGUE OF AMERICA INC., WHITE SULPHUR, SPRINGS, W. VA.

Mr. Chairman and distinguished members of the Senate and the House, I appreciate this opportunity to make a statement before this Joint Committee Hearing on the New River Gorge National River Bill.

I am Mrs. Wanda Hauser, past State President of the West Virginia Division of the Izaak Walton League of America Inc., a national conservation organization.

The West Virginia Division of the League has long been in a battle to save New River. Our concern did not end with the signing of the New River Bill on September 11, 1976 that put 26½ miles of New River in North Carolina into the Wild and Scenic Rivers System. This culminated a 14 year fight to save the New River from the proposed Blue Ridge hydro-electric pumped-storage project. For us, in West Virginia, the battle goes on to save New River like it is.

We believe wholeheartedly in keeping the major portion of New River in West Virginia as a free-flowing stream for the benefit and enjoyment of present and future generations. The New River, the oldest river in the United States, second oldest in the World (only the Nile River is older) contributes immensely to the regional recreational programs.

This river supplies one of the highest quality fisheries of any stream in the Eastern United States. Stretches of the beautiful canyon stream provide white water conditions for the wild-water boating that is not excelled by the best white water of the Colorado River. The unusual size of this river of high quality water, relatively free of pollution, contributes to it's uniqueness. This river's unusual characteristics, including the depth and magnitude of the aesthetics of it's many canyon stretches, is unsurpassed in the Eastern United States and, therefore, qualifies for Scenic River classification.

In the midst of our 1976 Battle for New River, the West Virginia Division of the Izaak Walton League passed a resolution at their State Convention expressing concern for the safety of the New River Gorge in West Virginia.

We stated "It is the position of the West Virginia Division of the Izaak Walton League that the present New River Gorge is an invaluable component of the State of West Virginia and that the elected representatives of this State should exercise all diligence to protect and perpetuate the above geographical area in it's present state."

The West Virginia Legislature passed an amendment to the Natural Streams Preservation Act of 1976 that added the New River from it's confluence with the Gauley River to it's confluence with the Greenbrier River. This means it is protected from impoundment, diversion or flooding of the waterway in this segment of New River and will be kept as a free-flowing stream. This is the wishes of the people of West Virginia for the New River.

We supported the Bureau of Outdoor Recreation's study of the New River Gorge area for possible National Park status. As the BOR's report did not recommend National Park status because the area did not meet the criteria for a National Park, we endorsed their recommendations for Wild and Scenic River Status. The New River does meet the criteria for a National River.

At our 1977 State Convention of the West Virginia Division of the League, we passed the following resolution :

"In order to assure the preservation and protection for public benefit and enjoyment of the New River in West Virginia,

Be it resolved that the West Virginia Division of the Izaak Walton League in convention assembled at North Bend State Park on June 5, 1977 endorse and support congressional legislation creating the New River Gorge National River from Bluestone Dam at Hinton, West Virginia to the Town of Gauley Bridge, West Virginia.

Further, be it resolved, that no form of mining, commercial harvesting of timber or new road construction be permitted in the New River Gorge and that no additional dams, bridges, water conduits, or reservoirs on or directly affecting New River Gorge National River be permitted.

And, further be it resolved, that a congressional study be instituted on the three principal tributaries in West Virginia, the Greenbrier, Bluestone and Gauley Rivers for their potential addition to the National Wild and Scenic Rivers System."

At our 1978 State Convention, we passed the following resolution pertaining to the Greenbrier River, tributary to the New River, and one which certain activities on it would drastically affect the New River Gorge National River.

Whereas the Greenbrier is noted as one of the finest bass fishing streams in the Eastern United States and

Whereas the Greenbrier River has been threatened by proposed U.S. Army Corps of Engineer twin dam pump—storage hydro-electric power projects above Marlinton,

Therefore, Be It Resolved that the West Virginia Division of the Izaak Walton League urges that Senators Byrd and Randolph and Representatives Rahall and Stagers in their respective bills for protection of the New River Gorge, include the Greenbrier River, a tributary of the New River, for study and possible inclusion in the National Wild and Scenic Rivers System.

Be It Further Resolved that we of the West Virginia Division of the Izaak Walton League are against any damming, channelization or dredging of the Greenbrier River in any way and that the Greenbrier River be preserved in its natural state for posterity, and

Be It Further Resolved, that the West Virginia Division of the Izaak Walton League does hereby endorse and support SB 2866 and HR 12001, the New River Gorge National River bills."

This year, 1978, at the National Convention of the League held at French Lick, Indiana on July 19-21, the League passed a resolution to urge Congress to authorize a study of the Greenbrier River, West Virginia, in its entirety for Wild and Scenic River status. The resolution also pointed out that the Greenbrier is noted for its beauty and excellence of its bass fishing.

I would urge an amendment of Sec. 8, Sec. 5a of the New River Gorge National River bill to add the Greenbrier to the Bluestone and Gauley Rivers for potential addition to the National Wild and Scenic Rivers System.

What more can I say for the New River—

In 1976, over 200 concerned people from three states gathered on the banks of New River at Thurmond, West Virginia and sang

"Here we gather at the River,
Our wild and scenic New River.
We thank those who fought for the River;
We're grateful to Kleppe and Ford.
Here we gather at the River,
The beautiful, beautiful river.
Here we gather at the river,
To send up our thanks to the Lord."

I hope to go again to Thurmond and sing this song again only this time give thanks for the New River Gorge National River.

Mr. WATKINS. Mr. Farley at the last minute did have an opportunity to come with us. If you like he can present his statement orally.

Mr. RAHALL. Mr. Farley is with us?

Senator RANDOLPH. I think we should include him.

Senator ABOUREZK. That is fine, I'm not going to adjourn the hearing, but I will turn it over to Congressman Rahall because I'm 5 minutes late for an appointment that I have. But you are welcome to take his testimony.

Senator RANDOLPH. Thank you.

Senator ABOUREZK. I will ask Congressman Rahall, as the House chairman, to close the hearing.

Senator RANDOLPH. That's fine.

Senator ABOUREZK. Before I leave I would like to express my thanks to all the witnesses, and to commend all of you for the great interest you've taken, and my thanks to Senator Randolph and Congressman Rahall.

Mr. RAHALL [presiding]. I apologize, Mr. Farley, I did not realize that you were with us here today. Your testimony is certainly welcome, and you may proceed as you wish.

STATEMENT OF WILBUR FARLEY, CHAIRMAN, PIPESTEM CHAPTER TO SAVE THE NEW RIVER, PIPESTEM, W. VA.

Mr. FARLEY. I thank you, sir, Congressman and Senator. I'm very glad that you'll take the time, and I'm going to keep this report brief. Many of the points have already been covered, but there are a few things that I would like to add. I might say that as chairman of the Pipestem Chapter To Save the New River, we are particularly interested in that part of the New River from Bluestone Dam to the Virginia line.

As you gentlemen know, the Corps of Engineers are planning or are studying a series of pump storage facilities which, in our opinion, will completely destroy that portion of New River from Bluestone Dam to the Virginia line. And, we live in that section.

However, the top dams will be on private land, and I have been assured by good authority that this bill, if it is passed, will negate that and it will stop waterpower projects from Bluestone Dam to the Virginia line. I hope, gentlemen, that that is so.

I would like to have your opinion on this later. My prepared statement, the Pipestem Chapter To Save the River would very much like to save the section of New River from Kenton to near Fayette Bridge be made a national river, in the very near future. If the Corps of Engineers and the power companies have their way, the rarest thing around will be a freeflowing stream.

It seems that this Nation is on a binge of dam building channelization and dredging. It seems that if the Corps of Engineers wants to change nature to a manmade universe of stagnant ponds and lakes. In our opinion, one of the greatest things that this Congress could do would be to bring out of committee and on the floor of both Houses, Senate bill 2866, and its counterpart, House bill 12001, and pass them.

If this could be done, maybe my grandchildren could see a small segment of the second oldest river in the world. New River in its natural state, and not have to ask grandpa what was a river. Gentlemen, we have a list of threatened species here which I will not go through. It is on file. I would like to take up one or two here in the fish category.

A threatened species is the Kanawha minnow, the flathead chub, the New River shiner and the Kanawha darter. How I do wish it were a snail darter. I think we would be home safe.

Gentlemen, I would like to thank you for giving me the time, I'd like to thank you, Senator Randolph, for answering my many letters that have been sent to you, and I would like to thank you, Congressman Rahall, for your time in answering my letters.

I hope you gentlemen can see your way clear to bring this out of committee, and pass it immediately. Thank you.

Mr. RAHALL. Thank you, Mr. Farley, Senator Randolph?

Senator RANDOLPH. Mr. Farley, your statement that you've given is further documented with material. You would want all your statements included, would you not, in the record?

Mr. FARLEY. I would, sir.

Senator RANDOLPH. Because I think it is background material that should be part of the printed record. I have no further questions except to indicate that I think it is wholesome, when men like Mr. Farley give of their time to express their concern, based on their study of this subject matter. And, I do want to say about that so-called snail darter

thing, they have already found, I might say, Mr. Farley, a particular species that is able to carry on in some other sections, other than adjacent to the Bluestone Dam.

So there is adaptability sometimes, of fish and wildlife, to areas other than just an area where they might be located.

Mr. FARLEY. Would either of you gentlemen venture a wild guess as to whether this bill will give us protection up river from Bluestone Dam, or would you rather not?

Mr. RAHALL. Well, it is my understanding, Mr. Farley, and I appreciate your concern for the water projects of the Corps of Engineers, but in section 10 of the bill, which discusses the Corps of Engineers, the Secretary of the Army is given the authority to provide for release of water from Bluestone project, consistent with that project's purposes and activities sufficient quantity and in such manner to facilitate protection of biological resources and recreational use of the New River. That would seem to provide the protection that is necessary to the concerns mentioned.

Senator RANDOLPH. I think the land management programs would be an inclusion of the cooperation, that is certainly something we would want to check.

Mr. FARLEY. Thank you very much, gentlemen.

Mr. RAHALL. Thank you, Mr. Farley, for your testimony. Since I almost cut Mr. Farley off by mistake, at this time I would ask if there is any other person in the audience, group, that would like to testify and present their views on the pending legislation.

Senator RANDOLPH. Representative Rahall, it might be an opportunity to have statements filed within this period of time that could be received, let's say 24 hours.

Mr. RAHALL. I believe the chairman had already made a provision for 3 days.

Senator RANDOLPH. Yes. But I just felt that if those could come in an earlier period than 3 days, it might be helpful.

Mr. RAHALL. Yes, sir, it would be very helpful.

Senator RANDOLPH. There are people here perhaps that have not heard the testimony, but want to follow through their own thinking, and certainly we would want that to be done.

Mr. RAHALL. I think it is clear from the record that that is our desire, to receive the testimony, and to move as expeditiously on this legislation as we can. So the earlier that this is committed, the earlier that we would have our proceedings with a markup of the bill.

[The prepared statement of Mr. Farley follows:]

STATEMENT OF WILBUR FARLEY, CHAIRMAN, PIPESTEM CHAPTER TO SAVE THE NEW RIVER, PIPESTEM, W. VA.

The Pipestem Chapter To Save the New River would very much like to see the section of New River from Hinton to near Fayetteville Bridge made a national river.

In the very near future, if the Corps of Engineers and the power companies have their way, the rarest thing around will be a free flowing stream.

This nation is on a binge of dam building, channelization, and dredging. It seems the Corps of Engineers wants to change nature to a man universe of stagnant ponds and lakes.

In our opinion, one of the greatest things this Congress could do would be to bring out of committee on the floor of both houses Senate Bill S 2866 and it's counter part HB 12001 and pass them.

If this could be done, maybe my great grand children could see a small segment of the second oldest river in the world (New River) in it's natural state and not ask, "Grandpa, What was a river?"

This data was received from the U.S. Dept. of Interior, Fish and Wildlife Service, Washington, D.C. These rare and threatened species of wildlife inhabit the New River ecosystem, 10 of which are found in or near the study area.

FEDERALLY THREATENED

Plants—

- Dwarf anemone, found just outside the study area
- Fraser's sedge, found just outside the study area

Animals—

- Indiana bat
- Bald eagle
- Peregrine Falcon, 100 or less left in the U.S.

VERY RARE SPECIES OF PLANTS AND ANIMALS IN THE STUDY AREA

Plants—

- Sledge*, one seen in study area. In 1967, that was 11 years ago.
- Aster*, one seen in study area. In 1967, that was 11 years ago.

Bird—

- Golden eagle*, only 3 have been seen in the study area. It was seen in 1955, that was 23 years ago.

Mammal—

- Southern bog lemming*, only 1 has been seen in study area. It was seen in 1951. That was 27 years ago.

Fish—

- Sharp nose darter*, only 1 seen in study area. It was in 1944. That was 34 years ago.

According to the U.S. Dept. of the Interior, the following species are considered Candidates for the Endangered Species List

Fish—

1. The Kanawha minnow
2. The Flat head chub
3. The New River shiner
4. The Kanawha darter
5. The Finescale saddled darter
6. The Big mouth chub
7. The Longnose sucker, since 1908 no additional collection of this species has been known
8. The Blue sucker, this species has not been reported during the last decade.

Snails—

1. The New River snail, the only species in the genus. Only a few hundred in existence.
2. The Dilated diamond shaped snail

Crayfish—

1. The Greenbrier crayfish, for this species, it may already be too late.
2. The New River crayfish

Plants—

1. The New River mint

Mussels—

1. The tuberculed-blossom pearly mussel
 2. The Pink mucket
- These two mussels appear to be on the verge of extinction. It should be noted that 90% of West Virginia's mussels are gone.

Crustaceans—

1. The Ephemeral cave scud
2. Mackin's cave scud
3. The Spiny cave scud

In addition to these, the U.S. Department of the Interior has informed us that The Office of Endangered Species and International Activities has identified 23 species of plants and animals that are found in the New River ecosystem which are found no where else in the world.

MR. RAHALL. I have two statements for the record which I will include at this point.

[The statements follow:]

STATEMENT OF J. B. HESS, CHAIRMAN, NEW RIVER GORGE NATIONAL RIVER COMMITTEE, REPRESENTING THE FAYETTE PLATEAU CHAMBER OF COMMERCE

Mr. Chairman, my committee supports the bill for establishment of the New River Gorge National River from the Bluestone Dam to approximately one mile below the New River Gorge Bridge. That for the purpose of preserving a relatively unspoiled, vertical topography, sharply crested plateaus with deep, narrow valleys, white-water streams, forest, and abundance of wildlife in natural habitat for the inspiration and benefit of present and future generations.

Mr. Chairman, we recommend the following for consideration by your committee in regard to the National River Bill :

1. Consideration be given to the extension of the boundary line from the New River Gorges bridge to Gauley Bridge consisting of some of the most rugged, scenic and historic beauty in the eastern part of the United States.

2. The National River bill should control the flow of the river with a minimum and maximum flow for the protection of recreation and fish and wildlife values present in the area.

3. Boating and tour raft rides should be controlled for the protection of the river by limiting the number of rides per day.

4. Our Committee feels, Mr. Chairman, that the Gauley River and the Greenbrier river are both historic and scenic and are deemed essential to the protection for public enjoyment of the citizens of West Virginia.

5. Aid in preserving the character of the Gorge area by appropriate restrictions on the use of real property in the vicinity, including, but not limited to, restrictions upon : building and construction of all types : signs and billboards ; cutting of timber (except tracts managed for substantial yield).

6. Restrict the Federal Power Commission not to license the construction of any dam, water conduit, reservoir, powerhouse transmission line, or other project works under the Federal Power Act.

7. Said bill should provide protection from the rivers edge to the rim of the gorge and continue some 500 feet back with the contour of the rim.

STATEMENT OF HOWARD BROWN, DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL

Mr. Chairman, I would like to express the emphatic support of the American Rivers Conservation Council for the legislation which you are considering today.

The New River is a major natural wonder and recreational asset for West Virginia and the nation. The time is right for action to preserve this great river for future generations and I am pleased to see that all the various local interests seem agreed upon the means for that preservation.

There are several changes that we would have suggested for H.R. 12001 and S. 2866, but I understand that the bills' sponsors have already put together a set of agreed upon refinements, which fully satisfy our concerns. These modifications, which we urge you to adopt, would provide specific protections for landowners from unnecessary condemnation, specify desirable water release levels, and include the Greenbrier River among rivers to be studied for possible wild and scenic designation.

On this last point I can personally offer a little clarification. The Greenbrier was not part of the Administration Proposal because it was one of the rivers identified by the first cut of a rivers inventory conducted by the then Bureau of Outdoor Recreation (now, Heritage Conservation and Recreation Service). In the meanwhile, we have been working closely with HCRS as they have modified the inventory process and criteria and sought to correct problems with it. I can assure you that the Greenbrier, one of the loveliest rivers in a state full of beautiful rivers, will be recognized by the rivers inventory before it is completed.

Mr. RAHALL. If there are no further comments or no further witnesses, I declare these hearings adjourned.

[Whereupon, at 10:45 a.m., the hearing was adjourned.]

