SAINT JOE RIVER, IDAHO

HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 3052

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT BY DESIGNATING THE SAINT JOE RIVER IN IDAHO AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

WALLACE, IDAHO, AUGUST 28, 1978

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SAINT JOE RIVER, IDAHO

MONDAY, AUGUST 28, 1978

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

The subcommittee met, pursuant to notice, at 10 a.m. in courtroom No. 3, Shoshone County Courthouse, Hon. Frank Church, presiding.

Present: Senators Church and McClure, and Congressman Symms.

Also present: Laura L. Beaty, professional staff member.

OPENING STATEMENT OF HON. FRANK CHURCH, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator CHURCH. The hour of 10 c'clock having arrived, the Parks and Recreation Subcommittee of the Senate Energy Committee has convened the hearing this morning to take testimony on S. 3052, which is legislation to designate 66½ miles of the upper St. Joe River as a component of the National Wild and Scenic Rivers System. The original Wild and Scenic Rivers Act, which was enacted in 1968, set up the National Rivers System by designating certain rivers such as the Lochsa and middle fork of the Salmon as initial components. The act also required the study of certain other rivers, including the St. Joe, to determine if they were suitable for inclusion in the System. Since then, the required study of the St. Joe has been completed by Federal and State agencies, and the upper reaches of the St. Joe recommended by the President as an addition to the Wild and Scenic Rivers System.

The review of the St. Joe, which was required by the law, set off a controversy which pitted neighbor against neighbor over the issue of how much, if any, of this river ought to be given special protection. Because of the intensity of the controversy, it looked for many years as if the residents of the St. Joe Valley might never resolve their differences. However, through the recent efforts of many of you who are here in the room today, an agreement was reached which forms the basis for the bill that we are going to consider this morning. Under the terms of this bill, the 26½ miles of the river between St. Joe Lake and the Spruce Tree Campground would be designated and managed as a "wild" river; and the 40-mile stretch of the river between Spruce Tree Campground and the eastern boundary of the town of Avery would become a "recreational" river. In addition, the legislation prohibits any dredge mining upstream of Avery but helps assure that forest development outside of the river corrdior can occur by specifically guaranteeing the right to construct future access roads and bridges.

The citizens who worked up this legislative proposal were mindful that particular concerns needed to be addressed in the bill. For instance, it was widely accepted that dredge mining should be prohibited in the main stem of the St. Joe and the tributary east of the town of Avery. This bill would add Federal protection against dredging where only State law now pertains.

Also, it was agreed that the classification of the St. Joe would not interfere with logging and timber harvest in the accessible reaches of the St. Joe Valley. This bill addressed those concerns by guaranteeing future construction of access roads and bridges, which are essential to the timber industry in this region.

It was further recognized that the inclusion of private lands in classified segments of the river would be adamantly opposed by local landowners and many other local citizens. The St. Joe Valley Association has consistently held its ground in defense of individual property rights as a local economic base. This legislation responds to those concerned as well.

The proponents and opponents of river classification agree on these underlying central issues: All of them want to preserve the integrity of the magnificent St. Joe River by assuring that its clear water and high quality fishing will not be ruined by the filtration of dredging or the impoundment of its waters. In addition, the timber-based economy in the region can remain stable with the orderly harvest of timber on the St. Joe drainage, and private property rights have not been challenged or impinged upon.

As I look back over the 22 years since I was first elected to the Senate, I can think of few issues as hotly contested as the issue of the future allocation and use of Federal lands and resources. Each year the arguments grow more shrill. Because of the increased polarization, it's getting harder for Congress to make basic allocations too. Subsequently, a backlog has developed. That backlog and the recent slowdown in the normal Forest Service land planning process frightens many people because it appears that a decision will never be made or, at least, postponed through law. In my opinion, we simply cannot afford to spend years and years fighting among ourselves. A new answer has to be found in order to bring a greater measure of certainty to the resource-dependent communities of our State.

One approach which I believe holds great potential is the one used to decide the fate of the St. Joe, negotiation by local citizens. As we will hear today until both the proponents and opponents of the Federal classification sat down together around the same table, they couldn't agree on the issue of classification itself. However, once they agreed to start talking with each other, they found they could resolve their differences and come to a basic accord. If an agreement can be reached on the local level, then it is easier for Congress to make a decision. That was true in Idaho County with Gospel-Hump area, and it's true with the St. Joe. Those who love the scenic St. Joe, the people who worked out this proposed compromise, a special thanks for their work in this incident. And all of us owe them our thanks for their pioneering effort and cooperation.

Now in the testimony that we take this morning and this afternoon we will hear from many citizens, some of whom, I am sure, will take issue with the bill; others of whom would like to see certain changes made in the bill, as well as those who approve it in its present form.

That's the purpose of this hearing. It is the official process by which we open to all concerned citizens the question of the future disposition and classification of the river and invite all points of view. This is the beginning of the legislative process as far as the Senate committee is concerned, and based upon the testimony taken here today will be the decisions within the committee on the markup that would follow. This is very critical to us. We are happy that you are all here for the hearing, and we hope that it will be a very constructive and helpful hearing from all points of view.

[The text of S. 3052 follows:]

95TH CONGRESS
2D SESSION

S. 3052

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, APRIL 24), 1978

Mr. CHURCH (for himself and Mr. MCCLURE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act by designating the Saint Joe River in Idaho as a component of the National Wild and Scenic Rivers System.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.), is further amended as follows:

In section 3(a) after paragraph (15) insert the following new paragraph:

"(16) SAINT JOE, IDAHO.—The Saint Joe River, including tributaries, from its origin in Saint Joe Lake downstream to the eastern boundary of the town of Avery, Idaho,

as generally depicted on the map entitled "Saint Joe River Corridor Map" dated September 1976; to be administered by the Secretary of Agriculture. Notwithstanding any other provision of law, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future Forest Service roads within the adjacent lands nor interfere with or restricted present use of or future construction of bridges across the Saint Joe as needed for timber harvest. Dredge mining in any form including any use of any kind of machinery for the removal of sand or gravel for mining purposes shall be prohibited upstream from the town of Avery within the Saint Joe River and its tributaries and adjacent lands on either side of the banks of the river and its tributaries: *Provided, however,* That nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the Saint Joe River and its tributaries by any public body or its agents for the purposes of construction or maintenance of public roads. The Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than $1,100,000 for the acquisition of lands or interest in lands.".

Senator CHURCH. Senator McClure, a fellow member of the committee, is with me this morning. And I'd like to turn to him next for whatever remarks he might make.

STATEMENT OF HON. JAMES A. McCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator MCCLURE. Thank you, Frank. I have a prepared statement which I ask be included in the record. I will not take time to read the statement. But I would like to comment that the St. Joe controversy is not a stranger to these parts; it has been around for a long, long time. And while it's been a matter of intense local and regional interest and has been discussed throughout the region and certainly in the State Legislature in Boise for many, many years, the history of this particular legislation is somewhat unique and much more shortened than the general discussion. I know that a great many people in the St. Maries area, in particular, are very happy that an accommodation has been reached, and they want to get the controversy behind them while there is still agreement. I have insisted with them and with the members of the committee in Washington that we must follow the practice which I believe is necessary in every instance, and that is, that we don't legislate special treatment for any segment of the public lands until the people in the area, affected by that legislation, have had a time to comment on that particular legislation. And hence, the reason for a public hearing here. This is not just a St. Maries problem; it's a St. Joe problem. Of course, it certainly involves Shoshone County.

I think that the proposal that was the result of the meeting of the individuals who sat down from conflicting points of view and tried to resolve and did resolve their differences is a constructive result. I think the process itself was constructive, but it demands a wider opportunity for the public to look at the result of that than simply the private meetings that took place. And the public discussion that I held in St. Maries earlier shortly after this legislative proposal was made was part of my determination that the public was going to be involved and should be involved in looking at the legislation and determining whether or not it meets their ideas of how this issue should be resolved.

I endorsed the goals that are stated in this legislation. I thank the people who sat down and worked it out for having done it. I also want to express my thanks publicly for their willingness to meet with me afterwards as I went through in my mind some of the questions which I am sure many of you will have and will express today about what does the legislation mean; what are the definitions; what do we intend to apply it to. And they were very generous with their time in sitting down with me and discussing and talking through the questions that I had in my mind about the meeting of the legislation.

I am sure that before we are done with the hearing today we will have heard a lot of comments pro and con. If we will have heard a lot of details questioned, I hope by the end of the day we will, at least, have a meeting of the minds as to what is the meaning of the legislation and some idea of whether or not that meaning has the approval of the people who have taken the time and trouble to come to this hearing to give us the benefit of their advice and their concern. I think it's im-

portant that we recognize that conflicting resource allocations must be resolved, I think it's important that we protect the St. Joe. I don't think there is anyone in Idaho that doesn't share in the feeling that this is a magnificent stream and the esthetic values, the recreational, the wildlife, the marine resource values up there are worthy of protection.

At the same time it's absolutely imperative that we protect the economy of the communities most directly affected by the decision that will be made. This bill seeks to do that. I think the balance—that's the term we ought to be seeking—the balance between the conflicting demands upon a resource is that which must be carefully made in this or any other legislation that deals with your public lands and our natural resources.

I think with that, Frank, I will withhold any further comments at this time.

[The prepared statement of Senator McClure follows:]

STATEMENT OF HON. JAMES A. MCCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

I am pleased to be here today to join my colleague in conducting hearings on S. 3052, a bill designed to designate the upper 65.5 miles of the St. Joe River in Idaho as a National Wild and Scenic River.

While the problem of determining the future of the St. Joe has been around for a long time, this specific legislation has a short but unique history. The proposal evolved from the work of five individuals representing divergent interests. They came together out of a desire to end the long and often heated controversy over the future of the St. Joe River. The goals they sought in their proposal, as stated in their April 25th statement, are to protect private property rights, including but not all mineral rights and generally protect the undisturbed nature of the St. Joe.

I endorse these goals. I also feel the controversy should be ended as quickly as possible. For these reasons and in acknowledgment of the effort made to resolve an emotional issue in as reasonable a manner as possible, I joined in sponsoring this legislation.

At the same time and most important, I recognized the proposal had not had the broad public discussion I believe is necessary. I called upon the Shoshone County Commissioners for their opinions as well as the mining communities'. I promised the day I sponsored the legislation that public hearings would be held in Idaho. I scheduled a public meeting in St. Maries on May 20th to discuss this and other matters with local residents. My intention from the beginning has been one of keeping the doors open on this legislation so we can serve the needs of the local people as much as possible.

Many people enjoy the upper reaches of the St. Joe for its tranquil beauty and feel it is worthy of being preserved in its natural state. Dredge mining has become a threat to the upper St. Joe and efforts have been made to try and protect it. The Idaho Legislature has passed a law in an attempt to control the dredge mining disruption and the St. Joe was placed in a study category for inclusion as a Wild and Scenic River for this reason.

I, like many, appreciate the beauty of the St. Joe and believe it is worthy of consideration as a Wild and Scenic River. I also recognize that the economy of the area is dependent on continued timber harvests, agriculture production on private lands and particularly in Shoshone County, on mining activities. These values must be protected as adamantly as the scenic values of the St. Joe. I believe we can accomplish all of this with careful, thoughtful legislation.

It is because of my desire to provide this protection to the residents of the St. Joe are that I had my reservations about the original compromise. I want to make certain that S. 3052 does exactly what people desire and understand it to do. My caution and attention to detail are merely to make sure the intent of the proposal and the actual language of the legislation coincide. We are here today to look at those details and listen to what the residents most affected want for the St. Joe.

Again, I commend the efforts of those who brought together opposing viewpoints in this proposal and those who have come today in an attempt to help us resolve a most critical issue, the future of the St. Joe River.

Senator CHURCH. Thank you very much, Jim. We have with us this morning our Congressman Steve Symms, who we have invited to sit with us at the table. We are very happy to welcome him.

STATEMENT OF HON. STEVEN D. SYMMS, A U.S. REPRESENTATIVE FROM THE STATE OF IDAHO

Mr. SYMMS. Thank you very much, Senator. I know that this is officially the Senate committee meeting. I am on the counterpart committee in the House, and I have no formal statement that I would like to make at this time. But I am very interested in seeing that some solution to this problem is resolved. And I look forward to hearing the testimony, at least, through the morning, and then I have to depart back to southern Idaho. But I have made the comment many times that I think the reason that it's important for ground-floor input is that I have always felt bad that it wasn't the law that the State legislature and the Governor of a State had to approve any wilderness classifications on any State that are made by the Congress. I know that isn't the law, but this is one way to help offset, sometimes, the difficulties that we run into. And I think most recently in the House—I hope it's avoided this year, that you Senators aren't confronted with this—is this Alaska question. But the wishes of the State of Alaska were run roughshod over by the House of Representatives this year. I think it's real important when things like that happen in the Congress of the United States. But after all, as one of my colleagues from Ohio said, "The important thing is the people, and there are less people that live in Alaska than there are in the entire city of Akron, Ohio. We have to take care of the needs of both." I feel that's what we are up against, representing in Washington a smally populated State with a lot of land.

I appreciate the opportunity to be here, and I thank you both for inviting me.

Senator CHURCH. Thank you very much, Steve. Well, that sets the stage, I should say, for our first witness, who is representing the Governor of Idaho, to testify on this bill, and that's your fellow citizen and our friend, Lt. Gov. William Murphy. Governor, would you—we want to say welcome.

STATEMENT OF HON. JOHN V. EVANS, GOVERNOR, STATE OF IDAHO, AS PRESENTED BY WILLIAM J. MURPHY, LIEUTENANT GOVERNOR

Lieutenant Governor MURPHY. Thank you, Senators Church and McClure, for coming to Wallace to conduct this very important hearing. I am appearing here today on behalf of the Governor, John Evans, who is out of the State. Although I will be using the singular pronoun "I" here a number of times, it is the testimony prepared by the Governor for presentation to this meeting, and it represents the position that he and his administration take upon this very important subject.

Since the early 1970's, the entire 132-mile reach of the St. Joe River, from its origin on the Montana/Idaho border to Beedle Point, has been extensively studied regarding its merits for Wild and Scenic Rivers classification. The U.S. Forest Service has led the study with

widespread interest expressed by State and local government, citizen organizations and individual Idahoans.

Over the years there have been information meetings, tentative recommendations and reactions thereto, public hearings, and prolonged and controversial discussions. However, a central theme has persisted all along—most everyone wants to preserve and protect the beautiful St. Joe River. St. Joe Valley citizens felt they could maintain the qualities of the St. Joe River through local and State control, while others preferred National Wild and Scenic Rivers classification to protect the river and its shoreline. There simply was no consensus on how to best address the common concerns that everyone shared.

The legislation before us today, Senate bill 3052, is the result of cooperation, communication, and compromise on the part of local citizens and their elected officials. It resulted from local people deciding for themselves how best to manage the river and its shoreline. It is a compromise. As such, it may not completely satisfy the desires of any one interest. But more importantly, it satisfies the major concerns of most people.

This compromise is another example of the Gospel-Hump approach initiated by Senator Church to let the people at the local level play an active role in deciding for themselves critical natural resource issues.

I commend the public-spirited individuals who have played a leadership role and who have agonized over the ultimate destiny of the St. Joe River. Their efforts, along with the support and help from your offices, have resulted in a compromise recommendation that they feel would resolve the long-drawn-out dispute over the St. Joe.

As Governor, I have a particular sensitive responsibility. As Idaho addresses the increasingly difficult and sensitive natural resource issues, my overriding concern must be the good of all the people of this State. To carry our that responsibility, I must weight the sometimes conflicting values, opinions, and desires of our citizens and then come to a conclusion about what represents the greatest good for the most people. How we carry out those responsibilities will determine the quality of life we enjoy and pass on to future generations of Idahoans.

If we use commonsense and judgment, we can recognize those areas of our State that are fragile and unique and deserve special protection, while at the same time protecting the economic security of our resource-dependent communities. The St. Joe River compromise reflects this commitment.

I have thoroughly considered the issues raised by this proposed amendment to the National Wild and Scenic Rivers Act. I believe that passage of this amendment will serve the best interest of the people of Idaho, today and tomorrow. The legislative establishment of this compromise has my strongest support and I urge its speedy enactment. It is the most reasonable and realistic approach to reconciling the the St. Joe issue. The compromise also has the backing of the State agencies most concerned about the management of the St. Joe River. They will be submitting written testimony to this effect.

The compromise plan calls for classifying 66.5 miles of the St. Joe River above the town of Avery as a component of the National Wild and Scenic Rivers System and that local control should prevail from Avery downstream. It is important to note that the compromise addresses the critical and common issues of concern that reflect a a sensible balance between preservation and development.

First, I have expressed many times my concern and interest in the future economic outlook for Idaho and her resource-dependent communities. I realize that a viable forest products industry is critical to a healthy, growing Idaho economy. This legislation allows for continued access and timber development in the accessible reaches of the St. Joe Valley.

Second, the compromise addresses common concern that we all share regarding dredge mining. The legislation before us would specifically prohibit dredge mining on the St. Joe and its tributaries upstream from Avery. Under the leadership of Senator Art Manley and Senator Cy Chase, the legislature in 1977 enacted into law an amendment to the Idaho Dredge Mining Act, which specifically prohibited dredge mining on the St. Joe River and its tributaries. This legislation will give added protection under Federal law to support the State provisions we already have.

Third, another important issue that is resolved by this compromise is the concern local landowners and other citizens have expressed regarding private land that would have been included in Federal classification of the river. Leaving the river below Avery out of the National Wild and Scenic Rivers System guarantees there will be no infringement on the prerogatives of private landowners by the Federal Government.

I recognize and support the concerns of local residents about Federal infringement on private property, either through acquistion of scenic easements or fee title. The views of concerned citizens in the St. Joe Valley are reflected in the compromise legislation.

Fourth, one of the major reasons for establishment of the National Wild Scenic Rivers Act back in 1968 was to preserve selected rivers or sections of rivers in their free-flowing condition for the benefit and enjoyment of present and future generations. I am opposed to development of any dams on the St. Joe River.

The intent of this legislation is to protect water quality and the important fishery as well as maintain the water-based recreational opportunities that the St. Joe River has to offer.

As I mentioned earlier, the compromise allows for local control from Avery downstream. This is an important charge to the local officials responsible for protecting the qualities of the river.

It is an important task and I am sure they will accept the challenge and provide the necessary leadership to see that proper protection and management of the river will continue.

In conclusion, on behalf of all of us here today, I would like to personally thank both Senator Church and Senator McClure for providing Idahoans with the opportunity to express their interests and concerns at this important hearing. It is going to take the help and support of all Idahoans to resolve the critical natural resource problems facing us today.

I would also like to express my appreciation to all of the people—Senator Chase, Senator Manley, Scott Reed, Dolly Hartman, Ray Hilding and others—who have worked so diligently to make this compromise possible.

We have before us workable compromise that addresses the critical issues of concern and lays the groundwork for the future management and protection of the St. Joe River. As Governor of Idaho, I ask for your support and rapid action in behalf of all our people. Thank you very much.

Senator CHURCH. I take it that the endorsement of the Governor of this bill represents not only the position of his own office but also the position of the various State agencies that are concerned. You've testified that the compromise also has the backing of the State agencies most concerned about the management of the St. Joe and written testimony to this effect.

Lieutenant Governor MURPHY. This is true, Senator. In preparation of this testimony the department of fish and game, the water resources people, parks and recreation people, those that do have concerns about the management of the rivers in Idaho and concerns for them participated and assisted in preparing the testimony. And they came together in their support.

Senator CHURCH. That's good to know that the State government, through the Governor and the various State agencies, are agreed on the proposal and do support it.

I might say for everyone here and for the State agencies that we will keep this hearing record open for the next 14 days, the next 2 weeks following this hearing so that anyone who is unable to attend and cannot testify today for one reason or another who wants to make his or her testimony part of the record will have an opportunity to do so. And if you can advise the State agencies to submit their own written records within that 14-day period, it will be very much appreciated.

Senator MCCLURE. I have no questions. Thank you.

Mr. SYMMS. No questions. Thank you.

Senator CHURCH. Our next witness is Senator Cy Chase. Welcome, Cy.

STATEMENT OF HON. CYRIL C. CHASE, STATE SENATOR, STATE OF IDAHO

Senator CHASE. Thank you. Senator Church, Senator McClure, Representative Symms, I appreciate the opportunity to be up here at this hearing and to be able to give you a few comments. I didn't prepare anything because I think you know I have prepared a lot of testimony in the past. And I think you well know how I stand on this. And I have strenuously opposed any type of classification on the river until we come up with this compromise. And the scoop that we got together to work on the compromise was—we wanted to get a few people that were on opposing sides to try to see if we could work out some ground rules for future meetings and getting our people involved. And this fell together so quickly that we didn't get as many people involved, probably, as we should have, and probably not as many from the Wallace area. We weren't trying to bypass anyone up here because they personally support any mining activities. I strenuously oppose dredging, and I think you all know that. But any other type of mining activity I certainly have no objection to.

Anyway, we have worked on this and fought this "wild" river classification for a long time. I think we all feel that it is time that we lay all these past things aside and come up with this compromise. And I certainly support this compromise. I worked hard on it, and I will strenuously support this legislation.

The thing that we were concerned about in our area, as you all know, lumbering is our major activity in that area, same as mining

is in this area. And this is the thing that we were concerned about, was that we had proper access so we could harvest the timber in an orderly fashion and without being hampered by not being able to build roads and bridges. Because we have, as you all know, many feet of timber that is dying and needs to be harvested, and we didn't want to have any hinderances of that activity.

Like I say, I didn't prepare any testimony, but I just want to be on record as supporting this compromise legislation. And I will do anything I can to help get this legislation passed and hope that Congress will act immediately. I think it's real important we have a plywood plant in that area. And they have expansion in mind, but they have been reluctant because of this cloud hanging over the possible classification. If we can get this legislation passed it will put their fears aside so they can go ahead and plan to do what is necessary to expand the plant. I think that is important in that area. I certainly support it. Thank you for enabling me to be allowed to appear here.

Senator CHURCH. Cy, thank you for your testimony. Let me ask you a question or two. You are one of the coauthors, are you not, along with Art Manley, of the State legislation that deals with dredging?

Senator CHASE. Certainly; yes, I am.

Senator CHURCH. We have tried to word this bill in such a way that it complements the State law concerning dredging. In other words, we didn't want to get any Federal law at odds or cross purposes with the State law. Have you examined this language, and are you satisfied that it does, essentially, conform with the State law on the subject of dredging?

Senator CHASE. Well, I certainly feel it does. Of course, I am not an attorney, as you and Senator McClure are. But I would certainly hope that if there is any change or anything necessary to do that I would certainly hope that it would.

Senator CHURCH. You see no problems with it now?

Senator CHASE. Not at this time.

Senator CHURCH. We have also inserted language in the bill to make clear that the present use of existing bridges or the future construction of bridges across the Saint Joe that are needed for timber harvest would not be in any way limited by the classification of the river itself. And that has been for the purpose of making certain that timber harvest can continue and that the ordinary management of timber resources would not be affected. You've reviewed that language and are generally satisfied with it?

Senator CHASE. Yes; I am. This is one of the concerns that we had. We wanted to be sure that we did have proper access to that area for timber harvest.

Senator CHURCH. Thank you very much.

Senator MCCLURE. Let me follow that, if I may. Of course, the designation of the upper portion as a "wild" river would prohibit the building of bridges in that area in the segment designated as "wild" river. I think we have discussed that before and you understand that. When we are talking about allowing bridges, we are talking about the other segment that would be designated as "scenic" river under the classification.

Senator CHASE. Right.

Senator MCCLURE. There are a couple of other questions from major to minor. The minor one is that Avery doesn't have a boundary, and

we are going to have to have some other recitation on the east boundary of Avery. But I think we understand what we are talking about. That's not a major problem.

A major problem, however, is the language that was included in both the agreement and the bill itself that says that the St. Joe River, including tributaries, is covered by the bill. And there is a great deal of concern about the designation of the tributaries. As we have discussed before, it is the intention of those who drafted the compromise that we are designating the mainstream only and that we are not putting a half-mile corridor up each tributary. Is that your understanding?

Senator CHASE. That's my understanding, yes.

Senator MCCLURE. I think that it's the understanding of all of the five of you who negotiated the compromise. There will be, of course, protection of water quality on the tributaries under other legislation. It is not under this legislation, and there is no attempt made here, as I understand it, to extend the "wild" river corridor up each major or minor tributary.

Senator CHASE. Well, that's correct. I would like to say that there's been dredge mining in that area for 10 years, and I've been up on this property several times. And I don't think anybody, even in the mining communities, would support that type of mining activity. It gets nothing but problems. This is the reason that we felt, at least, I did, that we need to insert in this to get a compromise that we not dredge in that area. I think any of you, regardless of whether you are in the mining business or not, would not support that type of activity. Federal law required a reasonable time that they put this area back to normal condition. In the 10 years they haven't done one thing to try to restore that area.

Senator MCCLURE. I think it's fair to point out, as you have, that the provision of dredge mining is under State law, covered on tributaries as well as upon the main stem.

Senator CHASE. Of course, they fought this in court and tried to say the State didn't have any jurisdiction. This is why I think that Federal legislation will help to reinforce the State position.

Senator MCCLURE. One final comment. Without attempting to broaden the scope of this hearing today, you made mention of the uncertainty imposed by this controversy with respect to the plans of timber harvest in the St. Joe basin. Certainly we are not going to end all of the controversy or uncertainty by this legislation alone. We've got a little thing called RARE II that's got to be resolved too.

Senator CHASE. I understand that we have to take them one at a time.

Senator MCCLURE. I think I understand that, too. Thank you very much, Cy.

Mr. SYMMS. No questions. Thank you very much.

Senator CHURCH. Our next witness is Senator Art Manley. Is Art Manley here?

VOICE. Senator Manley will be late, Senator Church.

Senator CHURCH. When he comes, we will call him.

Representative Louis Horvath. Lou, welcome. Glad to have you this morning.

STATEMENT OF HON. LOUIS J. HORVATH, A STATE REPRESENTATIVE, STATE OF IDAHO

Mr. HORVATH. Thank you. My remarks will be quite short. I support the compromise; and the majority of my constituents, I believe, also support the compromise. I share this concern about the economic impact of the compromise. These things have been taken into consideration. And so I think the group that worked on this should be congratulated on their job. And as I say, I think this is probably as good as a compromise that we are going to get out of it.

Senator CHURCH. Have you got any particular—you've looked at this bill?

Mr. HORVATH. Yes, sir.

Senator CHURCH. And have you got anything—we are here to find out if there are problems with the language, if there are needs for further classifications. We want to know. And if you have any suggestions along that line to make, we will welcome them.

Mr. HORVATH. I really don't. Like Senator Chase, I trust the attorneys here—or Senators, I guess. And I really can't see nothing particularly wrong with it. I have no expertise in that either.

Senator CHURCH. Well, we have tried to make the language conform to what we understood to be—the agreement that had been reached. But we are, both Jim and I, practicing politics these days and not law. And if we practiced law, we'd be earning even bigger fees. But we have lawyers who look at this and give us the benefit of their legal advice. And among them I'm sure will be witnesses who will appear today. So should you in the next couple of weeks run across any problems in the language that gives you concern, let us know.

Mr. HORVATH. I will.

Senator MCCLURE. Frank, I just wonder if it might not be well to enter formally in the record the statement in support of the local committee compromise bill that was signed by the five and is dated April 25, 1978.

Senator CHURCH. I think that should go in the record.

Senator MCCLURE. Because that's kind of the basis of understanding upon which the bill is premised. And I think some interpretation of the bill ought to be based on that compromise. And it could be made a part of the record.

Senator CHURCH. We'll make it a part of the record and see that it's inserted in an appropriate place.

Senator MCCLURE. I know it's had a wide discussion and it's had wide circulation. And I assume you would have, at least, have read it and are familiar with the terms of that compromise.

Mr. HORVATH. Yes; I have, sir.

Senator MCCLURE. The reason I mention that is because it makes reference to collective logging practices and roadbuilding that would be understood, and the kind of management dredge mining professional type of property rights. And certainly not least of which is paragraph entitled 5 that says that peace—bring peace to the valley But I do think that as a background when we are all talking about we will support this compromise, we ought to be talking about the same compromise, the same language. And I would appreciate your comments.

Mr. HORVATH. Thank you. The compromise is—I assume the bill speaks to the compromise, as I understand it. So the compromise is what I talked to my people about, and they seemed to think that is all right.

Senator MCCLURE. Thank you.

Senator CHURCH. Thank you, Lou.

[The material follows:]

RESOLUTION

Whereas the Idaho State Legislature in its consideration of the State Water Plan rejected Policy 36 relating to the recommendation of the Idaho Water Resource Board for classification of the St. Joe River under the Wild and Scenic Rivers Act, and

Whereas a compromise proposal was drafted by a local committee consisting of Senator Cy Chase, Senator Art Manley, Ray Hilding, Dolly Hartman and Scott W. Reed and then revised to meet changes requested by the Shoshone County Commissioners, and

Whereas the compromise proposal has now been introduced in Congress as a bill by Senator Frank Church with the co-sponsorship of Senator James A. McClure, and

Whereas the compromise appears to be acceptable to all of the various interest groups which have participated in the public discussion over the management of the St. Joe River; Now Therefore, It is hereby

Resolved, That the Idaho Water Resource Board does endorse and support the compromise legislation for classification of the St. Joe River and all of its tributaries from its origin in St. Joe Lake downstream to the eastern boundary of the City of Avery. A copy of the senate bill is attached to this resolution and approved as written: It is further

Resolved, That the board in recognition of the statement made by the committee specifically adopt as policy of the State of Idaho the recommendation that the St. Joe River downstream from Avery to Coeur d'Alene Lake should remain a free flowing river and that there should never be any dams constructed at any part upon the St. Joe River for any purpose whatsoever: It is further:

Resolved, That the board should cooperate with and assist the local governments in any action necessary to protect the scenic beauty, historical variety and fish and wildlife qualities of the St. Joe River.

Adopted this 11th day of May 1978.

Attest: DONALD KRAMER, *Secretary.*

GEORGE YOST, *Chairman.*

A BILL To amend the Wild and Scenic Rivers Act by designating the St. Joe River in Idaho as a component of the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.), is further amended as follows:

In section 3(a) after paragraph (15) insert the following new paragraph:

"(16) St. Joe, Idaho. The St. Joe River, including tributaries, from its origin in St. Joe Lake downstream to the eastern boundary of the City of Avery, Idaho, as generally depicted on the map entitled 'St. Joe River Corridor Map' dated September 1976; to be administered by the Secretary of Agriculture. Neither the classification nor the development plan shall at any time interfere with or restrict the maintenance, use or access to the existing or additional forest service roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across the St. Joe as needed for timber harvest.

"Dredge mining in any form including any use of any kind of machinery for removal of sand or gravel for mining purposes shall be prohibited upstream from the eastern boundary of the City of Avery within the St. Joe River and its tributaries and adjacent lands on either side of the banks of the river and its tributaries. Nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the St. Joe River and its tributaries by any public body or its agents for the purposes of construction or maintenance of public roads. The Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than $1,100,000 for acquisition of lands or interest in lands."

Senator CHURCH. Senator Dorothy McCann is in the room and has asked to testify. Glad to have you, Dorothy.

STATEMENT OF HON. DOROTHY H. McCANN, STATE SENATOR, STATE OF IDAHO

Senator MCCANN. Nice to be here, Senator Church and Senator McClure. I didn't sign up to testify. I am one of those who also supports the "compromise." But I think it's important that I be on record too as being in favor of it. And after the five people had met, the county commissioners and I met with Larry LaRocco of your staff and went over it very carefully and endorsed it at that time. We also, through your sponsorship, had a chance to go by Forest Service helicopter and look over the valley itself, and it comes down to an extraordinary trip. It is a treasure that we really do have to protect.

I hope that the mining people here that will testify today will be in agreement with this. If they have a reservation, I am sure that you will look at that very carefully, as well as the timber interests that have been mentioned here today too.

So again, as a public official in Shoshone County and as part—well, the whole designation in this legislative district 2, I am very happy to support the compromise agreement.

Senator CHURCH. Thank you, Dorothy. Let me just say that we do intend to listen very carefully to the representatives of the mining industry who will appear here today and some of whom may oppose the bill or ask for certain changes in it. And we want to hear their testimony. Our purpose is to protect hardrock mining. If there are minerals there and if there is any possibility for hardrock mining in the future, we don't intend that this bill should interfere with that. We intend that the restrictions on mining should be limited to dredging, and we've tried to draw the bill up in that way. But we have looked carefully at the words and listened to whatever objection or recommendations they have to make. I appreciate your coming.

Our next witness on the list is Representative Bud Lewis.

STATEMENT OF HON. BUFRED E. LEWIS, A STATE REPRESENTATIVE, STATE OF IDAHO

Mr. LEWIS. Senator Church and Senator McClure, it's a pleasure for me to be here today and address your subcommittee of the U.S. Senate on this very crucial subject regarding the people that I represent in district 3 in the State legislature. I have a unique position: I live on the St. Joe River and have all my life. And I have had the pleasure in the last session of the Idaho Legislature to serve on the resources and conservation committee. And in this last session we spent many, many hours, in fact we met twice a day, on this State water plan. The State water resources department came up with the classification of the St. Joe River in their plan. After many, many hours of study we deleted from the State water plan an entire classification of the St. Joe River. And I also was appointed on an interim committee on the senate and the house as an advisory committee to the State water resources board.

We have met twice this year, and we have worked real close on all the water problems of the State of Idaho. And I think I have gained a

knowledge serving on that committee in an advisory capacity to the water resources department. And they are convinced, as I think Senator Church remarked, that the State water plan has studied this and the State water resources board has made them knowledgeable on this subject.

And I want to testify today that I am in favor of this compromise. I have fought long and hard against the classification of the St. Joe River. My reputation is well known that I am pretty much interested in bread-and-butter jobs in the economies of the area that I represent. And I think that the past record shows that the people in my district have stood behind me on that position. And our concern has always been and always will be that of the timber industries and the jobs and the welfare of the people on the St. Joe River. And I wholeheartedly believe that this compromise will help the situation. And I am not in favor of a continued battle of neighbor against neighbor and to let this thing drag on and on.

And I have studied Senate bill 3052, and I think it's a good compromise. And I am sure that the people I represent will back you when they understand it. I want to compliment your committee for your expediency, and I hope that it will continue. Because this is a problem that has gone on long enough. And I think that perhaps I have lost friends maybe from some of the extreme environmentalists because of the strong position that I have taken. But I am sincere, and I think my reputation backs that up, that to me it is the economy of the area.

I have had not the pleasure, but the privilege of living in St. Maries all my life. And I've seen jobs in the timber industry that lasted just 6 months of the year, and they say, "Well, we are sorry, but the economy is down. There's no market for our lumber. The mill is going to be down for 3 months." And we don't want that situation to come again with the economy as high as it is today with the same results because they can't get the timber out. It's so important to the economy of the area that I represent.

And I want to congratulate the committee again on your efforts, and I hope that you will move this compromise with the expediency that I know you gentlemen are capable of doing. With that I close my remarks, and I thank you for the opportunity of being here.

Senator CHURCH. Thank you, Bud. May I just say that you deserve a good deal of credit for the work that you've done in trying to bring an end to this long dispute. And you've shown real statesmanship, I think, in finding a way that it takes into reasonable account the interest of everyone in this area.

Mr. LEWIS. Thank you, Senator.

Senator MCCLURE. I second that. Thank you very much.

Senator CHURCH. Our next witness is Fred Cantamessa, the commissioner from Shoshone County.

I might say that some of the witnesses on this list have indicated to me that they have prepared written testimony and would like to submit the written testimony rather than to make an oral presentation. Anyone who wants to do that is welcome to do it. I want you to know that there is that option. Of course, we welcome your oral testimony. We are happy to have it in that form. I just want you to know that there is an option if you want to make use of it. Mr Commissioner.

STATEMENT OF FRED CANTAMESSA, COUNTY COMMISSIONER, COUNTY OF SHOSHONE, WALLACE, IDAHO

Commissioner CANTAMESSA. The Shoshone County Board of Commissioners wishes to compliment Senators Church and McClure for their interest in maintaining the preservation and the beauty of our area and our county.

Senate bill 3052 purports to be a summation of a compromise reached by five individuals representing two different views concerning the St. Joe River. In the original compromise the right to log and mine was to be preserved. The compromise agreement was not reached by any citizens or elected officials of Shoshone County in which the entire designated area lies. Similarity between the so-stated compromise agreement and Senate bill 3052 in themselves show a wide divergence.

We, as commissioners, view the St. Joe River drainage as an ongoing source of timber for miles located in Shoshone, Benewah, and Kootenai Counties and ultimate consumption within the continental United States. While the proposed Senate bill 3052 restrict interference with roads and bridges as needed for timber harvest, nowhere in the bill does it contain positive affirmative language that the proposed classification is not to interfer with continued logging in the St. Joe drainage. Past experience by industry with interpretation of wilderness legislation indicates that without such protection logging, or even camping, boating and fishing may, in fact, be unjustly interfered with or postponed by administrative decision.

Senate bill 3052 prohibits dredge mining and, by inference, has been considered to preserve the right to conduct hardrock mining. However, by designating the river and its tributaries as "wild" and "scenic," the bill effectively withdraws all land in the area presently open to location under the mining laws, and thus virtually prohibits all hardrock mining in the area. A glance at a map of the area indicates that little of the area is not overlain by one-half-mile corridors along each tributary.

We propose that the North Fork of the St. Joe be specifically excluded. We also propose that the half-mile corridor be limited to the main stem of the river and eliminated in regard to the tributaries.

Senate bill 3052 should specifically reserve the right to conduct hardrock mining operations in the designated areas by exempting it from the restrictions of the act, particularly sections 3(b), 8, and 9 of Public Law 90–542. It should also specifically provide for continued logging, recreation, and other activities as the area is presently utilized, and provide for normal evolution as utilized by county and area residents.

The present environmental statutes and rules and regulations are entirely adequate to protect the river and its environment from destructive activity. We, as elected representatives of Shoshone County, realize the beauty of the St. Joe River and we also recognize the needs of our citizens to be able to obtain a living so that they can continue to live here and enjoy the St. Joe. We do not believe that undue constraint should be brought as presently conceived under S. 3052 or the Wild and Scenic Rivers Act inasmuch as this area has been in its present condition for over 100 years. Should State or Federal regulation be required for this area, we will be the first to request it.

Senator CHURCH. Our next witness is Bob Thomas, representing the Friends of the St. Joe. Glad to have you this morning, Bob.

STATEMENT OF ROBERT G. THOMAS, PRESIDENT, FRIENDS OF THE ST. JOE RIVER, COEUR d'ALENE, IDAHO

Mr. THOMAS. Thank you. It was unfortunate I was unable to attend the meeting that came to the agreement from the opposing forces. But I pretty well am satisfied with what they have done. And as the president of the Friends of the St. Joe, which is a citizens organization, I present the following statement:

The members of the Friends of the St. Joe River wish to take this opportunity to thank this committee for the opportunity to submit testimony concerning Federal classification of the St. Joe River.

Action concerning classification has been on the back burner for too long and we express our thanks to Senators Church and McClure for taking the initiative to move the issue along.

Friends of the St. Joe will relinquish their longstanding position for Federal classification of the entire river for a prompt classification of the upper portion.

Specifically, we will support a "recreational" classification for that part of the river beginning at a point immediately upstream from the town of Avery to the Spruce Tree Campground and a 'wild" classification for that part of the river from Spruce Tree Campground up to and including St. Joe Lake—the source of the St. Joe River.

Additional campgrounds are recommended where they may be feasible on the proposed "recreational segment" of the river.

The St. Joe Lodge, a commercial outfitters operation, situated approximately 6 miles upstream from Spruce Tree Campground, is considered to be compatible with a "wild" river classification. The lodge offers the public an opportunity to see the unique St. Joe River and its immediate environs by horseback while encamping at a wilderness-type lodge. The lodge has been in operation for many years.

It is further recommended the U.S. Forest Service take any necessary action to prevent siltation or degradation of the water quality of the St. Joe River from any type of activities originating on public lands adjacent to the river. Thank you.

Senator CHURCH. Thank you very much, Bob, for your testimony and for the support of your organization for this bill. As you know, so that there won't be any misunderstanding about it, the classification of the upper reaches of the St. Joe as a "wild" river would reach only the bank land along the corridor that is established by the "wild" river designation. Beyond that corridor, that bank land corridor, the classification would not reach, and the regular laws that apply to mining and to lumber activities would apply.

Mr. THOMAS. Yes.

Senator CHURCH. You have looked carefully at the text of the bill?

Mr. THOMAS. I have. There was one thing that's been somewhat ambiguous in the public's minds that it was clarified under Senator McClure's questioning of Senator Chase this morning. And that is the bridges and the roads will not apply to the "wild" section of the river. And I would like to have that spelled out a little bit clearer in here, because a lot of people have come to me about this.

Senator CHURCH. I think that can be made clear in the report that will accompany the bill. Of course, the roads and bridges could be constructed over the 40-mile stretch that would be designated as "recreational". And this we understand is adequate to the needs of the lumber industry.

Mr. THOMAS. All right. I have in mind quite an extensive plat on the other side of the river which would require a bridge for the public to get to it but would make a very nice campground—but would require a bridge to get to it.

Senator CHURCH. Jim, any questions?

Senator MCCLURE. Just a couple of comments. First of all, I think there may have been the intention on the part of the drafters of the compromise that the prohibition against dredge mining extends to the tributaries and that that portion of the compromise is not confined to the corridor.

Mr. THOMAS. Right.

Senator MCCLURE. We will ask others if this is not their understanding. This was my understanding of their proposal. Was that yours?

Mr. THOMAS. Yes, right.

Senator MCCLURE. So that so far as dredge mining would be concerned, it would be intended to extend it up the tributaries, but no other provisions would extend up tributaries.

Mr. THOMAS. May I ask a question? Will this classification on the "wild" portion extinguish what minor dredge operation that has occurred in the vicinity of Scat Creek, which will be in the "wild" section now? Are you going to extinguish that and have no problem with that from now on?

Senator MCCLURE. It gives the Forest Service a management directive and authority to deal with that problem under a different body of laws than they have in the general statute. But this doesn't automatically solve the problem. It gives them a management directive and a tool.

Mr. THOMAS. Because we can't have that bugging us.

Senator MCCLURE. But it also says that if there are valued existing rights that will be distinguished. It then gives a basis by which people are compensated for the function of private property rights. And a mining right is a private property right under our law.

I think there is one addition to your statement that perhaps is helpful to us, but we need to explore it one step further, and that's in regard to the St. Joe Lodge. The general management of a "wild" river under "wild" river designation would exclude commercial activities. And it does not have quite the same kind of legislative background that a "wilderness" designation has because the Wilderness Act specifically says that preexisting uses may be continued, but that are not incompatible, and at preexisting levels of use. But there is no such provision in the Wild and Scenic Rivers Act, so if there is to be a continuation of the St. Joe Lodge activity, then it needs to be made rather plain that that is desired and permissible under the legislative history. Do you know if that lodge is on private property?

Mr. THOMAS. It's "special use" permit area. But so much of the time in the "wilderness" classification, people say, "Well, we can't get in. We can't enjoy it." So on and so forth. So some things inside the "wilderness" area allows everybody to get in there. Now every-

body doesn't backpack. Some people like horseback, and probably some like commercial use. So therefore, this lodge, being up in the proposed "wild" section, it is in our opinion very compatible with it. Now as some people would like to see the area on horseback, with this light commercial operation such as a lodging up there, this would give them an opportunity to do so. Remembering, everybody can't start up to Spruce Tree Camp and backpack in, and everybody hasn't got a horse. So I think it's very serious to consider this lodge for continued operation up there.

Senator CHURCH. I think that can be worked out. It's one of the reasons we want to hold local hearings, just because of particulars of this sort.

Mr. THOMAS. I would venture to say that if the committee would go up there to look at the St. Joe in the light of classifying it, I bet you they would stay at the lodge.

Senator CHURCH. Do you recommend the lodge?

Mr. THOMAS. I do.

Senator CHURCH. The "wild" rivers classification, of course, is meant to accommodate use of the river. It's meant to maximize the public use of enjoyment of the river and the bank lands and the campgrounds along the banks and be usually considered as a compatible use. And I know of dude ranches and that kind of thing that blend into the general scenery and form a traditional part of the landscape that have been included as a compatible use, even though the ranch land may actually extend to the river itself and incorporate a part of the bank land of the river. So I don't think this represents a serious problem. I am glad you brought it to our attention, and we will take necessary action to work it out.

Mr. THOMAS. Thank you.

Senator CHURCH. Thank you very much, Bob. Have you any further questions?

Senator MCCLURE. No; I have no further questions. I am concerned that we don't misunderstand what we are going to be doing. A "wild" river designation is different than a "wilderness" designation. It comes under a different body of law, has different restraints. And I appreciate your statement with respect to the lodge. I don't disagree with it at all, but we will be hearing some other witnesses, and I hope some of them may address that as well.

Mr. THOMAS. Thank you.

Senator CHURCH. Our next witness has never been heard from before on this subject, and that is Dolly Hartman. Dolly, are you in the room?

STATEMENT OF DOLLY HARTMAN, PRESIDENT, ST. JOE VALLEY ASSOCIATION, INC., ST. MARIES, IDAHO

Ms. HARTMAN. We bid you welcome, Senator Church and Senator McClure. And I did see Congressman Symms. He seems to be gone now. But I am certainly glad to see you gentlemen out here. It was a lot shorter distance from St. Maries to Wallace than from St. Maries to Washington, D.C. And I do hope that you will proceed with whatever action necessary and let this be the last hearing of hearings on the St. Joe because we've had many. I've been at all of them. Ask Ralph. We have had them at Spokane, Boise, and Missoula, back to back. And I have made them all—and drove it.

Senators Frank Church and James McClure of Idaho, gentlemen, my name is Dolly Hartman of St. Maries, Idaho. I am here as president of the St. Joe Valley Association, representing the board of directors and members as a whole. I am here to testify regarding the pending legislation known as Senate bill 3052, more commonly known as the compromise bill, and on other matters pertaining to the Forest Service study on the St. Joe River in north Idaho. I will be supporting the compromise with some suggested revisions. But first I would ask your indulgence on the submitting for the record certain documents. In the years that I have been traveling over Idaho in support of the St. Joe and known classification, we have developed a file and document. And I have never been one to assume that there wasn't a crack somewhere that something could fall through. So for that reason I will submit documents so that in the event that things do not turn out as some of us hope, then we do have a case, should we need to have some litigation. And so that will be the purpose of some of my documentation.

On behalf of the board of directors of the St. Joe Valley Association, I wish to publicly express appreciation to you, Senator Church and Senator McClure and to Congreesman Symms, for the responsiveness of your offices and aides to the critical situation that we were placed in when the administration's bill placing the entire St. Joe lying within the Forest Service boundaries was made known to the public. Now, it was your cooperative efforts which have enabled some of us to sit down and work out a livable compromise. I am thoroughly convinced, others are not. But I am thoroughly convinced that had we not been given that opportunity that the entire St. Joe now would be classified to the boundaries. And I have to live with myself first of all.

It's my understanding from all these congressional offices that when a President supports a bill such as the one concerning the St. Joe River, that a number of things will happen which takes it out of the realm of a normal bill. First of all, that it will be introduced automatically. Two, that it may be introduced at any time and it may be by any committee member, not particularly in this case a member of the Idaho delegation. We found it particularly disturbing that the President's Office would choose to perpetuate the ongoing process of denying the due process of law to the folks effected by classification of any part of the St. Joe under the Wild and Scenic Rivers Act. We find it most unacceptalbe that the St. Joe River was not givin the same complete study that the Priest and the Moyie Rivers have received, particularly in the light of all three being included in the study category at the same time.

I am, of course, referring to the lack of complete quantitative and economic analysis as required by the principles and standards for water and related land resources, according to regulation dated September 1973. Additionally, if, perchance, there is any doubt as to whether or not the St. Joe study was up to par, a General Accounting Office audit could and would dispel lingering doubts, particularly if the process carried out on the St. Joe were compared to the processes on the Priest and Moyie. If, for instance, the intents of the compromise were violated by the expansion of the corridor or access to timber harvest or the hardrock mining interfered with, then those of us that have supported this livable compromise would not hesitate to take the legal route and then let the Court decide whether or not

the process of law has truly been applied equally on the St. Joe as on the Priest and Moyie.

The St. Joe Valley Association was organized in 1972, primarily to provide input to the Forest Service. It has been our observation that much of the input was used to satisfy only part of the process and largely ignored otherwise. If, in the beginning, the elements of fear, anguish, and anxiety brought us all together, then ths strong, cohesive unity which we felt has been given all these years has been wrought by determination, perseverance, and the belief that private property ownership and wise use of our natural resources is a God-given right.

I would like at this time to enter the following documents to be made a part of the permanent record of Congress on the St. Joe River study as authorized under Public Law 90–542, and that is the Wild and Scenic Rivers Act. Part 1 as contained within this publication contains the compromise State legislation which you have a copy of that legislation on the dredge mining. And I will read it into the record: "Opinions, Partial Economic Impact Statement." For historic reasons we have added representative copies of petitions of which the St. Joe Valley Association has several thousand with these petitions supported our position over the years. And the petition signers were residents of 23 States, so we do take it nationally.

Then part 2 is a completed U.S. Forest Service publication entitled "Public Response to Forest Service Proposals, St. Joe River, 1974." This document I felt was important to enter because not only does this express the concerns of the many people over the years, but it slso adds an attitude that this was a completed—these documents which we are adding to the record have within them the statements of the agencies. And the agencies, a number of them, do comment on the lack of quantitative analysis and the quantitative features. And I feel this is very important to add.

Now, about the compromise, there are several areas I wish to discuss with you. The language, "in addition, the future construction of bridges across the St. Joe and tributaries as needed for necessary sustained economical timber harvests." That was the action that the board of directors, who I represent here today as well as myself—this was their revised compromise.

Senator McCLURE. Dolly, could I interrupt to ask a question at that point? My understanding was that the compromise was intended to cover the main stem of the St. Joe and that the only territory included within the management directive was that which is within the corridor along the main stem, with the exception of the prohibition against dredge mining on the tributaries and that there is no territory management except within that territory with that exception. If that is the case, it would seem to me, if I could use the term "muddy the waters" to try to include language that dealt with the territory around the tributaries when it's not intended to include the territory around the tributaries.

Ms. HARTMAN. With your indulgence, Senator McClure, I hear many people were wading through much mud awhile ago. And I would like to refer you—and the St. Joe compromise bill as well as Senate bill 3052—I'd like to refer you to the first paragraph that says, "St. Joe, Idaho, St. Joe River, including tributaries from its origin on the St. Joe Lake downstream to the eastern boundary of the city of Avery—" wherever that may be decided upon. But that

isn't the problem. "As generally depicted on the map entitled 'St. Joe River Corridor map' " dated September 1976. Now I went on a treasure hunt looking for a map dated September 1976, and I did not find a map dated 1976. Also, to partially answer your question would this proposed corridor involve a tributary, it would have to involve a certain portion of the tributaries because the tributaries flow into the main stem.

Senator McCLURE. Only to the extent that those tributaries are within the quarter-mile corridor; is that correct?

Ms. HARTMAN. Yes; and I have included in this document—or in this evidence in lieu of a map that says September 1976—we would like to—the St. Joe Corridor map there does not appear to be a visible date such as September 1976. So for purposes of the compromise, the St. Joe Valley Association requests that the St. Joe Corridor map be the same as pages 111, 112, 113, 114, and 115 of the final environmental impact statement, dated March 3, 1978.

And as an addition to that to further refine it, additionally, we envision the St. Joe River Corridor as adhering strictly to the following, as excerpted from page 3 of the final environmental impact statement. "This river—" and I quote, "This river management zone would average about 300 acres per river mile. The boundary above Avery would extend approximately one-fourth of a mile on each side of the river and includes no private lands." Now does that answer your question?

Senator McCLURE. Well, I think if we understand the language that you are suggesting on the construction of bridges, including the language which you have suggested about added "and tributaries as needed," we're extending only to the extent of the tributaries within the main stem corridor.

Ms. HARTMAN. We are only talking about the corridor; that is correct. But let me jump ahead a little on the dredge mining problem. I do have a copy of the State Dredge Mining Act. It was Senate bill 1005 by Chase and Manley, first regular session 44 of the legislature. And I would like to read this into the record also because I believe that it will answer some questions because this is now law. And the Supreme Court just recently, I believe, as I read it in the paper so—I mean, you gentlemen being lawyers would know more than I do about this. I am just a housewife. The Supreme Court, I do believe, has upheld the State dredge mining law. And I would like to read this law into the act too. "Relating to prohibiting dredge mining in the St. Joe River and its tributaries, amending sections 47–1323, Idaho Code to prohibit dredge mining in the St. Joe River and its tributaries, the exception being Garnet mining area on the St. Maries River and its tributaries." And that is the law. So I do believe that when that has been upheld by the Supreme Court, it would appear to me that would address the tributaries as well as the main stem.

Senator McCLURE. Again, I would assume that when we are talking about tributaries, we are talking about the tributaries that flow into the designated section of the river?

Ms. HARTMAN. Yes; and of course, at all times——

Senator McCLURE. That would include the St. Maries——

Ms. HARTMAN [continuing]. I am referring to the St. Joe River corridor map, which is the one referred to in Senate bill 3052. Do you

have any further questions? That's fine. I would just as soon answer them as we go along.

OK. Other areas of concern that we had, and I am going to take out of context—I have an entire letter in the document, and this is as it relates to hardrock mining. This was an excerpt from a letter dated March 2, 1978, from Mr. Scott Reed to Mr. Larry LaRocco, who is Senator Church's aide. And I quote, "The committee—" and this relates to the compromise committee—"would not favor any legislation that would give the impression of a general mineral withdrawal of or interference from present rights to underground hardrock mining. We, of course, have had no such intent." And from the same letter, "It is no more an attempt to change any rights under the 1872 Mining Act that it is an attempt to add additional areas under the Wilderness Act." And I will attest that the above comments were consistent with my own. And this letter is attached as part 1.

Now I hate to keep harping on this subject, but we do feel that we have been denied the due process of law on the St. Joe, and I wish to visit just a little bit more with you on that. Back to the incomplete quantitative economic impact analysis, we have submitted as a part of the record, copies of letters to the following advising our concern and requesting assistance in obtaining our due process of law. On November 20, 1975, we wrote the letter and stated the Board's position to then Secretary of Agriculture, Earl Butz. September 9, 1976, a letter was written to President Gerald Ford, Earl Butz, Robert Long, of the Department of Agriculture, John McGuire, the chief forester; Robert Thoran, the regional forester; and Ralph Kaiser, the supervisor of Panhandle Forest. Now President Ford did respond via Mr. McGuire, stating our concerns would be given due consideration when the St. Joe was considered before Congress. On May 5, 1977, a letter was communicated to President Jimmy Carter commending him on his human rights assistance and requesting the same for the folks along the St. Joe.

I thank you again, committee members, and with the slightest of revision the compromise bill will service all. I thank you very much. Do you have any questions?

Senator CHURCH. Thank you very much, Dolly. I think that all the questions that occurred to me have been answered in the course of your testimony. With respect to the material you want included in the record, we will keep them in the committee file. Would that be satisfactory?

Ms. HARTMAN. Yes; that would be satisfactory.

Senator MCCLURE. I have only just a comment because I want the record to be very clear. First, let me commend you, Dolly, for not only your determination and the fact that you have stuck with your guns over all the years. I don't think you have sacrificed any of your principles or much of your position in this compromise. But I do want to commend you along with others in having reached the compromise you have. Your willingness to sit down and work it out and also your willingness to meet with me when I asked for that opportunity earlier with the others of the group who negotiated compromise.

You made some reference to the fact that there is no intention to change the mining law. I think it might be well to put that into context if it agrees with or does not agree with the provision of the Wild and Scenic Rivers Act. Section 1280 of the Wild and Scenic Rivers Act,

perhaps, should be understood that there is no intention to extend the limitation of every one of the tributaries; that there are limitations that would apply within the Wild and Scenic Rivers corridor; and that the corridor itself is withdrawn under section 1280 of the act from any location or mining except valid existing rights. I don't know that that's any different than the compromise intended, but certainly it would have the effect of limiting the application of mining law within the actual corridor itself, but not outside of the corridor.

Ms. HARTMAN. Senator McClure, I do have a question: Relative to the existing—are you talking about patented claims?

Senator MCCLURE. Patented or unpatented.

Ms. HARTMAN. Patented claims. Now under the present mining law does the existing Wild and Scenic Rivers Act interfere with the utilization——

Senator MCCLURE. Not of patented claims. If the Government decided that it was necessary to carry out the provisions of the law in the preservation of the stream where patented claims are involved and the desire to affect those operations, they would have to acquire the property.

Senator CHURCH. May I just add to that, Dolly? I believe that is also true of unpatented claims that are valid and existing. So all mining claims that are established are respected.

Senator MCCLURE. But there is a slight difference on the unpatented claims. The act says, that the operation shall be subject to the regulation on those to achieve the purposes of the act. There is a slight difference between patented and unpatented claims in that regard.

Ms. HARTMAN. Another question then, how does that relate to one segment as "wild," which certainly is considerably different than the "recreation"? I would like to express personal opinion here. I have been expressing other people's opinions as well as my own. But I really believe that "recreation" classification as a river—for a river is probably one of the worst things you can wish upon a river. The St. Joe Valley Association has developed a set of slides on one of the first classified rivers in Missouri. And we do have those documented. We would be very glad to show them, particularly to some of the environmental groups. It shows the desecration more than preservation.

So I guess in my own personal mind I question whether "recreation" classification is truly preservation, in my personal opinion.

Senator CHURCH. Well, I just wanted to have on the record that so far as the mineral law is concerned, unless we make a specific provision of this bill that that general Wild and Scenic River statute will have the effect of modifying current mining law with respect to the unpatented claims and will withdraw from entry the land within the corridor. And I understand that what was intended by the people who negotiated the compromise was that your statement about hardrock mining applied to the areas outside of the corridor with full recognition of the protection that is afforded to the mining properties, both patented and unpatented, pursuant to the existing law.

Ms. HARTMAN. Within the corridor, that's right. Also, back to my question. There is a "wild" segment and there is a "recreational" segment. And does the application of that mining law—is it the same for both?

Senator CHURCH. It's the same for both. There is no distinction in the statute.

Ms. HARTMAN. Because I did hike up to Scat Creek. And I hate to have to agree with Mr. Thomas, but I wouldn't want that particular portion desecrated either. Thank you very much. And I do have four more copies.

Senator MCCLURE. Thank you very much.

Senator CHURCH. While Dolly Hartman was testifying, Senator Art Manley came into the room. And Art is prepared to testify. We will be happy to hear from you now, Art.

STATEMENT OF HON. ARTHUR MANLEY, STATE SENATOR, STATE OF IDAHO

Senator MANLEY. Thank you. I apologize for being late, but had another meeting, an earlier commitment. My name is Art Manley. I reside at 1109 North Eleventh Street in Coeur d'Alene. I am a native Idahoan, and for a number of years have represented legislative district No. 2 in the Idaho Senate. Although this district does not include any of the St. Joe River, we are close neighbors, and many of my constituents and I enjoy frequent trips into the St. Joe country. I am confident that my testimony in this instance is clearly representative of the views of a vast majority of my constituents.

I am happy to endorse the compromise proposal on the St. Joe. I endorse it, of course, for the protection it gives to what is certainly one of the cleanest and most beautiful rivers in the world. But I also endorse the compromise because it represents the finest approach to solving our local problems—local people of widely divergent views sitting down at the same table and working together in a spirit of harmony and good will to come to an agreement that all can live with.

I have walked and backpacked the entire reach of the river that will receive the highest classification—from the very beginning of the river at St. Joe Lake to Spruce Tree Campground. It runs clear and unspoiled, marred only by the remnants of the old dredging operation at Scat Creek and occasionally muddy water coming down from an illegal dredging operation on Sherlock Creek. I am particularly pleased that the legislation will prevent construction of any road along this stretch of the river and it will prevent dams and dredging anywhere on the river system at least above Avery. In respect to the dredging, it will reinforce Idaho law sponsored by Senator Cy Chase and myself and should surely end forever the recurring threat of dredge mining on this river system.

At the same time, I feel that the compromise should reassure timber interests that timber harvest may continue without restriction, operating from existing roads and even with new roads where needed except in this one restricted narrow corridor along the river itself from Spruce Tree to St. Joe Lake. And I can assure you that there is little merchantable timber of any consequence in that area, either now or in the foreseeable future.

I think I can also assure our hardrock miner friends that this legislation is not likely to handicap them in anyway—except in the unlikely event that they should elect to carry on such an operation in the stream bed itself.

Actually, I see no real difference in management of the St. Joe corridor under this bill as compared to present Forest Service planning and management. The important factor is that the protection heretofore provided by a management plan—which could always be changed relatively easily by special interest group pressure and/or changes in Forest Service personnel—will now be established firmly in law to be changed only by the people's elected representatives in Congress.

With the agreement that has been reached locally I would hope that the Congress could now move expeditiously to enact this legislation and allow us all to move on to other endeavors secure in the assurance that peace has once again come to the St. Joe River and that its waters, at least above Avery, are protected permanently from the triple threat of dams, dredge mining and roads.

Senator CHURCH. Thank you very much, Art, for your testimony. I think it's very significant that thus far this morning we have heard from State officials, elected representatives from the immediate area, both Democrats and Republicans, and the testimony has been uniformly supportive of this legislation. I am sure we are going to have other witnesses who will take a different view before the day is out. But I think it's significant that we have this degree of consensus from among those who are elected by the people to represent them in this region. And I want to commend you for your statements and your part in trying to bring an end to the indecisiveness and the recrimination that has characterized this fight through the years because of the intense feelings on both sides. I think that you have played a very constructive role, you and those others who worked together to try to find a solution. Thank you.

Senator MCCLURE. I just want to express my thanks, as I have to others, for your effort in reaching the compromise and for your willingness to sit down with me at my request after the compromise to go through it to determine that there was an agreement on some of the issues that might have been thought by some to be ambiguous as to its meaning. And I appreciate your efforts in that regard too.

Senator MANLEY. Thank you.

Senator MCCLURE. Some reference was made to the State law with respect to banning dredging and the exception of Garnet dredging on the St. Maries. That exclusion would not be necessary, and this legislation, because it would apply to the tributaries only above Avery. As I understand it, the proposal would be those that are tributaries to the sections of the river that are included within the wild and scenic rivers section.

Senator MANLEY. That's correct, as I understand it.

Senator MCCLURE. Thank you very much.

Senator CHURCH. Thank you, Art. Very well. It is 10 more minutes before the noon hour, We will break for lunch and reconvene at 1 o'clock, 1 hour for lunch. And that gives us time to hear one more witness anyway. Our next witness on the agenda is Ray Hilding. Glad to have you this morning, Ray.

STATEMENT OF RAY HILDING

Mr. HILDING. I am glad to be here. I want to welcome Senator Church and Senator McClure. I appreciate your coming to hold this hearing on what's an important issue.

My name is Ray Hilding, I retired from the U.S. Forest Service in 1972. My career included assignments of 3 years as District Ranger at Red Ives Ranger Station located in the heart of the Upper St. Joe River country and Forest Supervisor of the St. Joe National Forest for 9 years (1960–69).

I understand this hearing is on legislation to implement a compromise plan worked out by a group of citizens for classification of the St. Joe River.

It is true that plans to classify the St. Joe River or portions thereof under the Wild and Scenic Rivers Act was initiated several years ago. I personally appeared and presented statements on classification at Forest Service public meetings in St. Maries, Idaho, on September 18, 1973, and August 16, 1974. Due to the many conflicts which developed over classification little or no progress was made in moving ahead on any settlement of problem issues.

Senator McClure pointed out that we have had a lot of things that have stretched on for many years, probably none so intense as this controversy has been. But I can't pass up an opportunity to comment on RARE II. When I arrived in 1972, I thought we had selected all the wilderness areas to study. Here in 1978 we, apparently, have not even got a start on it. We estimated the White Pine and many of the drainages in the whole stack, merchantable White Pine was going out at the rate of 6 percent per year. The merchantable volume and bulk was in the Clearwater and some in the St. Joe.

Well, 6 years since then, times 6 is 36, another 4 years, and here goes hundreds and millions of board feet and millions of dollars down the drain. This is what delay does. And Ralph can tell us when RARE II will be done with, but it has been one to drag on. So I don't know what we gain by dragging on with a lot of these key issues, but this seems to be the way of life. So much for that.

I served on the citizens committee, which was formed last winter to try and develop a compromise plan for classification.

Many reasons I was on the committee was because of serving about 12 years on the St. Joe as administrator, and my knowledge of the country, of the resources, and the problems of the past, and particularly as it related to the economy of the area.

The plan limits classification to only the 66.5 miles of river from Avery to St. Joe Lake at the headwaters. All the land is publicly owned national forest land.

So that rules out the fact that there are any patented mining claims above that point, because there are not. There are unpatented mining claims. They may be valid, or they may not.

Below Avery, the bulk of the land along the river is in private ownership. In addition, paralleling the river are railroads, power and telephone lines, farms, industries, and the last 35 miles to Coeur d'Alene Lake is navigable and accommodates log transportation facilities.

The main thrusts in classifying the river would be: (1) To protect the river channel, banks, the recreational resources, and the vegetative cover in the canyon bottoms; (2) to allow multiple-use activities to continue in the valley outside of the river corridor.

To meet point No. 1, dredge mining should be prohibited. The impacts of dredging on channels, banks, and the natural beauty of a free-flowing stream are not compatible with proper protection of the river and use of the recreation resources.

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Under point No. 2, continuance of multiple-use activities refers greatly to timber harvest. The national forest lands in the St. Joe Valley above Avery have been supplying timber to the area wood-using industries for the past 30 years. The best use of most of the land is for timber growing.

I can't quite agree with Art's statement there that above Spruce Tree Campground where the "wild" river classification probably doesn't represent the best in timber growing. Certainly there was no merchantable timber in there now, but in the future I am sure there would be.

The economy and employment is heavily dependent on sustaining or improving the future timber supply from the upper St. Joe. Classification should not interfere with the availability and future development of the timberlands for harvesting.

I would like to say in connection with the "wild" river section above Spruce Tree Campground—all of those lands presently are multiple-use lands. As far as I know, from Avery to St. Joe Lake, unless its happened since I've been there, there are no other lands except multiple-use lands. There are no wilderness, no specially classified areas. So this corridor would be the first classification. Talking of wilderness areas in the St. Joe, in the head of the St. Joe, frustrates me somewhat. I can't see it.

In relation to the corridor that Art brought up, I want to reemphasize what Art said, and that is that classifying this corridor will establish definite administrative practices for the future. And we won't have this constant, being an administrator myself, saying, "Well, we may classify that river someday, so we'd better hold up on this," or so forth. It takes the iffyness out of this thing when we classify the river, because everybody knows what has to be done. And you can go ahead and plan. Well, I was saying:

I want to express my full support for the legislation cosponsored by Senators Frank Church and Jim McClure to implement the compromise plan.

That is short, and a lot of repetition, but I was hoping that you would have some questions to ask.

Senator CHURCH. Ray, I first of all want to commend you for the role you've played in this, along with others who worked out this program. It will settle the matter of classification and establish the management priorities upstream. And it will expedite the general management to have this issue finally settled. I think that's the kind of thing we are trying to promote everywhere in Idaho where this indecision or inability to make decisions has proved to be such a thorn. And I think that the objectives you mentioned in your testimony with regard to the future prospects for timber harvesting with regard to the recreational resource of the river itself and the proper attention that should be given it; with regard to hardrock mining the possibility of such mining in the future with the general area beyond the narrow corridor of the river itself. All of these objectives are served by this legislation, wouldn't you say?

Mr. HILDING. Sure; yes.

Senator CHURCH. And I would think that is a plan that takes into proper consideration the legitimate concerns of the people of the area. So I think your citizens' committee did very good work. I commend you for it.

Senator McCLURE. Ray, I just want to express the same thanks to you that I have to the others who sat down and spent the time to come to this compromise and your generosity in being available with me at my request. I want to discuss the compromise proposal to make sure that I understood what was meant. I did appreciate it.

We discussed generally all morning with various people what was meant by the inclusion of the term "tributaries." And I would like your statement on the record in agreement or in disagreement with the general proposition that the only management area that is created is that which is within the corridor itself and the reference to tributaries and the sole management restriction in the tributaries being added by this statute is that that relates to dredge mining.

Mr. HILDING. Yes.

Senator McCLURE. Is that your understanding of the compromise?

Mr. HILDING. Yes. The classification fully applies to that part of the tributaries which falls within the corridor.

Senator McCLURE. And the second question that I would have deals with the comment that Bob Thomas made in his presentation with regard to the St. Joe Lodge. It was his suggestion that this management directive need not eliminate the maintenance of the St. Joe Lodge, even though it might be within the "wild" river corridor. Would you agree with that?

Mr. HILDING. Well, let's hope that they don't figure they have to keep the St. Joe Lodge in there and create a wilderness area in order to keep it in there. I would think, Jim, that it would be possible under this Wild and Scenic Rivers Act to find some way of keeping that lodge in there.

Senator McCLURE. You would think that would be desirable?

Mr. HILDING. I would think it would be; yes.

Senator McCLURE. If we find any hesitancy and difficulties in that regard, we might desire to make explicit that possibility for this area, if that's the desire of most people. And that, of course, will depend upon the outcome of these hearings, among other things. I should have asked that question of Art Manley, and I forgot to do that. Art is still in the room. I might just ask him to respond now. Art, do you have any trouble with the idea of leaving the St. Joe Lodge in operation?

Senator MANLEY. No, I have no trouble at all with that. I think it's providing a real service. They are operating it very much compatibly with wilderness-type situation. I certainly wouldn't object. It would be excellent to do this.

Senator McCLURE. Thank you very much.

Senator MANLEY. I wonder if you would ask Mr. Hilding his opinion of how much timber will be taken out of production. What percentage by this corridor on the main stem?

Senator CHURCH. Why don't you respond directly to that question.

Mr. HILDING. I thought Dolly mentioned that there would be a quarter of a mile or what, 300 acres? Did someone mention that?

Senator MANLEY. It's a quarter of a mile on each side, the way the statute goes.

Mr. HILDING. You don't structure just running it a quarter of a mile. I think, probably, you are referring to an average of, maybe including parts which are more inaccessible or maybe less than duly influence the river. That would be right, wouldn't it, Ralph? We are

not running a quarter of a mile on each side. In other words, this would be a fluctuating line. This would probably average that, really, under the way we are operating now in respect to protecting all rivers. However, there are repeated violations of protection. This we hope to avoid through this classification—that we simply are not cutting very much timber along these main rivers. The Coeur d'Alene River is an example.

So to answer your question, How much are we taking out of production, I don't know exactly in that 66.5-mile stretch how much is classed for timber growing and how much in other area categories, which Ralph would understand. So in order to reach that, you would have to get, say, a tight map of the actual quality of the land along the river—the full land.

I would say this: In the recreational part of the river, most if it is merchantable timberland, except a lot of it is different, it's steep and rocky, which cannot be logged. That is true of, I would say, maybe 50 percent steep slopes, rocky. And I know they tried to use a skyline in there in the 1960's overhead, like they do on the poles. And it finally had to be pulled out of there because of the damage that was being done on the slopes. Not only that, they had to have some place to deck the logs. And you go up to the river and here in a nice place like Turner Flats, here you see great, huge decks of logs. And it has created a terrible scar.

I know I am not giving you a good answer, but all I am saying is there are a lot of problems that enter into it in determining how much area we would take out of production due to these factors. So I couldn't give you a good response.

Senator CHURCH. We might ask—there are representatives of the Forest Service here. And I think that we should get an answer to that and put it in the record. If you have a chance to dispute within the next 14 days, it would be very helpful information.

Mr. SYMMS. Ray, is there, in your opinion, any other kind of classification that would still provide the protection of Spruce Tree Creek up, other than "wild and scenic" ?

Mr. HILDING. No, I think, Steve, that "wild" river classification is best. On that part of the river—has been untouched. It's a beautiful river. And, at least in the foreseeable future, there is no merchantable timber going to be cut in that area because the fire swept through there. However, over on the other side though, it's a little bit different. So no, I would have to deal that the "wild" river classification would be best.

Mr. SYMMS. Now Dolly mentioned, if I understood her correctly, about "recreation" and from there down to Avery it's "recreation"; is that correct?

Mr. HILDING. Yes.

Mr. SYMMS. Do you think that's proper there? I guess you must agree?

Mr. HILDING. "Recreational" river; yes. I think that's proper classification. You do have a lot of developed campgrounds.

Mr. SYMMS. I'd like to protect it, personally. I'd like to get it publicized in National Geographic, but otherwise, I think "wild and scenic" is a proper classification for what we want to achieve there.

Mr. HILDING. There's been a lot of thought gone into that. And I don't—some of us were wondering why we couldn't make it a "scenic"

river from Spruce Creek to Avery. But the Forest Service recommended "recreational," and that appears to be a proper classification rather than "scenic and wild" above Spruce Creek. So I agree with the classification.

Mr. SYMMS. Thank you.

Senator CHURCH. Any further questions? Ray, thank you for that, for your testimony. I think it's 10 minutes after 12 now. We had better break for lunch. We will be back at 1 o'clock.

[Whereupon, at 12:10 p.m., the hearing recessed until 1:30 p.m.]

AFTERNOON SESSION

Senator CHURCH. The hearing will come back to order. It's a little bit late because we had some trouble finding a place to have lunch. We have overcrowded the open facilities today, so we will try to make up for lost time with the hearing this afternoon. We will move along as quickly as we can so that all of the witnesses can be heard. Any witness that wants to submit a written statement is free to do so, and it will be included as though read.

Our next witness is Ruthann Knudson.

STATEMENT OF DR. RUTHANN KNUDSON, RESOURCE MANAGEMENT ARCHEOLOGIST, UNIVERSITY OF IDAHO

Dr. KNUDSON. I knew I was safe because the Senator had not been served yet, and I was waiting also.

My name is Dr. Ruthann Knudson. I am the resource management archeologist for the University of Idaho. Our laboratory there at the college of the University of Idaho serves as the Northern Idaho Regional Archeological Center. This means that we have for the State of Idaho the responsibilities for the keeping of administrative records and collections for all prehistoric and historic archeological materials for Idaho north of the southern boundary of Idaho County. The St. Joe comes within our territory. I also am a member of the Idaho Archeological Survey Staff, which functions out of the office of the Idaho Archeologist Conference, which is for the Idaho State archeologists.

The Wild and Scenic Rivers Act of 1968, which designated the entire main stem of the St. Joe as a potential addition to the wild and scenic rivers system states that "Historic values are a significant criteria in evaluating the component parts of the river system." Subsequently, I would like to provide testimony about the historic evaluation of that area.

You introduced one of the speakers this morning as somebody who, rather facetiously you said, has not spoken before. And we've not been heard from at all. So it will take a little more time because the Wild and Scenic Rivers Act requested thorough study of the designated potential admission to the System. In 1975 the Forest Service contracted for an archeological reconnaissance group of the St. Joe River. And this is the entire St. Joe River system from St. Joe Lake on down to the mouth of the river. The University of Idaho received this contract, and Dr. David Rice from our facility served as a principal investigator of that study. The report of that study is available as a research manuscript from our laboratory, and because it does

include site locational data, which is not available to the public because of its sensitive nature, one must apply to the regional forest superintendent in Missoula if one wishes to look at the report. Other than having general evaluation of the sites of the area, most of the material I speak about briefly here.

The St. Joe has received very little formal attention from anthropologists and archeologists and historians. One of the problems with that is not that there is very few data in that area, but there are very few anthropologists and archeologists. I would like to make it very clear that just because we do not have data does not mean that there is not a lot of cultural resources within the St. Joe Valley area. I have just spent this summer commuting across Idaho by a Cessna 180, which is a marvelous way to travel, because we have been running projects all over the area. And I am beginning to get a much better feel for the cultural historical potential in a lot of these areas of northern Idaho.

It's interesting to note that the St. Joe has had a number of sites identified within the full reach of the river from St. Joe Lake to the bottom, but probably has a lot more that has never been identified. The St. Joe Valley has very unique research potential for understanding cultural heritage in this area because it is well south of the ice sheet that came down to about the Clark Fork River, and it is also well south of the great glacial flood valley that went through the Clark Fork. So it is probably one of the northernmost remnants of probably 10,000 to 12,000 years of time that we have available within the Rocky Mountains. We do have cultural information from the North Fork and Clearwater Valley, from the Lochsa River Valley, and from over on the Montana side of the Bitterroots that indicates that people have been exploiting this region for at least 10,000 years of time; certainly 8,000, probably it was 10,000 years. So that the St. Joe Valley has the potential for being a very unique research situation in that it should have cultural materials from a long period of time. Nothing has been even tested with the St. Joe River Valley. Some sites have been identified from surface remains. There has not been a single gathering for formal archeologists, but there are some very exciting collections in this area. And we don't have any really good records of what's there, just the potential.

During the last 500 years, if not for probably several thousands of years, we know that the Coeur d'Alene Indians have been using the St. Joe Valley extensively. An ethnographic record in 1936 recorded seven Coeur d'Alene winter villages, a major semipermanent habitation on the lower Coeur d'Alene River between Avery and the mouth of the valley. None were reported from above Avery, and this is so probably because the area served as a temporary seasonal camp and not as permanent winter villages. However, we do know that the Coeur d'Alene extensively exploited the upper areas of the valley and tributaries in search of game, in search of fish, and probably in terms of rock resources. My particular interest is stone, stone tools, how they are made and how they are used. And one interesting thing in this area is that it is very hard to find stone that is appropriate for making stone tools. One of the few areas where these instruments seems to be available is toward the upper headwaters of some of the drainages.

Obviously, during the historic period there has been extensive use of the St. Joe by trappers, homesteaders, miners, and loggers, all of whom have left extensive remains up and down the St. Joe River Valley for quite a lengthy period. There are at present two sites within the St. Joe that have been either nominated for the National Register of Historic Places or are in the process of nomination. One is the Avery Ranger Station, and one is the Marble Creek District—the logging district. Again, with all of this information about the potential or the known heritage resources within the St. Joe, there has been no formal study of these. And we are really much more aware of the potential information than of having control of the information itself.

Now in terms of the Wild and Scenic River classification, most of the upper St. Joe is obviously currently included within the National Forest System, and hence, its heritage resources are protected by only the Federal antiquities of legislation as regulations. However, from our perspective as people interested in the heritage resources, the majority of the heritage resources are reasonably downstream from Avery, and those are lands that are mostly private lands. And those are lands over which there are presently no statutes that really provides protection to those resources. There is a very high correlation insofar as we are aware at the bottom of the heritage resources and downriver, private lands from Avery down. Thus, from our perspective, it would be preferable probably to include the entire St. Joe within some kind of Federal Wild and Scenic River classification, because it would include some protection to the cultural resources.

That, obviously, is not the compromise that is worked out. And I don't know that we in our office of the State archeologists of the Northern Idaho Center have much problem with the compromise. It does afford somewhat stronger management directives in terms of preservation and protection of this potential site from Avery north. We would like to, I think, urge that Congress make note of the fact that with this classification there are many potential resources that the local communities might wish to think about in terms of preservation or protection and development. And I think we would particularly like to urge the Congress think about what the research potentials for heritage resources might be in the upper part of the area that is being classified as a "wild and recreational" river. There are no particular directives that I am aware of in the Wild and Scenic Act that relate to research. Yet this is one of the areas that I think has one of the greatest potential of heritage research in the northern Rocky Mountains. And I want to see if there are ways in which we can sample some of those heritage resources and not again just lock them up in some of these areas.

It's really exciting if you know Idaho archeology. We have gone in the State of Idaho from 2 professional archeologists to, I think, 35 within 6 or 7 years. And we are just beginning to know enough about the resources that we can really make some effective and valid management statements about what should be preserved, what should be studied, what we really don't need to worry about. And the St. Joe classification as a "wild" river offers a very exciting opportunity, I think, to develop some of the potential that arises there. Do you have any questions?

Senator CHURCH. Thank you very much for your testimony Ruthann. I just have one question to ask you that has to do with your perspective. I think all of us are interested in such remnants of the early inhabitants of this area that may still be left. And if this contributes to that end, all the better. But I was interested in your word, the word you used, "exploit." Normally, that has a pejorative tile to it. And when you say that there is evidence that human beings inhabited this area and used the term "exploited" the area, just what do you mean by that? You mean they lived there? Is living there exploiting the area?

Dr. KNUDSON. I am using the term in the sense that people who are just in the business of studying settlement subsistent systems, the way people use the land, use the word. So it's perhaps a little bit more ivory tower than you may be thinking. But I think at the same time it's a good question because, for instance, we have good evidence that the Nez Perce were probably doing extensive burns of the forests up to the Clearwater so that they could create game habitats. Now that really is very exploitative of a lot of the resources that we view as valuable. So in many ways it has no merit, but I meant use.

Senator CHURCH. OK, thank you.

Senator MCCLURE. And I don't necessarily object to that. I think exploit is use. And for the Nez Perce Indians that use of the Nez Perce made sense. They weren't running very many sawmills.

Dr. KNUDSON. No. It was good management practice, very good. Thank you.

Senator CHURCH. Our next witness on the list is Dennis Baird, who I am told had to leave.

That brings us to William Calhoun from the Idaho Mining Association. I welcome you to the committee this afternoon.

STATEMENT OF WILLIAM M. CALHOUN, PRESIDENT, IDAHO MINING ASSOCIATION, WALLACE, IDAHO

Mr. CALHOUN. Thank you Senator. Senator, before I begin my presentation I would like to address a comment or two to the predecessors that were before me this morning. With regard to the Senate bill 3052, I think there may be some misunderstandings, because as I understand this, the individual who drafted 3052 probably would not have access to the expressions that the individuals were given this morning as to the ability, per se, by people or a given industry to utilize or go into the areas of the upper St. Joe, specifically, the drainage in question. And I think we would be remiss if we didn't point out that through the courts various decisions have been made which may not be the intent of Congress. And I believe that in reviewing this this morning one of the main points that was brought out has to do with the tributaries to the river.

Now it was my understanding that the original bill provided for the main stem of the St. Joe and a quarter-of-a-mile on either side. Basically, if that's what you are talking about, the only reason that the tributaries would be in would be to preclude dredge mining and placer mining. So therefore, I think it would be incumbent that that be so stated in the final markup of the bill.

I also think we might be remiss with the way that things happen outside of Idaho that if it is really the intent of the committee to

provide for logging, to provide for recreation, to provide for the hardrock mining, that the majority that I have heard speak so far today felt that that was meant, then I think it would be incumbent upon the committee to so draft and so state and direct the specific secretaries to provide for that access. I think we might find that these roads that are so well defined in 3052 and the bridges that were provided for, which I thought went up the St. Joe—I gather now they stayed down the St. Joe. But in any case, what you meant by the bridges and the roads, that the secretaries be designated to allow these to be utilized. Nothing in that Act, as I read it, says that there has to be any logging. And I think that we might find that there might not be any hunting, fishing, or recreation where there are not specific directives that there so be.

Now with that little side.

My name is Bill Calhoun. I am here today as president of the Idaho Mining Association which represents virtually all of the mining and mineral exploration companies operating in the State of Idaho—I must say also that I don't think it will cover the operating on Scat Creek. I am employed in Wallace, Idaho as president of Day Mines, Inc. and I am a resident of Shoshone County. In my comments today I will be speaking as president of the Idaho Mining Association because one of the succeeding speakers will speak for my company.

On behalf of the mining industry, I'd like to express our thanks and appreciation that this hearing on the proposed Senate bill No. 3952, to classify the upper 66.5 miles of the St. Joe River as a National Wild and Scenic River, is being held in Shoshone County.

This is appropriate because all of the land and the river and tributaries affected by the proposed legislation lie within Shoshone County. To date I know of no one from this county who participated in negotiating the compromise upon which this legislation is based.

The individuals who worked out this compromise were all from downriver—from Benewah and Kootenai Counties—and, logically, they resolved their concerns as best they could and as they saw them. In general they agreed that private property rights had to be protected and that logging and timber harvest should not be handicapped by the classification. This is as it should be.

In fact, initially at least, the only apparent target of the compromise was dredge mining which is already covered by State statute. I believe that the parties on one side in this compromise negotiated an agreement which they felt, in their hearts, would prohibit only dredge mining. The proposed language seems innocuous enough where dredge mining is being discussed, but legal interpretation, I'm sure, could easily construe the words "for the removal of sand or gravel for mining purposes" to cover other mining methods as well as dredge mining. Thus hardrock mining could be eliminated from the St. Joe River, all its tributaries and adjacent lands upstream from the eastern boundary of the city of Avery. Several sections of Public Law 90–542 also will certainly inhibit, if not actually stop mining if the St. Joe is included.

The Idaho Mining Association views Public Law 90–542 and the proposed amendment under consideration as effectually stopping hardrock mining in the vast area just over the ridge to the south from the Coeur d'Alene mining district where we are meeting today. This proximity and geologic similarity to one of the most important mineral

producing districts of this Nation, gives that over-the-ridge area a far-above-average potential for production of essential minerals such as copper, silver, lead, and zinc. (And incidentally, if you want to go big game hunting, it's best to look for the tracks, and there is certainly evidence of minerals in that general area.)

When some of the defective language was pointed out to the authors of the "compromise" and to the Shoshone County Commissioners, there were hurried conferences to correct the defect, without solicitation of mining industry participation. In any event, Senate bill 3052 and the St. Joe compromise were signed on the same day, so this is really the first time that the mining industry has been asked to air its views.

The revised language was supposed to protect underground hardrock mining. In fact, in submitting it (and Dolly made reference to it, the main individual who drafted this revision) the negotiator who drafted the revision said:

> The committee would not favor any legislation that could give the impression of a general mineral withdrawal of or interference with present right to underground hardrock mining. We of course had no such intent and I do not see anythink in the draft that would give rise to such concern.

Obviously the purpose of this statement was to assure the mining industry of the good intentions of the negotiators, and we appreciate that intent. Nevertheless, we find great cause for concern in the original draft. Furthermore, we know that the revised language does not remove that concern.

The new dredge mining restriction states:

> Dredge mining in any form including any use of any kind of machinery for the removal of sand and gravel for mining purposes shall be prohibited upstream from the town of Avery within the St. Joe River and its tributaries and adjacent lands on either side of the banks of the river and its tributaries. . . .

The use of a dozer or a backhoe to clear away sand, gravel and other overburden in preparation for starting an underground tunnel or shaft is not dredge mining, but it is the use of a kind of machinery to remove sand or gravel for mining purposes.

Unsuspecting folks may consider that this is nit-picking, but such nits are providing a comfortable income for a considerable number of attorneys specializing in environmental law these days.

To save time, I will not read any particular section of Public Law 90-542, the Wild and Scenic Rivers Act. I would like to mention section 3(b), section 8, and section 9 (16 U.S.C.A. 1274(b); 16 U.S.C.A. 1279 and 16 U.S.C.A. 1280) as collectively precluding mining in the St. Joe area if the St. Joe is not kept out from under Public Law 90–542. Just how recreation, logging and other legitimate uses will fare, only time can tell. I, for one, know that the citizens of the county are in for a rude awakening.

The same type of rocks that have hosted minerals within the Coeur d'Alene district, and provided income for its citizens for almost a century, underlie the St. Joe drainage. As more ore control information is gained regarding the Coeur d'Alene mining district, that information will ultimately be applied to exploration of the St. Joe drainage. However, that can only come to pass if access is maintained. I would not be surprised to see much-needed minerals provided to U.S. citizens from this area. In earlier days, the Wonderful Mine, Copper Chief, Bullion, Peacock Copper, and Pearson mining properties were

operated in the Bullion and Wonderful Creek tributaries of the North Fork. The Springfield and Park Copper prospects are on the Park Creek tributary, and farther to the east toward the Montana border are the North Star, Alpena Copper, Monitor, and numerous others, some of which belong to my company. The presence of such mineral properties should not be surprising because the original thrust of this compromise, to stop dredge mining, had to result from unwanted dredge activity. There has to be a primary mineral occurence in some area "upstream," to make possible the concentration of minerals in a stream channel that enable successful dredge mining. It should not be surprising, at some future date, to find a major new mine or district discovered in this area.

As our elected Senators and Representatives, I trust you will do all in your power to free the St. Joe from consideration as a "wild and scenic" river, and failing that, that you will use your power to provide for continued multiple use of the St. Joe area in question.

This result can be at least partially achieved by moving the boundary line upstream above the confluence of the North Fork so as to eliminate that stream as a tributary, and by limiting the half-mile corridor of withdrawn land to the main stem of the river, consistent with the original act of Congress. The tributaries themselves, free of the corridors, could be part of the designation.

In conclusion, the main stem of the St. Joe, as originally directed by Congress about 10 years ago, would, by Government figures, require about 21,803 acres. Utilizing the St. Joe and its tributaries effectively blankets the St. Joe drainage and as such will withdraw 528,884 acres. Senators, this increase of 24 times congressional intent far exceeds even our Government's rate of growth. Thank you.

Senator CHURCH. Thank you, Bill. I think that for previous testimony and statements that we have made this morning any qusetion concerning the inclusion of all the tributaries and corridors on either side of the bank is clearly not the purpose or intent of the bill.

Mr. CALHOUN. I am glad to hear that.

Senator CHURCH. And if it's necessary to include, as it may well be, to purport language that makes that clear or even to modify in text in the way that would make it clear, we would give that serious consideration, because that is not the purpose.

Mr. CALHOUN. I appreciate this.

Senator CHURCH. I'd like to ask a question directly: If, as a matter of fact, the legislation is made clear and if that is the result of the hearing and the amendment of statute by committee action or otherwise to make clear that it includes only the main stem and a corridor of the main stem, would that alleviate most of the concerns that you have expressed?

Mr. CALHOUN. Yes; I believe so, Senator.

Senator MCCLURE. I think it is important to recognize, as I tried to point out this morning and as I have, that there is a withdrawal from mining of the corridor itself and from whatever that acreage might be, somewhat less than 2,000 or around——

Mr. CALHOUN. 20,000.

Senator MCCLURE. Excuse me, 20,000 acres total of that area would be withdrawn. But there is a provision even in that section that says that:

Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of regulations, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of Interior, and in this case of national forest lands, Secretary of Agriculture, find appropriate to safeguard this area in the event it is subsequently included in the System.

And it has reference to section 9, the last part. And that subsection B that I have just been reading applies to the study areas to protect them, pending the final resolution of the issue.

I think it has been clear from my conversations with people who drafted the compromise proposal that it was their intention that the tributaries be included as far as a withdrawal from dredge operations is concerned. You understand that?

Mr. CALHOUN. That's understood.

Senator MCCLURE. "Dredging operation" may not be quite as precise a term, or maybe it's too precise a term. We are probably talking about placer mining operation?

Mr. CALHOUN. That would be the correct term.

Senator MCCLURE. Not just dredging to placer mine operation, but again, operations of that type as distinguished from the operations on the placer location, which might be somewhat different.

Mr. CALHOUN. I think the main thrust of my comment, if I may, is that we are not explicitly seeing the results for too many years. And I think this has just become part of the thought of the Shoshone County Reemployment Act if we don't get this very aptly defined. Thank you.

Senator CHURCH. Thank you. Our next witness is Ray Giles of the Day Mines.

STATEMENT OF RAYMOND H. GILES, MINING ENGINEER, WALLACE, SHOSHONE COUNTY, IDAHO

Mr. GILES. Very happy to hear that one of the previous speakers, Art Manley, referred to hardrock miners as friends. I never have known that he had before spoken of us in that vein, unless we can consider his having purchased automobiles, and toasters, and all those goodies made from minerals as being a friend of the mining industry.

I have a few particular things that I would like to find fault with the wording before I go into my talk, and that is on page 2, line 8, refers to "at no time interferes or restricts the maintenance, use, or access to existing or future Forest Service roads." It says nothing about private roads.

The second point is 13—Bill Calhoun has already stated, but I'd like to accent his statement. It says of sand and gravel for "mining purposes." It does not state dredge mining purposes or placer mining purposes; it says "mining purposes." And I think the lawyers could have a gay time with that loose of a word.

The other point I take issue with is lines 21 and 22, where it gives the Secretary carte blanche to take "such action as is required under subsection B of this section." We are only too aware of what happens when you give such power to the Secretary.

I think we already have ascertained that my name is Ray Giles and I am a mining engineer residing in Wallace, Shoshone County, Idaho. Thus, I believe it is possible to consider me as a "local person" of Shoshone County even though I do not have the benefit of being an "environmentalist" from Seattle, Wash., or Coeur d'Alene, Idaho.

The Winston College dictionary defines "compromise" as: "settlement of a dispute by which each party concedes or gives up a part of what was at first demanded."

In the Congressional Record, dated May 9, 1978, Senator Church introduced the legislation we are discussing today by referring to a bill he introduced a year before. He said:

> This legislation, based on a compromise agreement and the input of local officials, is similar in spirit to a bill I introduced one year ago to solve a thorny land management problem in the Gospel-Hump region in north-central Idaho. That legislation was also based on an agreement reached by local people (I would like to accent the word 'local') willing to sit down together to discuss controversial resource allocation questions. The Gospel-Hump settlement which is now law and the St. Joe agreement both demonstrate that local people can work out their differences, if they try.

I would say you think such types of compromise in which one of the prime parties has been left out leaves you much room for settling the affairs of the world very easily. You might get the PLO together with a couple of members of Czechoslovakia and solve the Middle East problem very easily.

The members of that "compromise" consisted, on the one side, of local people who depended on a continued supply of logs to support the local economy, negotiating with environmentalists, on the other side, who had a gun at the head of the opponents, in that they could keep negotiating until doomsday. The "local" people in that compromise included a professional Sierra Club environmentalist from Seattle, Wash.

Now let's see who the local Shoshone County people were in the St. Joe compromise. As background, let me read from "Valley Views," published by the St. Joe Valley Association June 14, 1978. This portion from which I read was signed by Dolly Hartman, who though I admire, I don't believe she has a mining degree and can speak for the mining community.

My first point from her "Valley Views" was:

> My first inkling of "things afoot" in Washington, D.C., with regard to the St. Joe River came by telephone, from Sen. McClure's Representative, Ruthie Johnson, in Coeur d'Alene, one late April Friday afternoon. She called to tell me that S. McClure's Washington office had just advised her that the Administration's Proposal for management of the St. Joe had just been delivered to the Senate Natural Resources Committee. She understood that the significance of an Administration's proposal carried the weight of the President and the Administration with it, therefore it would automatically be introduced, probably by the Chairman of the Senate Sub-Committee on Parks and Recreation.

I think that is you, Senator Church.

Senator CHURCH. No.

Mr. GILES. It isn't; I stand corrected.

> This advance information did give us a little "lead time." I did contact board members, particularly Sen. Chase who got in immediate communication with Sen. Church's office, who monitored the situation, too.
>
> A number of events took place the next few weeks: A meeting of both sides was hastily scheduled in Coeur d'Alene: The Board of Directors of St. Joe Valley Assoc. authorized Sen. Chase, and myself to meet with those folks; to negotiate; to be sure and include the major timber industries; and *not* to take action in the name of the Association. Meeting No. 1—Sen. Chase, myself, Attorney Scott Reed, Sen. Manley, former Forest Supervisor Ray Hilding, and Sen. Church's Aide Larry LaRocco were present. This was a *discussion* only, a *very* frank exchange of opinions, particularly on those areas where we could not and would not "bend." My own NO's were as follows: No privately owned land could be classified; No ban could be placed on access to timber and our livelihoods; No

ban could be placed on hardrock mining. Senator Chase was particularly emphatic about a potential boundary being the 'East Boundary of Avery' and equally so about access to timber harvest. In the long run, about the only thing we could truly agree on was to ban dredge mining in the corridor. (With machinery particularly). There was nothing written, but we did authorize Scott Reed to draw up a draft compromise——

Attorney Scott Reed is not known as a great lover of the mining community either, although I am one of his admirers.

2. Our next meeting took place in Coeur d'Alene. Miss Shadduck had graciously made meeting place arrangements for us at the North Shore. Prior to going to that meeting, I called the board of directors, advising them of that meeting and scheduled a SJV board meeting for May 1, for as I told them: "I should have something significant to report, and probably some action to be considered."

The meeting took place about 1:30 p.m. with the original five. Larry LaRocco, Ruthie Johnson, Louise Shadduck, Jim Kover, Burlington Northern; Frank Favor, Diamond International; Carl DeWard, Potlatch Corporation, in attendance.

I think what is meant there is the original five, plus.

We actually met to further discuss and refine the "position paper" and draft compromise with the intent to return to our respective organizations for their action. Then the "big blow" came when Sen. Church's Aide stated that the St. Joe was to be introduced as a part of an omnibus bill, which would place several other rivers in the National Wild & Scenic Rivers System during the first two weeks in May. Timing was critical——

There is the gun pointed at the head of the pilot of the plane.

3. P.S. The question has been, rightfully, raised:
"Why was not the mining people involved, and why not the Shoshone County Commissioner, and Rep. Dorothy McCann?" I raised that question several times myself, however, as a "reluctant and realistic" participant at the first meeting, it was not "my party" and I did not make up the "guest list." I did, however, make it clear that I could never support a ban on hardrock mining: Also the proposed draft compromise would have been circulated to those folks at the end of the first meeting, after the Board of Directors of the St. Joe Valley Assoc. had o.k.'d it, however the time table prevented those and other steps. The Bill, as introduced does reflect the concerns of those units of government in Shoshone County, and we support them.

The compromise document, signed by Cy Chase, Dolly Hartman, Scott W. Reed, Art Manley and Ray Hilding, had five "principles"—logging, dredge mining, private property ownership, dams, and peace.

Under the heading "Peace" the compromise said: "We believe that the local people know enough about the issues and are more competent than distant federal officials in determining both what is necessary and what is politically possible in protecting the river."

Unfortunately some of the local people are not present. Then under the heading "Private Property Ownership" they said: "Our recommendation is for the classification to stop upstream at the city limits of Avery to give the security to the property owners in Avery as (well as) to those downstream in the rest of the St. Joe Valley."

Apparently property owners upstream are not to be protected, and the company which I work for has property upsteam.

It is interesting, but not surprising, to note that the document is silent as to property rights upstream in Shoshone County. It isn't surprising because the compromise participants reside in other countries. It also fails to surprise me because mining interests were, as at Gospel-Hump, pointedly forgotten.

Therefore, it is nice to have this hearing in Wallace today, even though it may have no real effect upon the outcome of the St. Joe controversy.

I think that the heart of the problem, as we miners view it, is that we no longer trust many of our representatives in Congress and almost none of the bureaucrats there.

In the Spokesman Review—Spokane, Wash.—Sunday, August 27, under the heading "Alaskans fear their frontier in peril," a story was told about a local miner who had an antimony property he had been mining for 40 years. His claim would be in an area of 64 million acres designated as wilderness. When told that activities like hunting, trapping, and mining would be permitted "subject to such restrictions as the Secretary deems necessary to preserve the wilderness character of the area" he said:

> The Park Service people in Alaska are OK. But the guys in Washington are liars. They'll tell you one thing and turn around and do just the opposite.

I would like to point out, Senators Church and McClure, that that is a quote; it's not my personal view, although I don't say I disagree.

On the floor of Congress, during the original wilderness bill debate, the scope of the wilderness system was explained:

> First of all, we undertake to confine the proposed wilderness system to those areas of public land that have already been set aside for recreational use. Thus, the system could only include areas already designated as wild areas, wilderness areas, canoe areas, primitive areas in national forest, primitive-type areas in national parks and in national monuments, and such areas in wildlife refuges and games ranges.
>
> That is the maximum possible scope of the wilderness system to be established by the bill.

I believe Senator Church spoke those words for the committee——

Senator CHURCH. Mr. Giles, may I interrupt you because the implication here is that that statement was inaccurate, and it was not inaccurate because that was the scope of the bill and the intent of Congress at the time it happened. The problem of handling the unroaded areas and the classification problems connected with it came later with the decision of the Federal court, as you know.

Mr. GILES. Well, Senator Church, I am willing to accept that. However, you didn't let me go on. There are two intents there, one of which you have accurately pointed out. You jumped to the conclusion that I was saying that you lied.

Senator CHURCH. Well, you so stated——

Mr. GILES. If you want to take credit for that, I am not willing to argue.

Senator CHURCH. I don't think I would want to comment to that at this time.

Mr. GILES. I'd like to go on again. I believe Senator Church spoke those words for the committee, and I think we all know how things have changed since that time. We see all the new additions to the wilderness system, and I bring this out not to bring or cast aspersion onto Senator Church or any other individual's accuracy, but only to show how the feeling in Congress has changed and how the interpretation of the words in a bill can be changed. That is the point I was making, Senator Church. And when I make that statement, I should have pointed out that you were speaking for the chairman, who was not present. So they were not your words; they were the words of committee. So if I have given any cause for you to feel affront, I apologize. I think that's all I have to say. If you have anything that you would like to hit me with, feel free.

Senator CHURCH. I have no questions.

Senator McCLURE. Only this, that we've addressed this generally before. But I would like to get your feeling too. If, as a matter of fact, the legislation on its face as well as in history makes clear that the intention is to cover only the St. Joe River main stem and the corridor in which it lies and not to include all of the basin, would that affect your judgment concerning the legislation?

Mr. GILES. Now you used the word "intent." No, no, not if we use the word "intent" as you are doing here, asking questions and asking a person's say. No. If it's written in hard words in the bill, then I would, yes. I would agree because the St. Joe is as precious to the people who have kept it in its pristine condition as it is today as to those Friends of the St. Joe who have spoiled their own nest.

Senator McCLURE. Thank you.

Senator CHURCH. Our next witness is Ed Nettleton. Ed Nettleton, is he here?

Our next witness then is Fred Owsley from Asarco.

STATEMENT OF FRED D. OWSLEY, RESIDENT, SHOSHONE COUNTY, IDAHO

Mr. OWSLEY. Senator McClure, Senator Church, ladies and gentlemen, I appreciate the opportunity to give testimony on this subject so dear to some of our hearts. I would like the record to show that I am here as an individual and as a resident of Shoshone County. I was born and raised in the Northwest. I was educated in the Northwest. I have been a resident here for many years. And my children were raised and educated here. Therefore, I feel I am qualified to testify as a resident.

Under no condition is it to be assumed that I am testifying for the company I work for. If I were testifying for the company I work for, you wouldn't get my personal feelings probably. But you are going to get them today.

Before I go into my written submission, I have a few comments I would like to make. I would like to thank Senator McClure and other responsible individuals that made this meeting possible. It's my understanding that there was a lot of opposition to allow the local residents to give their opinion or to testify. I would also like to commend Dolly Hartman and the people of the St. Joe for their valiant battle for their basic rights as residents of the St. Joe. But unfortunately, they lost to the eastern powers on the banks of the Potomac and their hired assassins.

The previous testimony that was given seemed to be in favor of locking up the St. Joe, that is. This morning there has been a few opposed to it just recently. If this was the British system maybe I would be referred to as the friendly opposition. This is not the British system; we are not in Britain. We are in Shoshone County, Idaho, and believe me, I do not want to go down in history as the friendly opposition. I am pretty well set in my beliefs, what is good for the people, as well as everyone else is.

One of my good friends—I hope he is a good friend—esteemed associate recently said to me as recently as a few minutes ago, "Fred, why don't you agree with it and make history? The Idaho Statesman would probably give you a writeup." I can't do it. It just is not within me. I do not intend to insult the integrity of anyone involved in these

meetings and hearings, but I am afraid, as I said before, I will not go down as the friendly opposition. And I say that as a resident and as a citizen of this area.

Now for my written testimony.

Gentlemen, my name is F. D. Owsley and I am a resident of Shoshone County. I appreciate the opportunity to comment on the agreement signed on April 25, 1978, and the proposed amendment and their effect on the people who live in this particular area.

To briefly review the current land status in Idaho, the following statistics are provided on ownership of Idaho land:

	Percent
Federal ownership	64. 1
State ownership	5. 2
Private and local government	30. 7

Of the Federal lands that is 64 percent. I will give the percentage as a total of all the lands:

	Million acres
Roadless managed areas (RARE II)	7. 9
Wilderness areas	1. 5
National recreation areas	1. 5
Primitive areas	1. 4

Our total Idaho lands "off limits" to economic development amounts to 12.3 million, or 23 percent of Idaho no longer is available for us to derive our livelihood from the lands to use, then.

We are a natural resource State and as such a large share of Idaho residents depend on farming, ranching, logging, and mining for their livelihood. If this economic system is to continue, we must have access to the land under conditions that will protect the land but not under conditions which we have been subjected to in recent years that will destroy our economic system. We cannot continue to give our future to the environmentalists and Federal bureaucrats as they do not have any interest in the economic welfare of the residents of Idaho.

The agreement of April 25, 1978, just places more land under stricter Federal bureaucratic control, land that has been utilized since the late 1800's under the present economic system and without deterioration of the environmental aspects. In my spare time I have been over there at the Saint Joe, and it looks pretty good to me. To obtain the agreement it is apparent that the logging interests had to be specified. The environmentalists must be commended on their negotiating tactics as without recognition of logging interests, there would be no agreement. This concept has been used before for another "agreement" at Gospel-Hump.

Just for the record, if logging interests believe they can survive by compromise with environmental interests at the expense of the other basic industries, they are wrong. They cannot nor will the environmentalists and Federal bureaucrats allow them to survive.

The agreement of April 25 refers to private ownership and opposition to acquisition by the Federal bureaucrats, yet the proposed amendment states "there are authorized to be appropriated not more than $1,100,000 for acquisition of lands or interest in lands."

What lands, whose land, by what means—condemnation? I just recently had experience with Federal condemnation. Interesting. Every citizen should go through it at one time or another—or legalized bureaucratic stealing of private land. The residents of the St. Joe area are going to learn a lesson on legalized stealing under this agreement.

The proposed legislation is not, as environmentalists would like the public to believe, a means to protect the land but an environmental "lock up" of 315,000 acres. Environmentalists in, public out. What is even worse it will create an environment for further Federal bureaucratic expansion at a time when Idahoans are demanding less Federal bureaucracy, spending, and regulation.

We, the residents of Idaho, are tired of having our lands tied up for the interests of absentee users, or as to quote the Idaho Statesman of Monday, August 21, 1978,

> In Idaho, Mr. President, there exists a strong feeling that many Easterners view our state not as a place where people live, but as a special preserve—a place set aside to be enjoyed by visitors, then put back on the shelf and preserved until the next "trip out."
>
> Particularly on issues involving use of our natural resources wilderness, mining, and other environmental questions—many Idahoans feel those from the East, with their much greater influence in political affairs, view Idaho as a playground, with little or no thought given to the people who live here and the political and social issues that affect our lives and livelihood.

The agreement of April 25, nor the proposed amendment makes any reference to the status of the existing roads except for logging. Will these roads be closed and local public access denied? I have seen this happen before. In fact, locally, we started to close out even roads not included in wilderness areas.

The agreement of April 25, 1978, and the proposed legislation reminds me of another agreement signed between certain parties on September 29, 1938. All the characters are present. The two great powers that are attempting to preserve the peace through agreement, the people of the area in question that will ultimately lose everything, the great power in the East that although not a direct party to this event, will with time control everything, and last but not least; the manipulator that masterminded the agreement, who will realize only a short-term victory before being destroyed by the great power from the East.

The agreement of April 25, 1978, also devotes a paragraph to peace. Why not "peace with honor" or "peace in our time." Then we would close this sordid chapter in local history with the same remarks that closed a sordid chapter in the history of another land area and residents thereon.

To end my comments, I would like to quote a remark from a representative of the people of that land that lost everything. "We have been forced into this situation. Now everything is at an end. Today is our turn, tomorrow it will be the turn of others." Thank you.

Senator CHURCH. Do you have any questions, Jim?

Senator MCCLURE. You used one figure of some 300,000 figure?

Mr. OWSLEY. 315,000. That's based on Stan Huff's calculation. That includes all the tributaries. We traced them out, 492 square miles.

Senator MCCLURE. And as I have asked others, I would ask you if your feeling would be changed if it were clearly stated that the only land directly affected is the main stem of the St. Joe and the corridor in which it lies?

Mr. OWSLEY. Senator, the record is clear. I am in favor of preserving what is ours. I am not the least bit in favor of tearing up the countryside. I never have been, in spite of the profession I am in and have been accused of it. I don't believe in it. I do not believe that we should go up and tear the St. Joe apart. And I agree that the corridor

is acceptable under certain conditions. I don't want it made into a private preserve for a special interest group. I think the public should have access. And when you restrict access to backpackers and those that have the time, that eliminates 95 percent of the rest of us. Most of us have to work for a living.

Senator McCLURE. Well, the access within the "recreation" area proposal would be as it now is, roads throughout the entire area, along the river primarily and that provision for river crossings and so on. And that area that would be designated as "wild" river has trails that parallel the river now. That wouldn't be changed. The access to the periphery of the corridor could be by existing or new roads coming down to the edge of the corridor, but not within the corridor.

Mr. OWSLEY. The way I read the agreement and the way we stated it, it appears to us that it was the main St. Joe and all the tributaries, and that covers an awful lot of ground.

Senator McCLURE. I understand that, and I would understand your concern. I would reflect the concern myself because, as a matter of fact, that was the nature of the proposal. That's the reason I asked for the opportunity to meet with those who had made the compromise proposal. I think it's a legitimate and local question to raise. They assured me that was not their intention, and it's been my understanding since that time that it was not their intention. And I think that changes the impact upon the nature of the proposal and the impact of the nature on the proposal on the local area.

It would, perhaps, inhibit the crossing of the river in the upper section below St. Joe to Spruce Tree Campground.

Mr. OWSLEY. If it was the intent of agreement, and I know some of the people that signed the agreement, and they are honorable people. What happened between the intents of the agreement and the written amendment? They don't say the same thing to me. And I work with contracts and agreements quite often. And there is no similarity. The proposed amendment that I read, that can leave a lot of questions opened. I think it should be tied down so that people know exactly what they are going to get.

Senator McCLURE. I agree with you totally on this. I assume that you have read the statement in support—statement of the local committee to support the local compromise agreement.

Mr. OWSLEY. Yes.

Senator McCLURE. And I want everyone to know, at least from my standpoint, I have read that. I have questioned him about it and understand what it was that they were saying because different words mean different things to different people. And we do want to nail it down. I think we are totally justified in that request.

Mr. OWSLEY. I could live with the corridor, as an individual. I could live with it, but I want to know the rules because I have seen too many laws passed, and the resulting regulations totally destroyed the intent of the law. And we are living with it more and more every day. And there is a limit to one's patience with regulations.

Senator McCLURE. Fair enough, fair comment.

Mr. OWSLEY. Thank you.

Senator McCLURE. Thank you.

Senator CHURCH. Now, our next witness on the list is Marc Orme. Marc, are you here?

Incidentally, I think the record should be made clear that whoever may have been against holding local hearings—I don't know who they were—but Senator McClure and I favored local hearings from the outset. I was the one who suggested we come to Wallace mining country rather than St. Maries. I'd like to get the fact straight on that issue now.

Senator MCCLURE. For the record, so that Dolly won't spring out of her seat, indicate that people over in St. Maries said, "We've had our fill of hearings. We don't want any more."

Senator CHURCH. So we came to Wallace.

Senator MCCLURE. So we didn't give St. Maries another hearing.

Senator CHURCH. The next person is not named here. I have a representative from Kootenai Environmental Alliance.

STATEMENT OF MARY LOU REED, VICE CHAIRMAN, IDAHO CONSERVATION LEAGUE, AND FORMER CHAIRMAN, KOOTENAI ENVIRONMENTAL ALLIANCE

Ms. REED. The way the afternoon is being heated up, I am reminded about why we wanted to compromise. I certainly agree with Dolly that we have had plenty of hearings. And I speak for myself and not the company I keep, I think I heard more about what went on at the compromise meeting from Mr. Giles who was quoting Dolly than I heard on the home front.

My name is Mary Lou Reed, and I live in Coeur d'Alene. I am vice chairman of the Idaho Conservation League and a former chairman of the Kootenai Environmental Alliance.

From the beginning of this long controversy, both the Idaho Conservation League and the Kootenai Environmental Alliance have supported the inclusion of the entire St. Joe River in the National Wild and Scenic Rivers System. It has been our belief that the river qualifies for such designation, and unless a State and local management plan could be evolved for the section between Mission Point and the Forest Service boundary, classification offered the surest protection from the pressures of people and development.

But the long years of disagreement and the recognition of the shortcomings and costly price tag of the Wild and Scenic Rivers Act, have narrowed our expectations. The very real and present danger that dredge mining carries to the water and stream beds of the St. Joe and its tributaries, leads us to believe that this compromise legislation is the most realistic and workable solution available to put that threat to rest and settle the quarrels.

I urge you to accept the bill as it is presently drafted. This has been a genuine compromise and parties of all sides have given in on issues important to them in order to reach an acceptable middle ground. I feel safe in saying that the environmental position has been squeezed to its limits and has no more ground to give.

There is both a sense of relief in seeing a possible end to this controversy and a feeling that we are abandoning an old friend. The burden of protecting the lower sections of the study area has been handed back to the local citizens. Neither now nor earlier has local government received financial aid to permit them to assist in the analysis of the river or in their planning and administering functions. In its May

1978 report on the Wild and Scenic Rivers Act, the General Accounting Office recommended to Congress that it offer financial assistance to local and State governments to help in administering designated rivers. I suggest that there may be some merit in offering financial aid to local governments who are left with candidates that didn't make it such as the St. Joe and may be pinched for the funds that proper planning and implementing planning take. In the meantime, I urge the passage of Senate bill 3052.

Senator CHURCH. Thank you very much, Mary Lou. You have heard some of the questions during the hearing today that relate to possible ambiguities in the language of the bill and the general agreement that what was intended by the citizens proposal was a corridor along the main stem of the river but no restriction or no corridor on the tributaries; that the only restriction applicable to the tributaries would be a prohibition against dredging; is that your understanding?

Ms. REED. This has been my understanding from the very beginning. And when I am urging you to accept the bill as drafted, I certainly expect that there is a clarifying language that——

Senator CHURCH. So you favor the bill as ——

Ms. REED. As drafted with its intent.

Senator CHURCH [continuing]. With this intent. You are not objecting to changes that would make clear or eliminate any possible ambiguities?

Ms. REED. Things can always be improved as long as the positions are not changed. Thank you.

Senator MCCLURE. I have no questions, thank you.

Senator CHURCH. Our next witness is Don Nettleton of Burlington Northern.

STATEMENT OF DONALD M. NETTLETON, DIRECTOR, LAND MANAGEMENT, TIMBER AND LAND DEPARTMENT, BURLINGTON NORTHERN, INC.

Mr. NETTLETON. Thank you Senators Church and McClure. I am Don Nettleton, director, land management for the timber and land department of Burlington Northern, Inc. I am from Missoula, so I can't claim to be an Idaho person. But I have a great deal of interest in Idaho. The department at Burlington Northern that I work for is responsible for timberland management on company-owned lands here in Idaho as well as Montana, Washington, and Oregon.

I have a statement which I handed copies earlier. I won't try to go through that word for word. Much of what I have to say is in my statement. And also, I would like to paraphrase a little bit, if I might. Many items have already been covered fairly well earlier today. We too have been primarily concerned with the language in the bill which is somewhat ambiguous about the tributary streams to the St. Joe. It's a problem. We have no difficulties with the apparent intent to include only the St. Joe main stem and the corridor as one of the components of the Wild and Scenic Rivers System. The dredge mining prohibition on the tributaries is not objectionable to Burlington Northern.

I guess we haven't heard today at all from the Forest Service as to their proposal. They, of course, very recently released their final study

on the St. Joe. I understand that that's been submitted to the Congress as an administration policy. I am not sure if there has been a bill introduced yet or not. The Forest Service proposal is very similar to the other agreement, which is reflected in the Senate bill 3052 that is the primary subject of the hearing today.

The Forest Service proposal would designate the St. Joe main stem river down to the forest boundary, which is 6 or 7 miles below Avery, basically, the same category, "recreational" river from Spruce Tree Campground down to the forest boundary and the "wild" river above Spruce Tree Campground. We object and would oppose designation of that portion of the river below Avery because of the private lands involved. So we would oppose that portion of the Forest Service proposal that is to become part of the subcommittee's proposal as a bill.

The compromise position, the compromise bill, and a statement in support of this compromise which was developed by those folks at that meeting back in April, it involved only the five individuals, I believe it was, that participated in the meetings and those five that signed off on the bottom line. There, of course, the agreement was reached between those folks. They decided upon concepts which were developed into the bill as 3052.

You asked this morning for input on technicalities, and I've got some ideas on those. First of all, I think we pretty well covered the tributary stream problems. But second concern was with the language assuring continued maintenance use and excess to existing and future roads as required for management of lands outside of the St. Joe River corridor. Many of those lands are Burlington Northern lands. We have much ownership of tributaries of the St. Joe River above Avery. So we need those roads for our land management, as well as public land management in the area.

Here again, our previous speaker referred to the problem of Forest Service roads. They are not all Forest Service roads. They may be private roads, State roads, and otherwise. We would like to see "Forest Service" stricken from the bill.

The third problem is this language about removal of sand and gravel above the high water mark of the St. Joe, and its tributaries for road construction and maintenance. Now here again, this removal of sand or gravel for road construction kind of goes beyond this dredge mining prohibition. So part of this may be resolved when we straighten out the language about the tributaries. But even within the corridor itself we are going to need sand and gravel for road construction and maintenance. And the language that's in the bill about those sand and gravel removals being allowed for any public body or its agent for public roads is our problem. Technically, a Forest Service road is not a public road. There is a distinction. So as the way the bill is written, sand and gravel could not be removed and used on Forest Service roads, nor, of course, on our private roads. And I suggest this language in my statement which I believe would clarify that.

Then again, the last point is on the authorization provision in the bill for the $100,000. We don't understand the need for that authorization if, in fact, there are no private interests involved in this corridor. This further confused the tributary stream issue. If there were tributary streams involved, the $1,100,000 is going to be very inadequate to acquire private interests. But if the tributary streams are not in-

cluded in it, we probably don't need any money for acquisition of private rights. And I think that concludes my comments.

[The prepared statement of Mr. Nettleton follows:]

STATEMENT OF DONALD M. NETTLETON, DIRECTOR, LAND MANAGEMENT, TIMBER AND LAND DEPARTMENT, BURLINGTON NORTHERN, INC.

I am Donald M. Nettleton, Director, Land Management for the Timber and Land Department of Burlington Northern Inc. This department is responsible for management of Company-owned forest lands here in Idaho, as well as Montana, Washington, and Oregon. BN owns approximately 171,000 acres of forested lands in Idaho, of which the majority are located in the St. Joe River drainage. All of Burlington Northern's forest lands are managed under the concepts of multiple-use, primarily for the production of forest products on a sustained-yield basis.

We have followed closely and been involved for many years in the discussions, debates, and planning which have led to the various proposals now being considered relative to possible designation of the St. Joe River as a component of the national wild and scenic rivers system.

Study of the entire main stem of the St. Joe for possible designation was required under the Wild and Scenic Rivers Act of 1968. The Forest Service has made a detailed study of the river and recently released its final recommendations. Those recommendations, which we understand have now been transmitted to Congress by the administration, basically prescribe designation of the St. Joe as a Wild and Scenic River from the river's headwaters at St. Joe Lake downstream to the National Forest boundary, a distance of about 72.8 miles. The river downstream from the National Forest boundary was recommended for protection through state and local government controls.

S. 3052, as introduced by Senators Church and McClure, would amend the Wild and Scenic Rivers Act to include that segment of the St. Joe between St. Joe Lake and the eastern edge of the town of Avery as a designated Wild and Scenic River.

The primary difference between these two proposals involves that segment of the river between the National Forest boundary and the eastern edge of the town of Avery. Burlington Northern opposes designation of this segment, primarily due to the existence of private lands adjacent to the river.

Above the town of Avery, the St. Joe River flows over National Forest lands completely. The river management corridor above Avery, as displayed in the Forest Service's Study Report and final environmental impact statement transmitted to the Council on Environmental Quality on March 30, 1978, is composed almost entirely of federal ownership. It is our belief that actual land management activities on the federal lands involved will vary little under a wild and scenic river designation from what would occur under normal National Forest programs. We would expect, however, that designation of the St. Joe as part of the national wild and scenic river system will create additional social and economic impacts on the area, simply because of the additional visitor use the river will receive as a result of the "advertisement" such designation will create.

As Senator Church stated when he introduced S. 3052, the bill represents a compromise position between several of the individuals who have, for a long time, hotly debated and defended diverse viewpoints on the issue. We certainly appreciate the efforts of those folks and applaud their ability to hammer out a position agreeable to each of them.

Unfortunately, a compromise position is often acceptable only to those who have had the opportunity to directly participate in the discussions and decisions. The compromise and resultant draft legislation, S. 3052, is not entirely acceptable to Burlington Northern. We can accept the general concept behind S. 3052, that of designating the main stem of the St. Joe, from St. Joe Lake downstream to the eastern boundary of the town of Avery, as a component of the national wild and scenic rivers system. We cannot accept, however, the extension of such designation to all tributaries of the St. Joe above Avery. It is nearly impossible to estimate the mileage of tributaries which would be affected, but there are surely many hundreds of miles of tributary streams. Much of these tributary streams traverse lands owned by Burlington Northern. To impose the many requirements of the Wild and Scenic Rivers Act upon these tributaries is absolutely unacceptable.

It is our belief that the intent of the compromise position was only to prohibit dredge mining within those tributary streams, not to include them, wholesale, into the designation. If such is a correct assumption, the bill should be amended to clarify such intent and eliminate the implications on other types of resource management.

Our second concern with S.3052 relates to the language assuring continued maintenance, use, and access to existing or future roads as required for management of lands outside the St. Joe River corridor. We concur with the need for this language, but wish to point out that all such roads may not necessarily be "Forest Service roads". We recommend that the words "Forest Service" be deleted from the bill.

A third concern relates to the provision which allows removal of sand and gravel from above the high water mark of the St. Joe and its tributaries for road construction and maintenance purposes. Here again, the qualifying language which limits authority for such sand and gravel removals to "any public body or its agents . . . for . . . public roads" is the problem. Technically, a Forest Service road is not a "public" road. Thus, under the language of the bill, sand and gravel could not be removed and used on Forest Service roads—nor private roads. We recommend the last part of the sentence beginning "Dredge mining . . ." be reworded as follows:

". . . provided, however, that nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the St. Joe River for the purposes of construction or maintenance of roads."

Finally, we do not understand the authorization to appropriate $1,100,000 for the acquisition of lands or interest in lands. As pointed out above, our understanding of the intent of this legislation is such that there should be no need for any acquisition of lands. If, on the other hand, our interpretation of intent is faulty and all the private lands traversed by tributaries to the St. Joe are to be acquired by the Forest Service, then the funding amount set out is woefully inadequate, and all the private lands traversed by tributaries to the St. Joe are to be acquired.

We appreciate this opportunity to appear before the subcommittee and testify on S.3052. We would be happy to answer any questions or provide additional information regarding the points we have raised.

Senator CHURCH. Those are good suggestions. They are very helpful, and we will look at this very carefully. You have submitted them in writing, have you not?

Mr. NETTLETON. Yes.

Senator CHURCH. I don't think I have any questions.

Senator MCCLURE. I have no questions.

Senator CHURCH. Our next witness is Stan Huff.

STATEMENT OF STANLEY HUFF, CHIEF GEOLOGIST, NORTHWESTERN MINING DEPARTMENT, ASARCO, INC.

Mr. HUFF. I thank Senators Chruch and McClure for inviting us here today. I think the only comment I have before my statement is that I really am not a supporter of Government by public hearing.

I am Stanley Huff, chief geologist for the Northwestern Mining Department, ASARCO, Inc. I am a registered professional geologist in the State of Idaho and have both practiced my profession and lived in Shoshone County for more than 20 years. I appreciate this opportunity to present my testimony concerning the St. Joe River Compromise. I must also say that I would be more appreciative if it weren't necessary to be here, if we weren't confonted by a Congress-created bureaucracy at every turn and if we could get on with some productive work.

The geology of the St. Joe basin is so similar to that of the $3.1 billion Coeur d'Alene mining district that its mineral potential is too great to ignore or to lock up.

There are about 25 partly developed and at least several times that number of undeveloped occurrences of copper, lead, zinc and silver within that basin. This does not count that controversial placer deposits in the upper St. Joe drainage. None of these occurrences, as far as I know, now supports a producing mine, except perhaps sporadically; however, if one of them were to become a producer this might be

enough encouragement that several others also would be developed to the point of production.

It would be very strange indeed if, with the development of more and more sophisticated technology for exploration, assuming an attractive mining climate, a deposit which might support a large mine were not found in the St. Joe Basin in the next several years.

We are led to believe that the designation of the St. Joe River and its tributaries as a component of the National Wild and Scenic Rivers System will not appreciably affect the right to explore and mine in the area; that this right is assured by the proposed amendment and the Federal mining laws. But, is it so? Until the last few years, we have had a rather active exploration program in the St. Joe basin. This project was virtually abandoned in 1971 in anticipation of such a designation.

We are told that we have access to prospect in RARE II areas. We have recently learned that in reality it isn't quite so. Access into these areas is by packing our exploration equipment in on our backs or by some other roadless means.

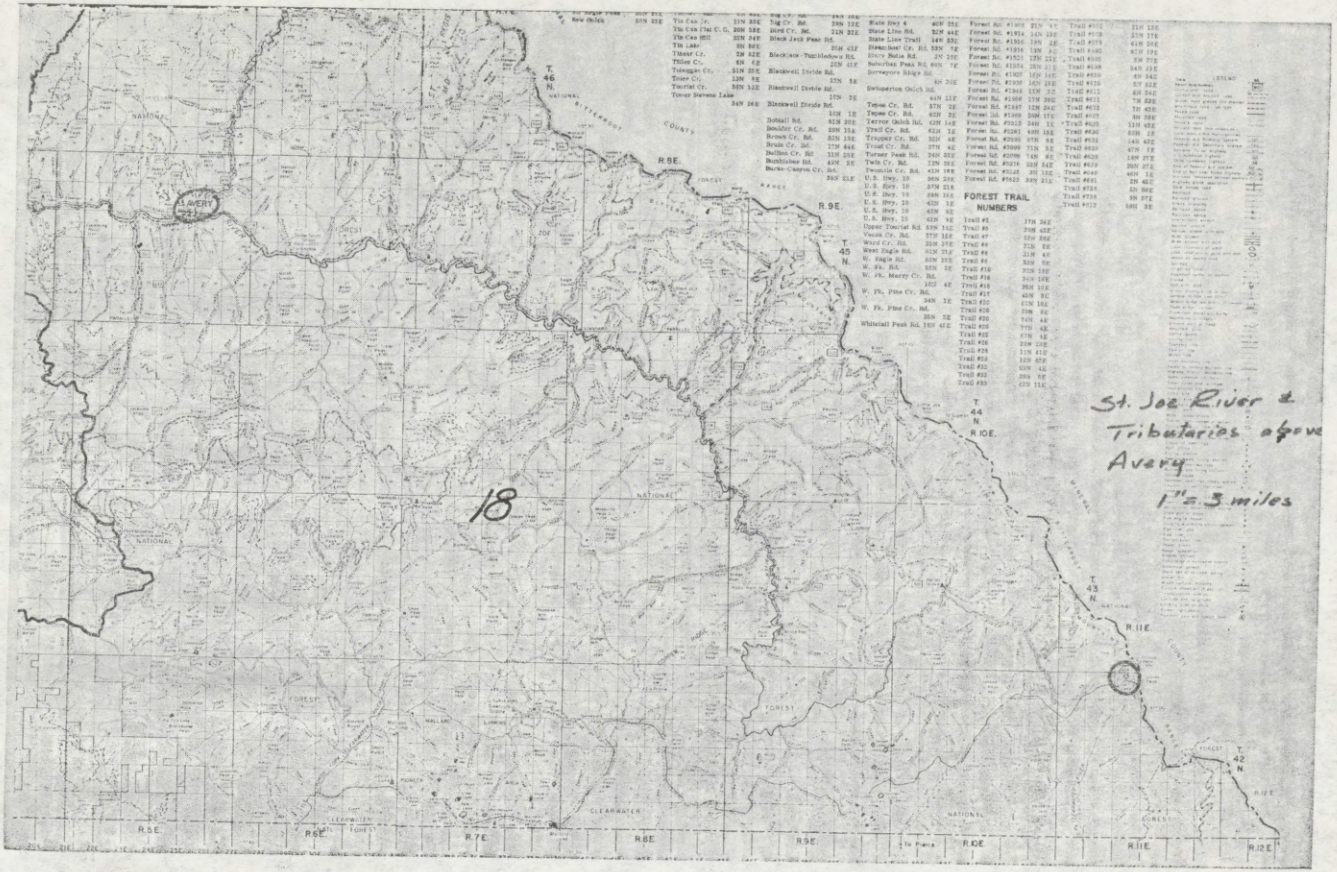
We are told that withdrawn areas will be reinstalled to multiple use if important mineral discoveries are made. We learn that it isn't so. The case in point is the recent mineral development in the Hells Canyon National Recreation Area.

We are told that including the St. Joe River and its tributaries in the Wild and Scenic Rivers System will not appreciably affect mining activities in the area. After reading the Wild Rivers and Scenic Act, the proposed compromise amendment, and speculating on inevitable regulations, our experience says it isn't so.

I think if Congress were truly concerned about inflation, balance of payments, national security, a healthy mining industry and whatever else concerns us these days, why is the United States now dependent upon imports for more than 50 percent of its zinc requirements? This is up fromun der 20 percent 10 years ago. Also net imports of copper have increased from less than 8 percent in 1975 to 31 percent for the first 5 months of 1978. I don't see the logic in making these problems more complex, by continually adding more uncertainties. Adding the 315,000-acre St. Joe basin to the 12.3 million acres of the State already "off limits to development" is one of these uncertainties. And if you add the North Fork acreage, this makes it 528,000 acres.

We do not argue that some of the values which are confined to the river itself and its immediate environs are not in need of protection. Of course, such protection implies certain controls. However, we do argue that protection and control do not require the massive efforts of the huge Central Government but can be provided by the people most directly affected, through the machinery of their local governments. Legislation enacted locally, along with the existing State ban on dredging, Idaho Code section 47–1323—put more teeth in it if necessary—would provide ample protection for the St. Joe River and its tributaries. Thank you.

[Map attached to Mr. Huff's prepared statement follows:]


St. Joe River & Tributaries above Avery
1" = 3 miles
18
AVERY
FOREST TRAIL NUMBERS
LEGEND
T. 46 N.
T. 45 N.
T. 44 N.
T. 43 N.
T. 42 N.
R.8E.
R.9E.
R.10E.
R.11E.
R.12E.
R.5E.
R.6E.
R.7E.

Senator CHURCH. Thank you very much. Do you have any questions?

Senator MCCLURE. Again, I would understand that the majority of your particular complaints about this specific proposal are added to the inclusion of the entire basin by use of the terms "and tributaries"?

Mr. HUFF. That's the way I read it.

Senator MCCLURE. And if that is resolved a major portion of your objection would be removed?

Mr. HUFF. I think this is a poor alternative to State and local controls. And in fact, I am surprised that our State and local legislators would delegate this responsibility to the Federal Government.

Senator MCCLURE. Well, it's Federal lands whether we desire it that way or not. It's now public land owned by the Federal Government.

Mr. HUFF. What authority does the State judging law have on it, then?

Senator MCCLURE. Whether the State owns streams, that's an unresolved question. It's one that I've raised continually, and one we may someday have to resolve.

Mr. HUFF. Why don't we protect it then by a simple Federal act that would ban dredge mining in the St. Joe and its tributaries just like in the State law? That seems a simple way of getting out of something. We are concerned because we stand here and we hear what the intent is, what's going back to Washington. And it sounds like a good idea, but then it comes back from Washington and we don't even recognize it anymore. That's like RARE II was a beautiful idea, but when it came back it was a nightmare.

Senator MCCLURE. I understand.

Senator CHURCH. Thank you very much. Our next witness is Dave Suhr.

STATEMENT OF DAVE SUHR, RESIDENT, SHOSHONE COUNTY, IDAHO

Mr. SUHR. Senators, thank you for allowing me to be here.

My name is Dave Suhr and I am a resident of Shoshone County. I appreciate being given the opportunity to comment on the agreement signed April 25, 1978, regarding the St. Joe River drainage above Avery. After reading the agreement and the material written subsequent to it, I feel there are several shortcomings to the entire proposal.

Even though an attempt was made to protect current timber harvests, other groups and activities are either ignored or restricted from using the area. For example, sportsman, 4-wheel-drive advocates, mining activities, berry pickers or other people who may not be physically able or have the time to hike into the area could all be restricted from the St. Joe basin. The only access to the entire drainage basin that is assured is that access "needed for timber harvest." Residents of Shoshone County or the State have no certainty that some bureaucrat in Washington won't decide that no timber is needed from the St. Joe River basin or its tributaries and therefore close all the roads in the area.

Mining is one of our basic industries in Shoshone County and it would be virtually eliminated from the area by controlling the accesses.

There is no certainty that one major mine will be discovered along the tributaries of the St. Joe, but to give a value comparison, an article in a Spokane paper regarding the Sherwood Mine states that expected production is $560 million in 15 years on 172 acres and it would take 32,560 years to add an equal amount of capital to our country's economy from timber grown and harvested in an area of equal size. I might add that the disturbed acreage from a mine of this size, is very small compared to the total acres included in the compromise. With current technology, once production stops, revegetation can begin, and given the normal growth period, timber could once again be harvested from a mined area. If there is any question about reclamation or restrictions on mining activities, all a person has to do is read regulations governing (1) stream channel alterations, (2) the Clean Air Act, (3) the Clean Water Act, (4) the Resource Conservation and Recovery Act, (5) the State laws governing dredging, and (6) the Mine Land Reclamation Acts, just to name a few. As a practical environmentalist myself, I feel the terms "permanent and irreparable damage" do not belong in any reclamation plan. Even with moderate reclamation principles, land can be made productive and esthetically appealing. Therefore, the total plan for the basin should insure the potential mine development and production along tributaries of the St. Joe River to protect jobs as well as a way of life of all residents of Shoshone County and Idaho. Current laws and regulations already protect the environment.

If it is the intent of environmental groups, as stated by a U.S. Department of Agriculture spokesman—John R. Wood—to "control all public trust lands for use as a power base and not to protect the environment," then I think we, as citizens of Idaho, need to note the rebellion from people that live near the Rogue River in Oregon and listen to Governor Ray's comment on additional wilderness areas: "Before you people make up your minds on this, you'd better realize what you can do in a wilderness area." A wilderness area is exactly what could be created by including all the tributaries of the St. Joe in this compromise bill. Thank you.

Senator CHURCH. Thank you. You understand we don't intend to do that?

Mr. SUHR. Yes.

Senator CHURCH. Thank you very much for your testimony. Our next witness is Terry Erskins. I understand that he is not here now and had to leave, and that he has given his testimony to the committee in written form. So next on the list is Luke Downing. Is Luke Downing here? Jim Meek. Glad to have you here today.

STATEMENT OF JAMES MEEK, RESIDENT, SHOSHONE COUNTY, IDAHO

Mr. MEEK. Thank you, Senator Church, for the opportunity to be here. My written testimony, having been submitted, I would like to paraphrase from it, if I could, since the majority of the areas have already been covered. I am interested in the compromise itself. The major point I want to cover is, why weren't the residents in the counties through which the St. Joe flows contacted and allowed to voice their opinions on the compromise before the compromise was signed by so few? It seems to me that the matter may have already

been determined about the St. Joe River. The St. Joe River—another point I would like to make is that the St. Joe River will affect the residents of Shoshone County and Benewah County more so than any other people in the State of Idaho or the entire United States. Therefore, it should be the right of these people to decide the death scene of the St. Joe.

So setting aside the St. Joe River may please some outsiders, but think of the people that have to live with your decision. Thank you.

[The prepared statement of Mr. Meek follows:]

STATEMENT OF JAMES MEEK, RESIDENT, SHOSHONE COUNTY, IDAHO

Gentlemen, my name is James Meek and I am a resident of Shoshone County. I appreciate the opportunity to testify on the April 25, 1978 agreement and the inclusion of the St. Joe River in the Wild and Scenic Rivers Act.

Being an avid outdoorsman and a former employee of the Wallace Ranger District, I realize the importance and effect the agreement of April 25th will have on the St. Joe area. My concern is the method by which the St. Joe compromise and the possible inclusion of the St. Joe in the Wild and Scenic Rivers Act is being accomplished.

It is a matter of who is to be satisfied. Are we seeking a plan to satisfy the Easterners who come to Idaho to vacation and view a "Wild and Scenic River"? Or are we seeking a plan that will satisfy the residents of northern Idaho—the only people whose occupations, recreation and way of life will truly be affected. The April 25th meeting did produce a compromise, but is this compromise in the best interests of all people of the St. Joe? I think not! The individuals who signed the compromise did so as individuals and not as representatives of the affected area. Why weren't the residents of counties through which the St. Joe River flows, contacted and allowed to voice their opinion on the compromise, before the compromise was signed by so few? Is this the democratic process, or a method of forcing something on us?

Federal, State or local control of the St. Joe? As it seems, the matter may already be determined. It's about time the opinion of the residents of Shoshone County and Benewah County is heard—not only heard, but heeded. The inclusion of the St. Joe in the Wild and Scenic Rivers Act will affect the residents of the St. Joe area more than any other people in the State of Idaho or the entire United States. It should be the right of these people to decide the destiny of the St. Joe.

To set aside the St. Joe River may please some outsiders, but think of the people that have to live with your decision.

Senator CHURCH. Thank you very much. We brought the hearings here to this county in recognition of the fact that this county has as much as concern as Benewah County. And that testimony we are taking here today at the hearings will have major importance in the markup of the bill. So we are trying to see to it that everybody has an opportunity to testify. Thank you. Walt Weid.

STATEMENT OF WALTER WEID, ENVIRONMENTAL ENGINEER, HECLA MINING CO., WALLACE, IDAHO

Mr. WEID. My name is Walter Weid. I reside in Osborn and work in Wallace here in Shoshone County. Just recently, dredge miners were barred from mining without a permit or posting a reclamation bond on Sherlock Creek, a tributary to the St. Joe River. The action occurred under the Forest Service Mining Regulation designed to protect service values. The State also has the Idaho Service Mining Act, the Idaho Dredge and Placer Mining Protection Act, which addresses environmental and esthetic factors. Still another law states that no stream channel may be altered without a State permit. Furthermore, dredge or filling below the high water mark of any stream requires a permit from the Army Corps of Engineers. No discharge may

occur whether there are pollutants or not, without an NPDES permit from the EPA. And no new discharge may occur without at least a draft of an environmental impact statement written. Likewise, the State of Idaho is restricted from allowing the downgrading of any current use of State water and from allowing any significant degradation.

The Forest Service has published plans to designate its lands along the North Fork above the Coeur d'Alene River corridor as nondevelopment lands. The same is being done as administrative policy along the St. Joe River. These actions occurred in the National Forest Management Act. The point here is not whether any particular action should or should not have been taken. My intent is to show that any rational person of the St. Joe has already had equal protection. All of the permits require that opportunity be made for public input and the public is seldom shy about protecting its environment.

The effort to designate the St. Joe as a "wild" river is analogous to a person who is scrupulous about locking his house. He locks the doorknob mechanism as he does both other locks with a big padlock, and then after thinking about this a little while, he snaps on two more padlocks, The locking-up process is obviously being overdone. The only purpose of this bill that I can see is to provide environmentalists with another scalp for their cue sticks. I guess locks are made to keep other people out. These laws have the same effect. No one here today could guarantee that someone isn't dumping 2,000 gallons of kepone in the St. Joe right now as of this moment, regardless of how many laws are piled up on top of each other.

Meanwhile, the laws and regulations, the permits piled upon permits, are very discouraging to local businessmen who are interested in small mining operations or other operations. When a door has five or six locks on it, only the man who has the time to try keys for a couple of years is going to get in. In other words, these restrictive laws favor the larger financial resource group at the expense of small companies with limited capital.

My conclusion is simply that this legislation is not needed. It consists of language to tell the Forest Service to do what it is going to do anyway. However, if this bill should get to the floor of the legislature, this is one aspect in particular that concerns me. And Senator McClure has already been addressed 100 times. And so, forgive me, but regardless of which side of the aisle you sit upon, you are familiar with the administration writing regulations and the courts ruling 180° opposite to legislation which is passed. And so we are particularly concerned about the inclusion of the words "including tributaries." Does this mean—I will repeat this even though it's repeatable because it indicates my confusion when I was writing this last night. Does this mean that the tributaries will have a half-mile corridor of land around them as turned up in the Wild and Scenic Rivers Act? Is any "wild" river altered in this matter? And what is a tributary in this case? If you find the right judge, could not a court rule that the entire St. Joe drainage with tributaries would constitute the river? If the intent is to eliminate dredge mining on the tributaries, why not just say so?

I suggest that the language "the entire main stem above Avery" be used just as it was in the original Wild and Scenic Rivers bill. Otherwise, the entire upper drainage would become "wilderness"

by default, preempting RARE II and the National Forest Management Act in the process.

I mentioned this here since it was said earlier that Avery does not really have an eastern boundary. I think it would be good to mention the confluence of the North Fork of the St. Joe with the St. Joe River and make that that boundary. I would hate to see the North Fork drainage included along there because mining interests are very prevalent along the North Fork. And I would rather not have that conflict at all. But again repeating, the best thing that could be done is to leave the bill in committee. The Forest Service has already been given two tools to manage its lands in an environmentally responsible manner. And I believe we are depending on these professional administrators to do so. Thank you.

Senator CHURCH. Thank you, Walt.

Senator MCCLURE. If, as a matter of fact, I have concentrated on that question of tributaries, I understand why people are confused by it. And it's well that each one of us understands that. Thank you.

Senator CHURCH. Our next witness is Scott Reed of the Idaho Water Resources Board.

STATEMENT OF SCOTT W. REED, ATTORNEY, COEUR d'ALENE, IDAHO

Mr. REED. Senator Church and Senator McClure; my name is Scott Reed. I want to correct the record to this extent, I am not appearing on behalf of the Idaho Water Resources Board. The statement represented by Lieutenant Governor Murphy on behalf of the Governor represents the position of the State agency of the State of Idaho. I have a resolution, I am a member of it, and I give you some of that information. But I am here personally on my own behalf,

I am an attorney in Coeur d'Alene. I have been a resident, since this seems to be a prerequisite of testimony. I have been a resident of Coeur d'Alene for 22 years. I am a practicing attorney, raised in the Northwest all of my life. My children have grown up in this part of Idaho and go to school here.

I think it particularly fitting and appropriate that you have the hearing here in Wallace. And my reason, perhaps, is a little bit different than some others might have. And that is that really the problem of the St. Joe started right here, and it started here 10 years ago. In the spring of 1968 there was an application before the Department of Lands for a permit for dredge mining. The public hearing was held in this courtroom right here. I came up, along with a number of others, to testify in opposition to granting that permit. It may surprise some of you to know that I was representing the Coeur d'Alene Chamber of Commerce at that time. But in any event, that was no friendly hearing as this has been. That was a hearing in which there was some 300 people, at least. I grudgingly felt a little bit of sorrow for the attorneys who were representing the applicant for the dredge mining permit because they were in extremely hostile territory.

About 298 of the people in attendance at the meeting were hotly opposed to dredge mining. Most of those people who were here were Shoshone County residents. And many of them were hardrock miners. I was very pleased to see that they were very carefully able to dis-

tinguish their recreational opportunities from their business opportunities. And they didn't want anybody walking up the St. Joe River.

Well, as a result of that hearing, a number of us started an initiative campaign or a bill to strengthen the dredge mining law, because the State board felt that the language really wasn't strong enough. We mounted an initiative campaign. It was primarily based in St. Maries. It had the strong support of Senator Chase, Senator Manley, and many of the people from St. Maries. But it also had a lot of support from here. I can't quote the figures to you, but I would estimate there was at least 1,000 signatures from Shoshone County supporting much stronger opposition to dredge mining.

At that same time, and I think as part of the process, the suggestion was made—and I think it went to then Representative McClure—to include the St. Joe as part of the Wild and Scenic Rivers study in order to put the block to dredge mining. And that was why the St. Joe got included originally, precisely for that reason.

Well, I don't think any of us at that time knew exactly what we were getting into. The ensuing years have not been free from controversy. There have been numerous hearings. I have not been to as many as Dolly, but I have been to a number of them. They have expressed views all over the place. Most of those hearings have been in places other than Wallace. And most of the testimony has come from people other than the mining industries here because they haven't really seen that particularly as a threat to them, or at least, both the benefits and the opposition to the bill have been perceived in other areas from other people. I think I say this in part to get background to why five of us ended up with the audacity to sit down and suggest that we could, perhaps, compromise this. And that was because we were the parties to the controversy as terms of visible controversy and open controversy. And this is not a matter which was simply a casual sort of meeting of a few people to design something. This was a matter which had been battled out in open public hearings from a period of years with endless publications and diagrams written by all of us on all sides and heated words that had gone on so that there were really very few avenues left unexplored in terms of what was going on and what the issues were. And that is why I think each of us individual y, and you will note that when we signed that each of us said we are individuals; we are not representing anybody. But each of us individually proposed that of the compromise.

The hearing here is to determine, I think basically, whether it was a good compromise or whether legislation would be fashioned out of it to resolve the controversy. That is why we are here, why we met together. Unless you have any doubts about the fact that they were meeting, let us say at arms length, one of the hearings that Dolly didn't mention was a hearing upon my confirmation and reconfirmation upon the Water Resource Board which she showed up with some signatures, 300 names of people that thought it was absolutely terrible that I should be reappointed to the Water Resources Board. And it was, basically, because of what she perceived to be my position on the St. Joe River. Many of them very articulate, very thorough about it, made their positions clear. And I was a little bit astonished to find out that 300 people knew me, much less disliked me so much. In any event, there were other hearings and lots of things have gone on. So when she and I and Cy and Art and

Ray Hilding all sat down together, we were dealing with a known quantity. We were each trying to take to the limits of what we felt we could go to reach some type of an agreement. And that, I think, is basically what we have arrived at.

Now it happens that I have had in other capacities some experience with the Wild and Scenic Rivers Act, with the Dredge Mining Act. These have to do with litigation that commenced on the Middle Fork of the Clearwater River brought by a resident down there who was opposed to the operation proposed by the Idaho State Highway Department to remove certain gravel bars down there to repave the road along the river—the Lochsa in the Middle Fork of the Clearwater. We brought the suit under the Wild and Scenic Rivers Act with the idea that this was going to prohibit that. And this was based on Forest Service testimony that came in and said, "Look, the Idaho Legislature has prohibited dredge mining in the Middle Fork of the Clearwater River." And they had said, "We want to stop it, but the Forest Service wasn't willing to lift a finger to do it." So we had to bring a suit on our own and with the Federal court. I am not sure how many decisions there are in the Wild and Scenic Rivers Act. At that time we went to court there were none decided. It may be of some reassurance to some of the mining concerns up here that the Federal judge decided the Wild and Scenic Rivers Act carried really no remedy at all. And he threw us out of court for lack of jurisdiction. We went to the State court, and the State judge felt that the State law banning dredge mining applied, and we joined the State highway department in proceedings. But along the way we found out a lot about what dredge mining means in terms of the way lawyers construe it. And the State insisted that dredge mining was really not what the highway department was doing. They were simply taking gravel out and putting it on the road; that it wasn't dredge mining. And we had several discussions about sand and gravel and all these sorts of things.

All of this is by way of background. We have put this proposal to compromise together. We have included within that what we first perceived to be the problem, and we have tried to resolve it. As soon as the proceeding went out, and it was as they have said—I wouldn't call it hasty because the permit had been going on for at least 6 months or more. Following the hearing that the legislative committee had on the water plan it became very clear that in no way were the people in the St. Joe Valley ever going to accept the Wild and Scenic Rivers Act as such. Based upon that background, we began to see that maybe we could finally put something together here to resolve what is resolvable and be done with it. But in any event, it wasn't that hasty. The meetings were rather thorough, the issues were rather simple to resolve. It really didn't have complexities develop. You weren't drawing boundaries. You were dealing in pretty well-defined positions, but what we would have to do is to put this together.

When the draft came out it was taken promptly up here to Shoshone County to the county commissioners, Senator McCann, and others who expressed some very considerable concern about certain aspects that had to do with the improvement of roads. Those were included then within the draft. And again, I guess the purpose of your hearing here is to let everybody have a shot at the thing and that is just great. Our purpose was not to exclude anybody. It was to put some-

thing out on the table and say, "We think from all the different directions that what we are doing on this is what we can agree on." And you all heard from the people that signed that thing, "We are all still backing it up." And I am too. And I am here to answer any questions you may have concerning this.

I would say this: That there was—and I repeat—there was no intent here to effect in any manner hardrock mining operations, underground hardrock mining operations any place. I recognize that in the corridor they are withdrawn, and that's fine. There hasn't been that much opposition to it. There wasn't any intent to touch hardrock mining operatious anywhere else. There was a very clear and exclusive intent, and we are back up to the ultimate, to prohibit dredge mining operations anywhere. They talk about the fact that there are a whole lot of other regulations that really should do the job, and I agree with it. They should do the job. The fact is they haven't, and dredge mining has been going on up until last week in spite of all the prohibitions against it. Senator Chase flies over there whenever he feels like he is getting too calm. He flies over in a plane and raises hell about it. And that's fine, but all of this raising hell has not done it. We think that this will. We think that with the Federal backing of the State law we feel we've got what we finally need to conclude this.

Now that's what I really have to say. There are certain aspects of this bill that we, the committee, have nothing to do with. One of these deals with the $1,100,000 authorization with the administration bill. I don't know the reason for the figure. We seem to carry a certain amount of appropriation. I expect it probably has something to do with the feeling that ultimately you may have to go out and buy out the legitimate unpatented claims. There is some money needed to do that. And certainly the Forest Service anticipated that, and that's fine.

But that's the position I am in, and I think it is identical with other members of the committee. And I appreciate your having this hearing up here.

Senator CHURCH. Scott, I appreciate the statement that you've made. I think it's very important to put on the record the actual facts concerning the genesis of this proposal. And of course, your emphasis is completely correct that the public hearing is for the purpose of examining the proposal and is, therefore, open to all who want to come and testify. I think your position is clear from what you have said. I have no further questions.

Senator MCCLURE. I have no questions. I just want to thank you, as I have others who have participated in this, for the time that you have devoted to it and your willingness to sit down and discuss with me.

Mr. REED. I may have one further thing. I do have this resolution. You have indicated you would make a copy of this part of the record. I have a certified copy of the resolution that the Idaho Resources Board passed. And I would point out one rather unique thing, and maybe we have, perhaps, taken a little step toward State control as well as the Federal control here that might receive more endorsement than some might think. And that is that we, the water board, adopted this resolution, that we were opposed to any dams on the St. Joe River. And I regard that really as the functional State equivalent of the Wild and Scenic Rivers Act, a prohibition against dams. I am

very happy that the State can do this because the only people that I think who really would want to build a dam on the St. Joe might be some Federal agency with a lot of extra money. Thank you.

Senator McCLURE. I am going to investigate that and try to find out which of them has a lot of extra money.

Mr. REED. I don't know, but Senator, I spent some time on where I think they are spending some that they really could save.

Senator McCLURE. OK. Thank you.

Senator CHURCH. We have a very good and overworked reporter here, and she has asked for a little break. So I think we will take a 5- or 10-minute break here.

[Whereupon, a 10-minute recess is taken.]

Senator CHURCH. Our next witness is Larry Blasing, of the Inland Forest Resource Council. Good to welcome you, Larry.

STATEMENT OF LARRY B. BLASING, DIRECTOR OF FORESTRY PROGRAMS, INLAND FOREST RESOURCE COUNCIL, MISSOULA, MONT.

Mr. BLASING. Thank you. Senator Church and Senator McClure. I am Larry Blasing, director of the forestry program for the Inland Forest Resource Council in Missoula, Mont. We represent about 24 companies in Montana and north Idaho which have approximately 60 operations, employing some 15,000 people, and having the payroll of several hundred million dollars.

I haven't prepared a written statement because I have had some confusion in my mind as to just exactly what the bill said and just exactly what the parameters were that they were talking about. And some of those have been cleared up today.

The council has really no formal position on the legislation. But we do have some areas of concern on Senate bill 3052 that I think might be worth discussing. Many of our members have endorsed the compromise that was proposed, and as such, I feel that we have to recognize their endorsement of this compromise. However, there is some language in the bill that I would counsel our members that I think may be, as in the case of all compromises—there may be some room for improvement.

I believe that the language that has been much discussed on tributaries has probably been satisfied by the records, and our concerns have been satisfied. But I personally don't see any useful purpose for having the language on tributaries on the bill. And I think probably those references could be stricken. And if just the corridor was talked about, it might clear a lot of apprehension on the part of a lot of people.

We are pleased that in the "recreational" section of the river that you have noted the need for access, for both roads and bridges for the purposes of harvesting timber. And certainly the St. Joe River area up there has a lot of potential from existing timber to the national woodpile. This has to be considered as part of the overall management plan for the river.

As you are aware, in some of the other areas of the State we are having a little problem with maps and finding some maps. I think that I would agree with Dolly that I haven't been able to find a map that referenced the date that was in the bill, and I would encourage you to either find the proper map or get the proper reference to cure any additional confusion there.

I believe on the "wild" section of the river that perhaps we need to look ahead a little bit, and I am optimistic in that I believe that timber management is going to be a part of the management that came from the Upper St. Joe River drainage. And probably the reason that the area has not been more developed up to this date is because of the fire history and the fact that the stands up there are fairly youngsters. and the priorities for management have not been as great in the Upper St. Joe as they have been in some of the other regions. And therefore, the Forest Service has concentrated their efforts on development and access in other areas.

Now this may not hold true over the next 10- or 20- or 30-year period. As these stands come to mature, it's going to be a greater importance that these areas be managed. The areas of trees that are younger in age class now are going to mature and are approaching maturity, and we can look forward to the inevitable ailments that trees develop with age.

Traditionally, the rivers and the larger streams have been the transportation corridor for wood products and the other uses of the forest. And I think that it's extremely important that we take a close look at the Upper St. Joe, perhaps through the eyes of the Forest Service or somebody else to make sure that by a "wild" river classification we are not putting a gate on more than we really want to put a gate on. As you are aware from the canyon such as the one that we have here, if you have a quarter-of-a-mile corridor on either side of the river, any road access that is developed around that corridor is going to be some place up on the side of the mountain. And economic transportation systems just couldn't be kept up under those kinds of conditions.

With the limited knowledge of the St. Joe that I have up there, I would say that is something that somebody really needs to take a look at and make sure that the large area behind the St. Joe or alongside the corridor is not restricted—access is not restricted through the "wild" river classification. And as you are aware, sometimes the roads need to jump back and forth, one side to the other. I think that's probably important.

I think that Don Nettleton for the Burlington Northern made an extremely important point. Once again, with the river being the transportation corridor, it's also the major source of sand and gravel for the maintenance of those roads up there. And for those roads that are already in existence, maybe, again, through the eyes of the Forest Service, you may need to look at what sources of materials you are going to use in maintaining those roads.

In terms of timber harvest, in the "recreational" section of the river, we see probably nothing that's incompatible with the salvage and the sanitation cutting of timber along that stretch of the river. And in terms of loss of productivity, if the Forest Service does a judicious job of keeping those stands healthy and salvaging the material that is dying and the maintenance of the stands in a healthy condition, we will probaly be able to harvest a significant volume of that timber along the river. And while there will be some loss in yield, there will be that opportunity. That opportunity is not available in the "wild" river section. And I think it would be—I have not seen the figures and I am curious at this point to know just exactly what the opportunity might be in the future for in terms of productivity along the "wild" river section.

There will be an impact, and I think for the productivity edification it would be nice to know exactly how much. And I do think we need to know whether to not the "wild" river classification would restrict access.

And that concludes my testimony. I am paraphrasing what I hope to write to you in the future. Any questions I will answer.

Senator CHURCH. Thank you, Larry. As I indicated earlier during the course of the morning's hearing, we will have the Forest Service supply us with the exact figures so that we have them before us prior to the time that we mark up the bill.

Senator MCCLURE. I might just note that that probably can not be as precise a statement as we might desire, because I expect that requires site inventory and site analysis in the very specific way that has not yet been done. It might require some field work. And I am not sure that we are contemplating that we wait that long or convert that much personnel to get that much detail into those figures.

Mr. BLASING. I think the Forest Service has no given values that they use to make that kind of judgment.

Senator MCCLURE. I might also mention in that connection because you indicated that you might submit testimony or a document in support of your testimony that—Frank has already mentioned that the record will be held open for 2 weeks and people might want to know where to send it. We might just say to the Senate Energy and Natural Resources Committee, Laura Beaty, room 3106, Dirksen Office Building, Washington, D.C. 20510. Thank you very much, Larry.

[Subsequent to the hearing, Mr. Blasing submitted the following:]

IFR INLAND FOREST RESOURCE COUNCIL
320 SAVINGS CENTER BUILDING MISSOULA, MONTANA 59801
PHONE (406) 728-1710

Re: Proposed Classification
of the St. Joe River

September 6, 1978

The Honorable Frank Church
U.S. Senate
245 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator:

Enclosed is a copy of our testimony on S. 3052. It seems to me that there are several opportunities for confusion that may arise from this legislation. Because of this, I suggest that the legislative report be developed to show the following intent.

1. Local sources of sand and gravel can be developed along the "recreational" section of the river for maintenance and construction of roads that are to be used for timber access.

2. It is not the intent of Congress to have the "wild" classification present an insurmountable obstruction to development of the upper St. Joe. If subsequent management plans dictate, it may be necessary to have access back and forth across some "wild" portion of the St. Joe.

3. There are some low-standard, Forest Service roads that provide access along the "wild" section. While it is not necessary to have these roads improved, I would hope that the record will show that it is not the desire of Congress to have them obliterated.

If you have any questions regarding our statement, or any of the above points, please do not hesitate to call.

Sincerely,

Larry

Larry B. Blasing
Director of Forestry Programs

enclosure
cc: Senator McClure

INLAND FOREST RESOURCE COUNCIL
320 SAVINGS CENTER BUILDING MISSOULA, MONTANA 59801
PHONE (406) 728-1710

STATEMENT ON S. 3052

before the SENATE ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PARKS AND RECREATION

submitted by
Larry B. Blasing

August 28, 1978

My name is Larry B. Blasing. I am Director of Forestry Programs for the Inland Forest Resource Council of Missoula, Montana. The Inland Forest Resource Council is an association of forest products companies that operate mills and plants in Montana and northern Idaho. There are 24 companies, representing more than 60 individual manufacturing facilities in our association. Member companies harvest timber on private, state and federal lands and process it into lumber, plywood, particle board, pulp-for paper and packaging, log homes and other wood products. These companies employ approximately 15,000 people and their combined annual payroll exceeds $125 million.

The Council's primary goal is a sustained timber supply from public and private commercial forest lands.

The Inland Forest Resource Council has no formal position on the proposed legislation. However, we do have some areas of concern about S. 3052 that we would like you to consider. We recognize that S. 3052 comes from a compromise resolution of a long-term problem. The North Idaho Forestry Association was involved in that compromise and many of its members are also members of our organization. IFRC would undoubtedly respect their support of this legislation. It is extremely difficult to find a perfect compromise and certainly this one appears to be no exception. I would,

therefore, counsel our members that some of the language in the Bill can pose some significant problems with the timber industry. We are offering these comments to the committee for its consideration.

The language in the Bill that deals with the tributaries of the St. Joe is confusing. It is difficult for the public to understand whether all the tributaries are being considered by the legislation, or whether it is just that portion of the tributaries within the main St. Joe River corridor. In order to alleviate any problems with this language, we suggest that any reference to tributaries be deleted from the Bill.

We have not been able to find a copy of the map that is referenced in the Bill. We would suggest that you reference the legislation to those maps that are contained in the Final Environmental Statement for the St. Joe River, since these maps are widely distributed and are commonly available to the public.

We are pleased that the legislation recognizes the need for access and bridges in the "recreational" portion of the river for purposes of timber harvest. An integral part of this transportation system has to be sources of sand and gravel for maintenance and construction. In a narrow river corridor, like the St. Joe, most of these sand and gravel sources are along the river. There are few, if any, opportunities for sources of these materials that will fall outside of the river corridor. We believe that some of these sources must remain available for use in maintaining the road system that is provided for in the legislation.

When considering the proposed "wild" section of the river, we need to look into the future to make sure that we are not creating problems that are insurmountable. One of the main reasons that access has not been developed into the upper St. Joe River is that the timber stands are just now reaching maturity. Because of the fire history in the area, the stands are relatively young, therefore, there has been no pressing need for access for timber management purposes. The Forest Service priorities on access for timber management have rightly been directed in other areas. These priorities are changing and it is going to become necessary to begin developing the stands in the upper St. Joe River in the next ten to twenty years. After these stands reach maturity, they are subject to all of the maladies that inflict mature timber stands, such as insects, disease and fire. To insure that access is available to perform the necessary management tasks the committee should look very closely at the effects of the "wild" river designation on access to the upper St. Joe River.

Traditionally, the river corridors have also served as the transportation corridors. These locations provide the cheapest, most environmentally acceptable access and generally the most direct routes to the manufacturing centers. In a narrow canyon, such as the St. Joe River, future access to the upper River might be completely blocked by a Wild Rivers classification. There is usually only a limited area along the bottom of the river valley that is suitable for road construction. If those roads have to be moved high up on the mountainside, away from the river bottoms, construction costs and environmental considerations may prohibit future access to the area.

It is also possible that access will need to be developed from one side of the drainage to the other side. As an example, if a road can be built into the upper St. Joe along the north side of the drainage, away from the corridor and not along the south side of the drainage, away from the corridor, there may be need for a transportation crossing some place between Spruce Tree campground and St. Joe Lake. If by classification of the river corridor, access is shut off to the upper St. Joe, Congress may have, in effect, created a Wilderness area without intending to do so. If such a restriction occurs, our members would unquestionably oppose a wild classification for the upper St. Joe River.

Though we do not know precisely how much timber is involved in the proposed corridor, we do recognize that some timber harvest will be available along the "recreational" section. Timber salvage and stand maintenance should be an integral part of any management system for that area. We recognize that there will be a reduction in yield, but that some timber harvest will be available. We also recognize that this is not possible in the "wild" section of the river. We do feel that it is important to know what the potential loss of timber harvest might be. Since these are some of the best growing sites in the area, losses could be greater than might ordinarily be expected.

In summary, we would request that the committee, perhaps through the eyes of the Forest Service, look at two problems.

1. What will be the impact on timber supply from the loss of production through Wild and Scenic Rivers classification?
2. Will Wild and Scenic Rivers classification preclude access to any portion of the upper St. Joe drainage?

Thank you for the opportunity to present our views. We will be pleased to discuss any of our concerns with you.

Senator CHURCH. Thank you. Our next witness is Mr. Piatt Hull.

STATEMENT OF PIATT HULL, ATTORNEY, WALLACE, IDAHO

Mr. HULL. Gentlemen, I am Piatt Hull, an attorney in Wallace. And at this point I can do Scott Reed one better, I have been here something over 60 years. I think having listened to the testimony today from a procedural point of view, it's probably very important that the bill as it is finally drawn be sent back here so that we can look at it. Because I am sure that the ideas that were brought here about the tributaries is inherent and necessary from the language of the statute as it is now written. And there may be in the new draft other inconsistencies or other areas that will cause a controversy and should be considered.

I agree with the idea of designating some boundary other than the St. Joe town of Avery. That's very imprecise, and it should be east or upstream from the North Fork and this area is surely ruled out. Now Senator McClure has spoken frequently about the distinction on the sentence on page 2, beginning on line 3, "notwithstanding any other provision of the law." Saying that that somehow affects the "wild" river portion or the "nonwild" river portion does not affect that portion of the bill. I don't see that in the language at all. And having listened to Mr. Hilding, I am not sure that I see any real reason for distinguishing between the two. What he said, in effect, is that this bill will make the regulations a little more firm. And that's about the only impact he gave us upon present Forest Service management. It seems to me that this is a pretty good or pretty big elephant gun to get off that type of situation. Consequently, at that point I am not sure that we need to go in this massive direction to correct the errors in the present scheme of things.

And I am even drawn more to that conclusion after listening to Mr. Weid tell about the many padlocks that are already on the door, and Mr. Scott describing the things that he wished to protect the river against. One he has given up on, and that's protecting it against the landowners west of Avery; two, the dredging on Sherlock Creek and elsewhere has been pretty well brought under control as a result to a large extent of his efforts and the meeting that was held here 10 years ago to follow through. But it probably has been pretty well solved so far as dredge mining is concerned.

That left him when he got through with one real key item that he was interested in, and that was keeping the army from building a dam on the river. Now we can do that some other way too. So I am not sure that, really, in the presence of environment and the present development that is taking place legislatively and by court decision that the designation or the compromise is really necessary.

Assuming that it will pass, however, we do have the problem of overlaid regulation. The mine industry is already subject to a multitude of rules and regulations, and now it is going to be subject in part, at least, to new rules and regulations—a new administration to talk to. So I would suggest that if the bill has to pass that there be specific reference in it giving only one bureau, one set of administrative officers, jurisdiction over the whole thing.

It is discouraging. I remember down in California a few months ago a utility gave up on an effort to start a plant because after 2 years'

effort they had two permits of the hundreds they needed. And that put Browns right up through the ceiling. But that same thing happens in a small way. It happens awfully frequently here.

So I would like to see the problem handled in some other way. But I certainly would hate to have some stranger back East write this bill whitout ever looking at it. And I would hate to have a new bill added on with current jurisdiction over the same situation.

[The prepared statement of Mr. Hull and a subsequent submittal follows:]

STATEMENT OF PIATT HULL, ATTORNEY, WALLACE, IDAHO

RE CLASSIFICATION OF THE ST. JOE RIVER ABOVE AVERY, IDAHO UNDER WILD AND SCENIC RIVERS ACT

The drainage of the St. Joe River and its tributaries which Senate Bill 3052 would designate as a Wild and Scenic River under 82 Stat. 906 (16 USC 1274 et seq.) is a heavily forested area of Shoshone County Idaho which is essential to the economy of Shoshone, Benewah and Kootenai Counties. The geology of the area is in many ways similar to that of the nearby rich and productive Coeur d'Alene Mining District. Numerous mineral occurences in the designated area indicate that commercial deposits of hardrock minerals may exist there.

As passed by Congress in 1968 the law contemplated the possible designation of the main stem of the St. Joe River as a wild and scenic river along with a half mile corridor totalling (according to official government studies) somewhat less than 22,000 acres.

However the compromise agreement (to which no representative of Shoshone County was a party) which is reflected in Senate Bill 3052 enlarges the proposed designation to include the St. Joe River and its tributaries or about 540,000 acres! (If the North Fork is included the affected acreage would be increased by as much as 50 percent.)

Under the withdrawal provisions of Section 3(b), 8 and 9 of the Wild and Scenic Rivers Act (16 USCA 1274(b), 1979, and 1280) this entire area would be withdrawn from entry under the public land laws of the United States! The half mile corridors along the main stem and many tributaries of the river would so thoroughly blanket the area that mining activity would be impossible.

A sketch map adapted from one issued by the office of Senators Church and McClure, is attached on which an approximation of the original designation is shown by a dashed line along the main stem of the river. The approximate proposed area is outlined by a solid black line. The area proposed to be designated is clearly beyond the contemplation of Congress and excessive of any Wild and Scenic River purpose.

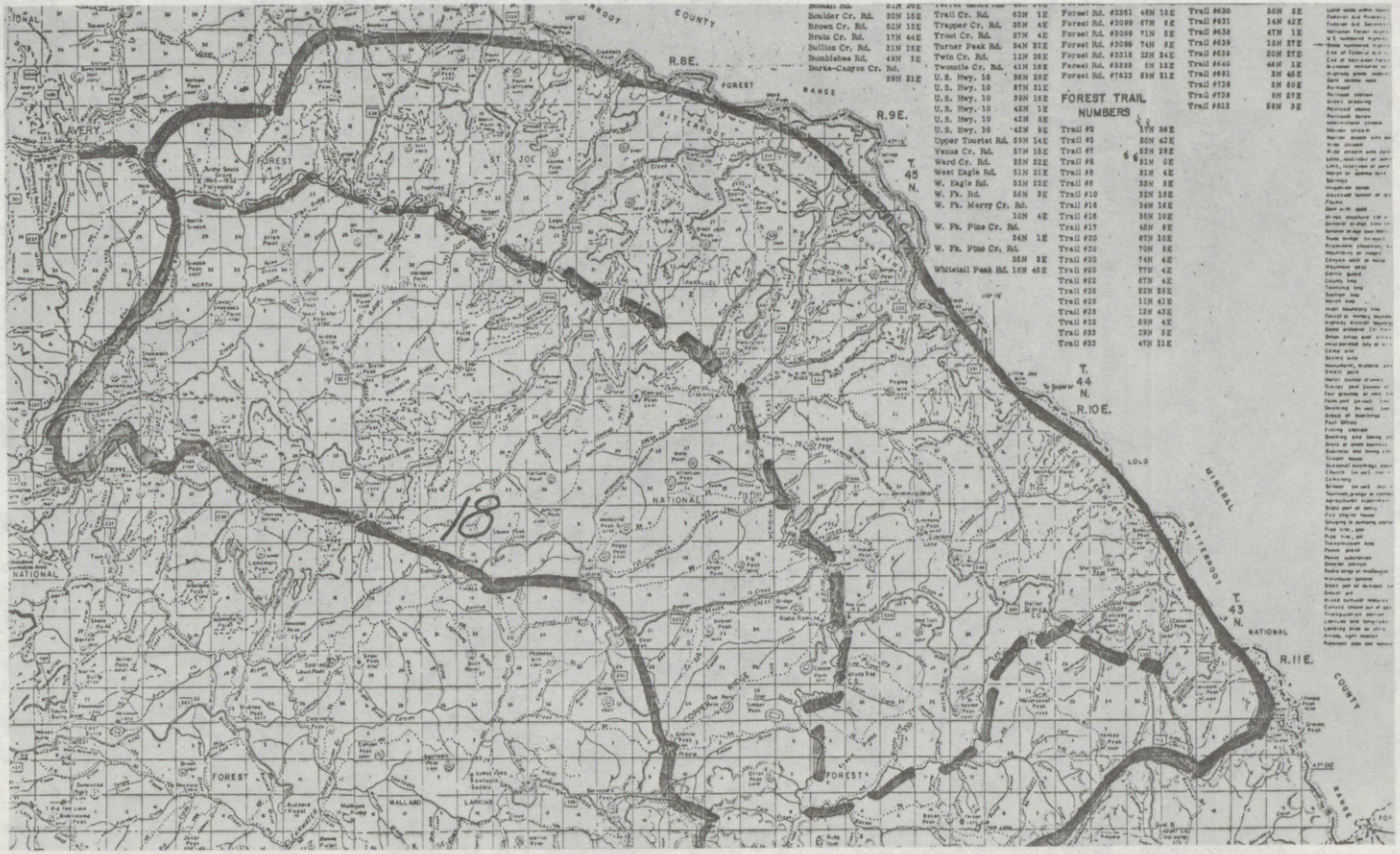
In my opinion the North Fork of the St. Joe should be expressly excluded. This may be the present intent of SB 3052 but it should be made specific by placing the boundary upstream from the confluence of that stream.

Furthermore the half-mile corridors should be expressly limited to the main stem of the river and should not be adjacent to the tributaries. The wording of the Compromise Agreement indicates that the tributaries were added because of the dredging activities in Sherlock Creek. However that activity has already been permanently abated.

The proposed bill should specifically reserve the right to conduct hard rock mining operations in the designated area by exempting it from the restrictive provisions of the act. The general environmental statutes and rules and regulations are entirely adequate to protect the river and its environs from any destructive hardrock mining activity.

I also believe that the bill should expressly provide for the continuance of logging operations that are economically and environmentally acceptable. This was the intent of the Compromise Agreement. The experience of the mining industry with wilderness legislation is that without express protection logging (or any other activity thought by an administrator to be environmenatlly evil) may in fact be curtailed or prevented by administrative interpretation.

I believe that the beauty of the St. Joe River should be preserved as it has been for 100 years without intervention of the federal government. I also believe that the productivity of the area should be made available to our people so that they may continue to live here and enjoy its beauties.


Boulder Cr. Rd. 20N 16E
Brown Cr. Rd. 32N 13E
Bruin Cr. Rd. 17N 44E
Bullion Cr. Rd. 21N 23E
Bumblebee Rd. 49N 3E
Burke-Canyon Cr. Rd. 39N 21E
Trail Cr. Rd. 63N 1E
Trapper Cr. Rd. 35N 4E
Trout Cr. Rd. 37N 4E
Turner Peak Rd. 24N 21E
Twin Cr. Rd. 12N 26E
Twomile Cr. Rd. 41N 16E
U.S. Hwy. 10 56N 28E
U.S. Hwy. 10 57N 21E
U.S. Hwy. 10 59N 16E
U.S. Hwy. 10 42N 1E
U.S. Hwy. 10 42N 8E
U.S. Hwy. 10 42N 8E
Upper Tourist Rd. 59N 14E
Venus Cr. Rd. 57N 15E
Ward Cr. Rd. 35N 22E
West Eagle Rd. 51N 21E
W. Eagle Rd. 53N 22E
W. Fk. Rd. 56N 3E
W. Fk. Merry Cr. Rd. 32N 4E
W. Fk. Pine Cr. Rd. 24N 1E
W. Fk. Pine Cr. Rd. 26N 3E
Whitetail Peak Rd. 18N 46E
FOREST TRAIL NUMBERS
Trail #2 41N 36E
Trail #5 20N 42E
Trail #7 53N 28E
Trail #8 31N 0E
Trail #9 31N 4E
Trail #8 33N 6E
Trail #10 32N 18E
Trail #16 34N 16E
Trail #16 35N 10E
Trail #17 45N 8E
Trail #20 47N 10E
Trail #20 70N 8E
Trail #20 74N 4E
Trail #20 77N 4E
Trail #22 67N 4E
Trail #26 82N 29E
Trail #26 11N 41E
Trail #28 12N 43E
Trail #32 59N 4E
Trail #33 29N 5E
Trail #33 47N 11E
Forest Rd. #2361 48N 16E
Forest Rd. #3099 47N 6E
Forest Rd. #3099 71N 5E
Forest Rd. #3099 74N 8E
Forest Rd. #3316 32N 34E
Forest Rd. #3328 8N 12E
Forest Rd. #7823 83N 21E
Trail #630 50N 8E
Trail #631 16N 42E
Trail #638 47N 1E
Trail #639 10N 27E
Trail #639 20N 27E
Trail #640 44N 1E
Trail #651 3N 40E
Trail #728 8N 60E
Trail #728 8N 57E
Trail #813 68N 3E
R.8E.
R.9E.
R.10E.
R.11E.
T. 45 N.
T. 44 N.
T. 43 N.
ST JOE
FOREST
NATIONAL
BITTERROOT
RANGE
COUNTY
MINERAL
LOLO
AVERY
WALLACE
LARKINS
18

HULL & HULL,
Wallace, Idaho, September 8, 1978.

Re: S.B. 3052 to designate the upper St. Joe River as wild and scenic river; suggested amendment attached.

Hon. FRANK CHURCH,
Hon. JAMES MCCLURE,
Hon. STEVE SYMMS.

GENTLEMEN: The hearing held Monday, August 28, 1978 at Wallace, Idaho concerning proposed S.B. 3052 was very interesting and I believe worthwhile.

The stated purpose of S.B. 3052 is to implement a "compromise agreement" reached by certain private individuals on April 25, 1978, with respect to designation of the St. Joe River under the Wild and Scenic River Act. The agreement and bill were endorsed by numerous public officials but in almost every case the endorsement was in only general nonspecific terms as an appropriate way to settle a community dispute. It did not appear that they specifically addressed the Bill's terms or its possible effect of this legislation on timbering and hardrock mining or job opportunities in the designated area.

It also appeared that although the designated area and its environs is admitted as having a higher than normal potential for the discovery of commercial ore bodies and contains much merchantable timber, neither miners nor professional loggers were asked to participate in drafting the agreement nor were they given the opportunity to give their advice in drafting S.B. 3052. Consequently both documents represent "partial" rather than truly local solutions. It is therefore important that comments on S.B. 3052 from mining and logging people receive careful consideration, for those employed in these industries have the largest stake in the area involved.

It also appeared that subsequent to the date that the agreement was reached it has been decided under Idaho law that dredge mining on the St. Joe River and its tributaries is subject to state regulation and therefore is now prohibited. This decision has achieved one of the prime targets of the compromise agreement and S.B. 3052.

It was further demonstrated that the entire portion of the stream which would be designated Wild and Scenic River by S.B. 3052 is already National Forest Land and subject to the complete control of the Forest Service, without necessity of further legislation or additional regulations.

It is suggested therefore that the pruposes of the bill have, in fact, already been accomplished or can be accomplished in a much less cumbersome manner and with much less interference with local matters. Most, if not all, provisions of S.B. 3052 have become unnecessary.

The following is offered in support of this proposition:

The dispute which lead to the compromise agreement arose for two primary reasons: First, the original proposal (that the entire St. Joe River be designated a Wild and Scenic River) brought to arms the St. Joe Valley Association headed by Dolly Hartment in defense of long held private real property interests downstream from Avery, Idaho; and second, the effort to conduct dredge mining operations on Sherlock Creek without complying with Idaho state, law which alarmed many diverse groups, including the resident mining industry.

The first point of dispute has been eliminated by modifying the designation to include only the main stem of the upper 66 miles of the river, where no private property interests exist.

The second point of dispute has been resolved by the development of the Idaho Dredge Mining Law and the ability of the State of Idaho to control the use of waters running through national forest.

Mr. Scott also mentioned the need to protect the river from federal dam construction programs.

Since 100 percent of the land involved is owned by the federal government and administered by the Forest Service under strict environmental standards, it appears gratuitous for Congress to withdraw the corridor along the main stream from timbering and mining and to impose rigid standards of management on the Forest Service which will prevent adopting to local conditions. Such action typifies the heavy hand of Washington in local matters at its worst that is causing vast unrest among the citizenry.

The testimony showed clearly that total restriction of timbering in the corridor will result in substantial loss of timber for failure to harvest and from increase incidence of disease (which may spread far beyond the corridor). It may also deny future access to commercial mineral depsoits. At the hearing Senator McClure seemed to apply an interpretation to the language in the Bill that could or would

make the proposed corridor a "fence" that would hinder or bar access to timber and minerals beyond the corridor by restricting additional road and bridge construction in the "wild" portion of the river.

If federal dams are a threat to the river they ought to be the targets of specific legislation.

It was agreed the Bill could be restructed to protect the Spruce Camp hunting lodge. Therefore it should also be restructed to protect the many jobs and tax revenues generated by timbering, mining and recreation.

The attached redraft of S.B. 3052 is submitted as more appropriate legislation, more in light with the spirit of the "compromise" if, in fact, any legislation is needed. Placer mining is prohibited on the main river or its tributaries in the designated area; other provisions of the Wild and Scenic River Act prohibits federal dams being built; the regulation of the river and the corridor is left to the general environmental laws and the protective rules and regulations promulgated by the Forest Service generally applied to national forest lands; duplicate, restrictive and rigid enactments, rules and regulations are avoided.

Very truly yours,

PIATT HULL.

HULL & HULL,
Wallace, Idaho, September 8, 1978.

Hon. FRANK CHURCH,
Hon. JAMES MCCLURE,
Hon. STEVE SYMMS.

GENTLEMEN: As requested by Senator Church we are enclosing herewith a redraft of SB 3052 which we wish to submit as language intended to more accurately express the Compromise Agreement on April 25, 1978 which was discussed and analyzed in depth during the public hearing in Wallace on August 28, 1978.

We have continued to use the phrase "dredge mining" in the last sentence although we feel that "placer mining" is a broader designation including mining of all deposits which are not veins or lodes in place and better accomplishes the aim of the bill.

The other language changes suggested are to avoid duplication of present environmental laws and regulations which are believed to be entirely adequate to protect the quality of the river, to preserve flexibility of local forest service administration, and to clarify and clearly express the intent that timbering and lode mining activities were not to be hindered. These regulations include all activities in the national forests including the removal of sand and gravel for road purposes. Attached is a notice of proposed rule making by the Department of Agriculture (36 CFR Part 219) which establishes the comprehensiveness of rules under the Forest and Rangeland Renewable Resourse Planning Act of 1974 as amended by the National Forest Management Act of 1976.

Since neither the timbering industry nor the hardrock mining industry were consulted in drafting the Compromise Agreement or the original version of SB 3052 and since the area in question contains substantial amounts of timber and better than average prospects for commercial minerals, we suggest that redrafting of SB 3052 be given serious consideration. This will insure that the intent of the Compromise Agreement not to burden timbering and hardrock mining is achieved. It was agreed at the hearing that the bill could be redrafted to preserve the Spruce Camp hunting lodge, it is reasonable to suggest that it be redrawn to protect the many jobs and tax revenues generated by timbering and hardrock mining.

Very truly yours,

PIATT HULL
ROBERT MULLEN
DENNIS E. WHEELER.

PROPOSED REDRAFT OF S. 3052

S. 3052

A BILL To amend the Wild and Scenic Rivers Act by designating the St. Joe River in Idaho as a component of the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274 et seq.), is further amended as follows:

In Section 3(a) after paragraph (15) insert the following new paragraph:

(16) Saint Joe, Idaho.—The Saint Joe River from its origin in Saint Joe Lake downstream to, but not including, its confluence with the North Fork of the Saint Joe River at a point immediately adjacent to the town of Avery, Idaho to be administered by the Secretary of Agriculture as a part of the St. Joe National Forest. Notwithstanding any other provision of law, including the Wild and Scenic Rivers Act, as amended, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary of Agriculture shall not withdraw any areas from nor impose any restrictions upon timbering, hardrock mining or other multiple uses or upon the maintenance or future construction of roads or bridges to develop such uses other than those imposed by the standards and practices of the United States Forest Service on national forest lands. Dredge mining in any form, including the use of any kind of machinery for the removal of sand or gravel for dredge mining purposes, shall be prohibited within the beds and bank and adjacent lands on either side of the Saint Joe River and its tributaries upstream from said confluence.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

[36 CRF Part 219]

NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

Agency: Forest Service, USDA.

Action: Proposed rule.

Summary: The Department of Agriculture proposes to issue regulations to guide land and resource management planning in the national forest system. These rules require an integration of planning for all uses of national forest lands and grasslands, including the timber, range, fish and wildlife, water, wilderness, and recreation resources, together with resource protection activities and coordinated with fire management and other resource use, such as minerals. The proposed rules willl implement provisions of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976.

These statutes provide for the establishment and revision of national, regional, and local resource goals which are based on a periodic assessment of the future supply and demand of renewable resources form public and private forest and range lands. Achievement of these goals is the purpose of the planning process provided in these regulations. These acts also require public participation in the development, review and revision of land and resource management plans, and the coordination of such plans with those of State and local units of government and of other Federal agencies.

Dates: Public meeting: September 15, 1978—1 p.m. to 5 p.m. Comments must be submitted on or before October 30, 1978.

Addresses: Meeting location: Department of Agriculture, Administration Building, Room 218–A, 12th and Independence Avenue SW., Washington, D.C. Send comments to: Chief, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013. All written submissions will be available for public review in room 3204, South Agriculture Building, 12th and Independence Avenue SW., Washington, D.C., 8:15 a.m. to 4.45 p.m., Monday through Friday.

For further information contact: Charles R. Hartgraves, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, 202–447–5923.

[Federal Register vol. 43, No. 170—Thursday, Aug. 31, 1978]

Senator CHURCH. Thank you. Our next witness is J. Douglas Bell.

STATEMENT OF J. DOUGLAS BELL, EXPLORATION GEOLOGIST, HECLA MINING CO., WALLACE, IDAHO

Mr. BELL. Thank you, Senators, for the opportunity of expressing my views today regarding the classification of the St. Joe River. I have a few suggestions regarding the language of the Senate bill 3052, so I will just read this short prepared statement.

I am Doug Bell, and I have been employed as an exploration geologist by Hecla Mining Co. in Wallace, Idaho, for the past 29 years. I have lived in Shoshone County for the past 10 years, and I practically grew up in this area from 1936 on.

I have read the compromise draft agreement on classification of the St. Joe River above Avery, Idaho, and the background material concerning it. As Senator McClure has pointed out, language of the amendment is concerned most directly with insurance that property ownership rights and continuity of timber operations in adjacent lands will not be affected by the classification and that dredge mining will not be allowed, but Senator McClure is also concerned that broad interpretation of the proposed language might affect hardrock mining rights in the adjacent lands.

Specific reference to hardrock mining in the language of proposed Senate bill S. 3052 is probably not necessary, but protection of the rights of the hardrock miner is as necessary as that of the timber industry or other property owners. And I believe such protection can be accomplished by making slight modifications in the proposed language of the bill. The first modification I would suggest beginning on line 11 of page 2 of the proposed language of the bill:

> Notwithstanding any other provision of law of the classification of the St. Joe River under this paragraph and subsequent development plans of the river prepared by the Secretary of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future Forest Service roads within the adjacent land nor interfere with or restrict the present use of or future construction of bridges across the St. Joe as needed for timber harvest.

I would suggest that after the words "timber harvest," this language be amended to read "nor interfere with or restrict present use of or future construction of bridges across the St. Joe as needed for timber harvest, mining, or other purposes."

Now in the second section beginning on line 17 of page 2, again, in the section referring to "removal of sand and gravel above the high water mark of the St. Joe and its tributaries," the present language reads:

> Provided, however, that nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the St. Joe River and its tributaries by any public body or its agents for the purposes of construction or maintenance of public roads.

I would suggest that the language be modified in that section to read:

> Provided, however, that nothing in this Act shall be deemed to prohibit the traditional or normal use of the land above the high water mark of the St. Joe River and its tributaries by any public body or its agents, or by other qualified persons or agencies.

Well, I probably should explain that a little bit. One of the principal aims of hardrock mining is to gain access to the vein at as low a level as possible. And this generally means the bottom of a canyon or nearly as close to the bottom of a canyon as you can get. And it just seems to me in this situation that if you are going to open up the corridor to sand and gravel for use of road maintenance, that it certainly should be open easily as generously to the development of necessary mine adits or tunnels at as low of a level as possible under the proper environmental safeguards and regulations of the Forest Service.

OK. Then third, in reference to this eastern boundary of the town of Avery again, the North Fork of the St. Joe, a principal tributary

which enters the St. Joe within a quarter-mile upstream from the east boundary of the town of Avery is a stream bordered by developments including a railroad, secondary highway, and mining and timber interests. Intent of the original St. Joe River classification was to exclude the North Fork from the scenic rivers classification and I believe the language of Senate bill 3052, should be clarified to reflect this by changing the description of the downstream boundary of the scenic rivers classification to read, "The St. Joe River, including tributaries, upstream from its confluence with the North Fork of the St. Joe River to its origin in St. Joe Lake," rather than "downstream to the eastern boundary of the town of Avery" as it now reads. The same revised description should apply in the sentence prohibiting dredge mining.

A copy of the proposed bill incorporating these changes will be later submitted to the committee with a copy of these remarks. These changes will insure protection of the rights of the hardrock miner as well as those of public agencies, the timber industry and other property owners. Environmental protection will be insured through regulatory powers of the Forest Service.

Senator McClure has stated that the thrust of classification of the St. Joe is to prevent dredge mining of the stream bed and its tributaries. In the case of the essentially pristine St. Joe River, I concur with such action as a protective measure, but the citizens of the United States of America should never give a blanket endorsement to such actions. I wish to point out that under proper circumstances and under proper environmental management, dredge mining is a recognized, legitimate and economic method of providing needed minerals for the country, under provisions of the placer mining section of the mining law of 1872. I would not like to see Government resort to such classificatory action in the case of each dredge mining application that comes up. Current regulatory authority is more than adequate to deal with the environmental aspects of each application. In general, I question the need for the overwhelming encroachment of governmental restriction and regulation on the actions of industry and the individual. Thank you.

[Suggested language submitted by Mr. Bell follows:]

A BILL To amend the Wild and Scenic Rivers Act by designating the St. Joe River in Idaho as a component of the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Wild and Scenic Rivers Act (82 Stat., 906, as amended; 16 U.S.C., 1274 et seq.), is further amended as follows:

In Section 3(a) after Paragraph (15), insert the following new paragraph:

"(16) St. Joe, Idaho. The St. Joe River, including tributaries, upstream from its confluence with the North Fork of the St. Joe River to its origin in St. Joe Lake", as generally depicted on the map entitled "St. Joe River Corridor Map" dated September, 1976; to be administered by the Secretary of Agriculture. Neither the classification nor the development plan shall at any time interfere with or restrict the maintenance, use or access to the existing or additional forest service roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across the St. Joe as needed for timber harvest, mining, or other purposes.

Dredge mining in any form or the use of any kind of machinery for removal of sand or gravel shall be prohibited in the stream bed and banks of the St. Joe River and its tributaries upstream from its confluence with the North Fork of the St. Joe River. Nothing in this Act shall be deemed to prohibit the normal use of the land above the high-water mark of the St. Joe River and its tributaries by any public body or its agents or by other qualified persons or agencies. The Secretary shall take such action as is required under Subsection (b) of this sec-

tion within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than $1,100,000 for acquisition of lands or interest in lands."

Senator CHURCH. I think your suggested amendments have been well set out, and we will certainly give them serious consideration.

Mr. BELL. Thank you very much.

Senator CHURCH. Fred Brackenbusch.

STATEMENT OF FRED BRACKENBUSCH, GEOLOGICAL ENGINEER AND OFFICE MANAGER FOR HECLA MINING CO., WALLACE, IDAHO

Mr. BRACKENBUSCH. Senators, I must be more of a typical Idahoan than most anybody here because I was born in northern Idaho; I was raised on a farm; and I worked for the forest industry; then I worked for a mine company. I am also an outdoorsman. And I enjoy hunting and fishing, which I have done all my life in this country. Here's my point that I would like to make today.

My name is Fred Brackenbusch. I am a geological engineer and employed as office manager for the Hecla Mining Co., in Wallace, Idaho. I am opposed to this proposed amendment to the National Wild and Scenic Rivers Act of 1968 which would include the St. Joe River and tributaries in the National Wild and Scenic Rivers System. My opposition stems from observations that plenty of laws and administrative procedures now exist to protect the St. Joe River above Avery. The need for other Federal laws to add another layer of protection is simply nonexistent. The St. Joe River above Avery flows through predominantly Federal lands administered by the U.S. Forest Service, which is permanently administering the St. Joe in the same manner as it will be if the proposed amendment becomes law. Congress is struggling with details with which it is not best suited to deal with. It could be concluded that the Congress does not trust the U.S. Forest Service to manage forest lands, or that Congress does not trust the land use process now in effect. This is an example of Congress making an unwise flexible law which has certain word traps in it.

One of the words which everybody has talked about is the word "tributaries" in the proposed amendment, which casts out on the extent of the area. And that's been discussed. However—and changes have been suggested. I would suggest that the phrase "tributaries within the main river corridor" be substituted in every place in the act for the word "tributaries."

The word "dredge mining" I think is a misnomer also. Dredge mining is more correctly classed as a type of placer mining. Placer mining would be a much more acceptable word and probably not draw as much criticism as dredge mining. And of placer mining, I understand the intent of the compromise was to prohibit dredge mining—I would like to call it placer mining—on the tributaries, but that the intent was not to include that in the Wild Rivers Act. And I do not understand how the Wild Rivers Act can apply restrictions on an area that is not within the Wild and Scenic Rivers System. You are saying that the tributaries are not part of the system, but yet the Wild Rivers Act is going to put restrictions on that activity.

And I think there are some other traps in this language which haven't been exposed yet. And one of them, I would think, would be "open-pit mining," which is hardrock mining and in no way can it be

called placer mining. However, if the open pit happens to start in the bottom of a tributary, which is most likely it would, and it would remove sand and gravel for mining purposes because it would have to move to the surface in order to get to the ore. And I would say that, perhaps, this is not intended by the language. The language would prohibit open-pit mining in the entire basin, which is not right. Well anyway, the *Sale-Douglas* case should have been a lesson. The use of legislation to manage specific land is not only unwise and inflexible, but very costly because of all of the political involvement.

In summary, I feel that it would be wise to avoid legislation to classify the St. Joe River as a wild and scenic river mainly because of future unforeseen events and interpretations which would not be compatible with the law or were not contemplated when the law was made. Thank you.

Senator CHURCH. Thank you very much. You have made your position clear, and you have also indicated where the language could be revised. We appreciate that.

Senator MCCLURE. Thank you. I have no questions.

Senator CHURCH. Our next witness is Duane Little, Shoshone County assessor. We will look for him in case he's just stepped out. That takes us to Don Springer. Is Don Springer here? Is Kathy Sims here? Keith Droste.

STATEMENT OF KEITH J. DROSTE, GENERAL MANAGER, DAY MINES, INC., WALLACE, IDAHO

Mr. DROSTE. Senator Church, Senator McClure, my name is Keith Droste. I am general manager for Day Mines, Inc.

I will comment on two basic questions that I see as important and state the position of Day Mines, Inc., regarding property that we own in the St. Joe drainage and our general feeling regarding the administration of public lands of this type.

First, what is the intent of the St. Joe compromise?

To allow reconciliation of the various economic, recreational and preservationist interests.

Second, what will be the effect of the proposed S. 3052 amendment? And of course this is a question that so many people have been discussing.

It appears possible, for example, that a downstream interpretation of the nonspecific language could be construed to prohibit certain necessary elements of any hardrock mining operation.

From our point of view Day Mines, Inc., holds 50 patented and 6 unpatented mining claims near Adair (T. 46 N., R 7 E.), and would be barred from using the land for purposes in which it was acquired, by governmental fiat. This compromise does not give Day Mines, Inc., any security as a private property owner.

I do not agree with the phrase ". . . subsequent development plan for the river prepared by the Secretary of Agriculture . . . ," as this puts complete control of any economic development in the hands of the Federal bureaucracy. This legislation must safeguard the rights of the people of this region to have a major voice in these subsequent plans.

The North Idaho Panhandle has many remote and scenic areas, but is this any reason to limit the economic opportunities of the people

who live and work here. This compromise has been hailed as not causing the average economic opportunity of the region to be decreased. I always suspect use of the word "average", because if I've got one foot in a hot stove, and the other foot on a block of ice, "on the average", I'm comfortable.

Day Mines, Inc. favors application of multiple-use management on the public lands. The special treatment of the St. Joe drainage system has been considered most recently by the "St. Joe compromise," resulting in the proposed bill S. 3052 amendment. Underground hardrock mining has not been mentioned and no guarantees are stated. Often it is mistakenly assumed that additional controls for the mining industry on the national forests are required. Let me quote from "Mining in National Forests": Forest Service, U.S. Department of Agriculture, current information report No. 14, January 1975, concerning the numerous and stringent regulations on mining and prospecting on the national forests:

Question. Does the Forest Service have the authority to issue these regulations? (Regulations concerning mining and prospecting operations on the National Forests.)

Answer. Yes. The Organic Administration Act of June 4, 1897, authorizes the Secretary of Agriculture to regulate occupancy and use of the national forest for the protection and management of their surface resources. All national forest users, including prospectors and miners, are required to observe these regulations

Day Mines recommends that S. 3052 speak specifically to the intent of the proposed amendment and leave no ambiguities. And here again, I realize I am echoing sentiments expressed by many.

Therefore, language must be specific which "protects the rights of the public" regarding: Hardrock mining, logging, recreation, grazing, and any other contemplated uses.

Senator CHURCH. Thank you, Mr. Droste.

Senator MCCLURE. I have no questions. Thank you.

Senator CHURCH. Our next witness is Dennis Wheeler.

STATEMENT OF DENNIS E. WHEELER, SENIOR VICE PRESIDENT AND GENERAL COUNSEL, COEUR d'ALENE MINES CORP., WALLACE, IDAHO

Mr. WHEELER. Honorable Senators Church and McClure, I appreciate the opportunity to present my comments regarding Senate bill 3052. I am appearing here today on behalf of Coeur d'Alene Mines Inc., as its senior vice president and general counsel. The official news release announcing today's hearing announced that the legislation being considered and the classification of the St. Joe River will not interfere with logging and timber harvest in the accessible reaches of the St. Joe Valley. Also, that the compromise which resulted in Senate bill 3052 would prohibit dredge mining on the main stem of the St. Joe and the tributaries of the river to the east of Avery.

The committee which entered into the compromise agreement of April 25, 1978, clearly expressed its intent in a letter to Mr. Larry LaRocco under the date of May 2, 1978, that the "committee would not favor any legislation that could give the impression of a general mineral withdrawal of or interference with present right to underground hardrock mining."

While the intention of the committee which signed the compromise agreement and the intent of the Honorable Senators is apparently

clear that S. 3052 shall not prevent logging or hardrock mining in the St. Joe, as a lawyer I must express my deepest concern and doubt that the proposed language of Senate bill 3052 will carry out these intentions. Mere reference to use, access, or maintenance to existing or future Forest Service roads and use of or construction of bridges as needed for timber harvest is clearly inadequate, in my opinion, to announce and confirm to environmental groups and administrative agencies of the United States of America that logging is to continue in the St. Joe.

More shocking yet is the complete absence of any language confirming in any manner the right to conduct mining other than dredge mining in the area. The absence of such clarifying language in my opinion will only lead to confusion and invite litigation to interpret the intent of the legislation.

The ambiguities which exist in the bill could have been avoided had the people of Shoshone County been afforded the opportunity to participate in the drafting of the legislation. Since the opportunity to provide such input was not afforded us until this hearing, I sincerely urge you Senator Church and Senator McClure to amend the bill to clarify its ambiguities in order that peace may in fact come to the St. Joe. Thank you.

Senator CHURCH. Thank you. Our next witness is Bill Mulligan, of Potlatch.

STATEMENT OF BILL MULLIGAN, MANAGER, NORTHERN UNITS LOGGING, POTLATCH CORP., ST. MARIES, IDAHO

Mr. MULLIGAN. Senator Church and Senator McClure, my name is Bill Mulligan. I am the manager of the Northern Units Logging, based at St. Maries, Idaho. The Northern Unit has responsibility for supplying approximately 200 million board feet of timber to Potlatch Corp. for Northern Mills each year. I represent Potlatch at today's hearing.

Potlatch has roots in northern Idaho that date back to the turn of the century. We are deeply concerned over matters that affect the economical stability of the area, the rights of private-land owners, and the management of timbered lands. We feel we have the right to express suggestions and recommendations on behalf of our employees, stockholders, and as land managers in the community. We appreciate the opportunity to express our views here today.

The St. Joe River has provided both a work area and recreational site for many local people for 70 years. Some of these people are fortunate enough to live along or near the river, and like Potlatch Corp., are private-land owners in the area. Through diligence, care, and respect for the river, these people have done a good job of protecting its natural beauty while still carving a living from the land. Restrictive classification will greatly adversely affect the lives of these people, and their ability to provide a living from the local economy.

Potlatch Corp. alone operates a plywood mill, a small log mill, and a whole log chipper at St. Maries that employs upward of 400 people. Company and contract logging operations send an additional 150 people to the woods daily. When adding other people who work in the industry, plus those who are supported indirectly by the timber industry, it becomes quite clear that the community is completely dependent

on the timber from this area to provide a way of life, and economic year-round stability for the community.

We believe that classification of any part of the St. Joe River not under Federal ownership is wrong, and therefore are completely opposed to any alternative that considers the area downriver from the Forest Service ownership line east of Avery. The economic effect on our industry is potentially disastrous, and the right to private ownership would be interfered with.

The U.S. Forest Service presently owns all the land east of Avery to St. Joe Lake that lies within a quarter of a mile of the river. This land is today managed under a set of guidelines, policies, and laws, both Federal and State, that dictate a stringent approach concerning water quality, mineral development, fisheries, big game, esthetics, recreation, soils, logging, forestry, and any other possible concern. Why then should it be necessary to involve any more regulation toward use or development? The Forest Service already has the administrative authority to make decisions and regulate the use of the upper reaches of the St. Joe.

Although the point of economics has been mentioned time and again during public meetings and input on the future of the river, we are not aware of any comprehensive economic impact study to date. There is no doubt, however, that timber development and related activities constitute the largest single economic factor in the drainage. In consideration of the future of this most important segment, there should be some clarification concerning past remarks.

We are concerned about the apparent notion that the potentia, economic value of the timbei in the drainage has nearly peaked out. This is completely erroneous. According to the "State Water Planl Part II, Panhandle River Basins": "The timber economy within the subregion is projected to remain at about the same level as it is today. However, the demand for timber products is projected to make a significant increase." Anyone familiar with the area adjacent to the area knows that there is a tremendous variety of timber type and age in the drainage. Many young stands of timber are ready today for commercial thinning, and some are yet to reach that age. The fire history of the area, especially the fire of 1910, left a patchwork of timber size, specie, and age. Because timber is not commercially harvestable today does not mean that the ground may be removed from management for timber. Many of these areas represent the future of the industry in this area, and will contribute heavily toward stability of the local economy.

We are further opposed to any restriction that results in further shrinking of the land base that provides raw material for our industry. The effects of RARE II, wilderness inclusion, timber management with a "protection" attitude and changing of cutting practices have been disastrous on available timber supply and will eventually show in the price for products at the marketplace.

We are opposed to restrictions that will slow the land and timber management process and delay timely decisions. We watched helplessly as millions of acres of timber were destroyed in eastern Washington and Oregon in 1974 and 1975. Those who know the upper reaches of the St. Joe have to be horrified at the timber losses to the spruce budworm as it continues to spread downriver unchecked. Present bureaucratic redtape has resulted in lack of action, and any regulation

that further restricts the land manager's ability to react to such an outbreak has got to be wrong. We should be looking toward policies that provide more flexibility to the land manager, rather than to those that further tie his hands and make useless his professional training.

Should any classification of the upper portion of the river be decided, we strongly suggest wording to protect the timber industry. Present and future access must be guaranteed, with no loophole for exclusion or incorrect future interpretation. Present and future bridge sites that will access the southern side of the river must be guaranteed. The Forest Service must have the right to remove infested or dead timber to prevent either an insect outbreak or a major forest fire from starting in the timbered buffer strip left along the river. Logging systems are available to industry to sanitate these timbered stands and accomplish this with minimum impact on the resource.

We are also strongly opposed to a classification that would require all lands within view of the river to be managed primarily for esthetics. This would result in large areas being logged with expensive sophisticated systems that are completely unnecessary, and only inflationary in respect to manufactured timber products.

In summary, Potlatch Corp. does not support any classification of the St. Joe River from Avery downstream. Classification above Avery, on Forest Service land, such as that presented by the intent of the proposed compromise bill, would be supported only if the aforementioned guarantees were clearly included and if the width of the classified area is held to a quarter of a mile on each side of the river.

Senator CHURCH. Thank you very much for your testimony. I think you've made your position very clear. Do you have any questions, Jim?

Senator MCCLURE. I have no questions. Thank you very much.

Senator CHURCH. Gordon Hagen was next on our list, and I have been informed that he will submit written testimony later on behalf of the St. Maries Chamber of Commerce. That brings us to Bill Lampard.

STATEMENT OF BILL LAMPARD, RESIDENT, SHOSHONE, IDAHO

Mr. LAMPARD. My name is Bill Lampard. I am a Shoshone County resident, employed by one of the local mining companies. But I am speaking on behalf of myself. And you notice the accent; it's part of my heritage. By the way, neither I nor my company has any direct economic interest in the area in question. But I do have some matters that I would like to mention to you. You will notice that they are somewhat repetitive of what we have heard already, but I would like to have my chance to say them.

First, I object to the basis of the legislation in itself as an accord reached under duress by two unrepresentative and self-appointed special interest groups was published, if not as a fait accompli, at least with the Good Housekeeping—I'm sorry, senatorial seal of approval. Presently, citizens and recreational mining interests now have to appear at this late stage as bad guys, objecting to apple pie and motherhood rather than being involved later on. I think that's not a very good democratic process, and we are suffering because of it. We are up here fighting, where we could have contributed constructively.

Second, the proposed legislation does not square entirely with the wording and the intent of the accord, an accord aimed entirely at the

elimination of dredge mining—possibly with good reason. It does not take aim at hardrock mining. The proposed legislation does make specific provisions to protect the timber industry. My concern is that the rights of continued exploration and mining apart from dredging should also be specifically included in the bill. Failing that, existing language should be cleaned up in the manner that we have already had mentioned to us by several earlier speeches.

I do object on general principle to the inclusion of explorational mining from any public land through the lockup such as we are not seeing, even that narrow strip. Surely the mines of the Coeur d'Alene district are prime examples of how mining could be carried out with minimum insult to the environment, the head price, a few buildings obtained upon, which in the new mine will all be hidden. Trees, streams, et cetera, are all that show for a major well producer underground. Land over our mine is a scenic and fruitful terrain of vegetation in the St. Joe area, in spite of close proximity to industrial activity. One look out of the window will show you that it is so. Any new mines found in that area and in prime prospecting country would cause even less destruction because of the already existing controls and powers vested in the EPA and our Forest Service, as Walt Weid has pointed out to us.

Last, I object to the intent of the legislation to expropriate lands and interests. The court specifically states that private lands west of Avery should not be impacted. Why should those special interests involved, while preserving their own property, sacrifice public lands and any private land in the land lockup lobby and use our public money to assist the process?

My suggestion is that the entire area in question, including the tributary basin, simply be made off limits to dredging, and otherwise, be left under the existing classification of rules and regulations. If peace is to be made a major objective, maybe the bill will give it to us. But the price of peace is the loss of citizens' rights to free use and free entry of the land, and it's enforced by a Federal army of occupations.

In conclusion, I object then to the process at which this bill is arrived at. I do not consider it a model worthy of future application. And I would propose no changes in the classification, except for the elimination of dredge mining.

And if you ask me, Senator McClure, if I would be satisfied with the idea of a narrow corridor up the St. Joe River, I would have to give you my answer in two parts. In practice, I see it as being relative to politics; and in principle, I think it's wrong.

Senator McCLURE. I understand you. Thank you.

Senator CHURCH. Our last witness on the list is Tom Loder of the Coeur d'Alene Tribal Council.

STATEMENT OF TOM LODER, COEUR d'ALENE TRIBAL COUNCIL

Mr. LODER. Honorable Senators Church and McClure and Representative Symms and your staff and congressional staff and ladies and gentlemen: Due to prior commitments, the Coeur d'Alene tribal chairman and the tribal council could not attend this hearing, but they do wish to address their greetings to you and to the audience and give their statement concerning the classification of the St. Joe River. I am glad it was brought about earlier about residency because if we look at

the record, I guess someone did say 60 years. But the Coeur d'Alene Tribe has been a resident of Idaho and this region for a number of years—in fact, from time immemorial.

The tribal chairman has authorized me to present the tribe's testimony concerning the designation of the St. Joe River as a component of the National Wild and Scenic Rivers System. My name is Tom Loder. I work for the Coeur d'Alene Tribe as director of technical assistance and resource development.

I would like to enter into the record two tribal resolutions outlining their position concerning designation of the St. Joe River System; Water Resources Inventory Phase II Report which further substantiates their position concerning designation, and also documents and explains tribal plans for their water use; and finally I will read the statement.

[The statement follows:]

THE COEUR D'ALENE INDIAN RESERVATION CONTAINS INVALUABLE NATURAL RESOURCES; THESE RESOURCES INCLUDE MINERALS, FORESTS, LAKES, STREAMS, AND OTHER SOURCES OF WATER WHICH ARISE UPON, BORDER, TRAVERSE, OR UNDERLIE THE RESERVATION

Economic development of the Coeur d'Alene Reservation is inseparable from Indian rights to the use of water. Since time immemorial, water resources were a part of the Coeur d'Alene tribal way of life; in fact, a prime feature of their sustenance.

The Indian Winters Doctrine rights to the use of water have been accorded by the Supreme Court and other courts, a prior paramount, and superior status for the present and future development of Indian reservations.

By the Constitution of the United States, there was created a relationship between the Nation and the American Indians. That relationship had its genesis in the policies adhered to by the European sovereigns who colonized this continent. It was firmly established during the harsh and bitter years of the Revolutionary War and the years which were to ensue prior to and including the adoption of the Constitution.

It has been declared that the relationship existing between the American Indians and the Nation "resembles that of a ward to his guardian"—a trust relationship, with all of the express and implied obligations stemming from it.

GREAT STRESS MUST BE APPLIED TO THIS TRUST RELATIONSHIP, AND TO THE NATURE OF THE INDIAN RESERVATION, INCLUDING INDIAN RIGHTS TO THE USE OF WATER

A. Indian property is private property, legal title to which is held by the United States in trust for Indians as beneficial holders of equitable title.

B. Indian property is not public property, as is the other property of the Nation or State.

Plenary power and responsibility under the commerce clause of the Constitution reside with the Congress to effectuate the trust relationship between the United States and the American Indians.

The United States owes the highest degree of ethical, moral, loyal, and equitable performance of their trust obligations to the American Indians. The United States is charged with the highest degree of care, skill, and diligence in executing their broad assignments for the protection, preservation, administration, and legal duties respecting Indian trust properties including, but not limited to, the invaluable Indian Winters Doctrine Rights to the use of water.

It must be remembered that in ceding its millions of acres of aboriginal lands, the Coeur d'Alene Tribe reserved from those lands its reservation. It received from the United States Government the solemn promise that these lands would remain Indian land forever and that, to guarantee its retention in perpetuity, the United States would retain the legal title in trust for the tribe so that it could not be alienated, taken or lost. The "reservation" of these lands included the "reservation" of waters to achieve the purposes of the reservation.

Conflicting interests oftentimes prevent the United States from fulfilling the trust obligation—which the nation legally owes—to the American Indians in regard to natural resources, particularly in the complex and contentious field of Indian rights to the use of water.

Failure by the United States, its agencies, and personnel to fulfill the Nation's obligation to protect and preserve Indian lands and rights to the use of water resulted in part from the following:

A. Lack of knowledge of the existence, or the nature, measure, and extent of those rights to the use of both surface and ground waters.

B. Refusal to recognize that Indian water rights are private rights to be administered separate and apart from the "public rights" of the Nation as a whole.

C. Lack of timely action to preserve, protect, conserve, and administer those rights.

D. Opening reservations to non-Indian occupancy with the consequent alienation of Indian land.

The Coeur d'Alene Tribe's land base has eroded from 4 million acres, which originally included all of Coeur d'Alene Lake, the entire Coeur d'Alene River watershed, and St. Joe watershed, to 590,000 acres in 1873, and to 345,000 acres in 1889, and with the opening of the reservation under the Homestead Act, the land base eroded to a low of 58,000 acres, and finally, has climbed back up to a present land base of approximately 70,000 acres. The Coeur d'Alene Tribe is desperately trying to retain and develop for its people, its land base and water resources. By established law, the Coeur d'Alene Tribe has legal claim to the banks and beds and waters of the St. Joe River within the reservation. This claim should not be taken lightly; it is based on the Constitution of the United States. The general public should be very concerned and demand that the tribe's constitutional rights be upheld, because if the Government cannot protect the Indian tribe's constitutional rights, the constitutional rights of the general public run the same risk of being unprotected.

The Coeur d'Alene Tribe requests that the trust obligation of the United States be upheld, and that its Winters Doctrine Rights be protected. Legislation should therefore include the protection of the entire length of the St. Joe River, and especially the segment of the river within the boundaries of the Coeur d'Alene Reservation. I would like to read the two resolutions adopted by the Tribal Council.

Whereas, the St. Joe River which flows through the Coeur d'Alene Reservation is a valuable, tribal aesthetic asset and is presently in controversy because of hearings being conducted on whether it should be classified in part as a wild and scenic river and in part as "recreational," and

Whereas, the portion being considered for the "recreational" classification is within the Coeur d'Alene Reservation and is owned by the Coeur d'Alene Tribe, now, therefore,

The Coeur d'Alene Tribe does hereby adopt the following:

COEUR D'ALENE TRIBAL STATEMENT REGARDING THE ST. JOE RIVER

The St. Joe River has existed from time immemorial as one of the most beautiful and valuable rivers in the lands owned and occupied aboriginally by the Coeur d'Alene Indian Tribe. The Executive Order of President Ulysses S. Grant forming the Coeur d'Alene Reservation included that portion of the St. Joe River flowing from St. Maries to Coeur d'Alene Lake. Thus, the St. Joe River became a part of the Coeur d'Alene Reservation.

When the State of Idaho was established, title to the St. Joe River, its bed and banks remained in the Tribe, not passing to the State as did other navigable federal waters not stamped with tribal ownership.

Not only does this portion of the St. Joe River remain in tribal ownership but by virtue of the well-known Winters Doctrine of Indian Water Rights the Tribe is entitled to the protection and maintenance of the stream from upriver pollution, depletion or any other act or condition which might lessen or jeopardize the quality and volume of the flow of the stream through the reservation.

The Tribe is therefore vitally concerned about the overall stream management and especially its protection. It hereby expresses its support for the designation of the river outside the Coeur d'Alene Reservation as Wild and Scenic River. In supporting this concept, it does so not only because of its ownership of the lower portion of the river but as a participating government sovereignty within the political framework and as a community of people vitally concerned about the protection of resources and environment.

The Tribe is firm in its conviction that no governing or political entity other than the Tribe itself has any jurisdiction to determine a designation, recreational or otherwise, of that portion of the river owned by the Tribe.

The Tribe, finally, through its governing Council, hereby declares its dedication of that portion of the St. Joe River within the Reservation as a permanent

aesthetic, recreational tribal resource. As such, it is to be held inviolate and free from any pollution, depleting or destructive use and, as far as possible, it is to flow forever within its present banks as a pure and scenic and unspoiled river.

This was resolution CDA 435 of 1973.

Resolution CDA, Coeur d'Alene Tribe 253, 1978:

Whereas, recent publicity reflects that several individuals representing private real estate interests in the St. Maries, Idaho area met in an "ad hoc" situation and recommended "conpromise" legislation to declare the St. Joe River a "wild and scenic" river only down to Avery, Idaho, and

Whereas, such legislation, while protecting the upper reaches of the St. Joe, would allow residential and commercial development along its banks between Avery and Coeur d'Alene Lake thereby jeopardizing with pollution and development the most beautiful stretch of the river, and

Whereas, that precise stretch of the river and espeically that from St. Maries to Coeur d'Alene Lake is a historic recreational and scenic ecological and asethetic resource of the Coeur d'Alene Indian Tribe and of the entire community and in fact of the United States, a resource celebrated in history and univesrally admired and valued and needs protection the most, and

Whereas, the Coeur d'Alene Tribe enacted an earlier resolution on June 28, 1973, Resolution 435(73), similar to this one, which resolution is attached and is now reaffirmed by the Tribal Council, and "Whereas, by said resolution, the Coeur d'Alene Tribe, exercising its sovereign, governing powers and protecting its historic land rights, declared the St. Joe River within the reservation as a "permanent, aesthetic, recreational tribal resource" to be held "inviolate and free from any polluting, depleting or destructive use" and, far as possible "to flow forever within its present banks as a pure and scenic unspoiled river," and

Whereas, the proposed legislation would do nothing to protect the lower and most valuable portions of the river, but, on the contrary, by protecting only the river above Avery, would imply that not even the Coeur d'Alene Tribe would have jurisdiction to protect the lower river within the Coeur d'Alene Reservation, now, therefore, be it

Resolved, That as aforesaid the Coeur d'Alene Tribal Council does hereby reaffirm its earlier resolution CDA 435 (73) and its opposition to the proposed federal legislation that would protect the St. Joe River only down to Avery, Idaho.

That said legislation be amended to include the entire length of the river and especially that between St. Maries, Idaho and Coeur d'Alene Lake.

Around 1974, in the "Wild and Scenic Rivers Study Report and Draft Environmental Statement, St. Joe River," the tribe's legal counsel, Mr. Robert Dellwo, made the statement that even though the tribe would like to have the entire river designated a "wild and scenic" river, he thought that the tribe would support alternative E, along with the other speakers who spoke that day.

Alternative E reads:

National system above Avery with comprehensive planning or national system below: The uppermost 65.8 miles of the St. Joe River would become a component of the National Wild and Scenic Rivers System and be administered by the Forest Service in accordance with a plan developed for the river under provisions of the Wild and Scenic Rivers Act. If the lower 66.3 miles receive protection of "wild and scenic" river values by the State and/or local governments by July 1, 1978, then that portion of the river would not become a component of the National Wild and Scenic Rivers System unless requested by the State of Idaho. If adequate planning and controls are not in effect the entire river would become a component of the National System as proposed in Alternative B.

It has not been demonstrated to the Coeur d'Alene Tribe that action was taken to protect the lower 66.3 miles of the St. Joe by July 1, 1978, as reported by alternative E. Coeur d'Alene Tribe therefore supports alternative B. which would designate the entire St. Joe River system to be a component of the National Wild and Scenic Rivers System.

Thank you.

Senator CHURCH. Thank you so much for your testimony. I take it that although the tribe would like to see the entire river designated as "wild" or "scenic" river that the designation of the upper reaches of the river as a "wild" river and that portion down to Avery as a

"recreational" river, to that extent conforms with the tribe's desire in protecting the river water quality, and to that extent would work to the tribe's interest insofar as the lower reaches of the river are concerned; is that a fair statement?

Mr. LODER. That is correct as far as what would be designated would. However, one consideration on the tributaries from above: Pretend that my body is the corridor and my arms and my legs are the tributaries. Now if I take the timber interests and cut off this leg because of siltation due to timber harvesting, and if I cut off the leg due to mining activities, where am I as a river? I am going nowhere. And that's what we are trying to protect in the river as a river system.

Senator CHURCH. Well, the principal objective of this proposal is to prevent dredging and impoundment. And although the tribe clearly is not satisfied with a bill of this restricted application, I would think that, nevertheless, moves in the direction of protecting the water quality for the entire drainage——

Mr. LODER. I guess the tribe is like the other gentlemen that I guess are going to stick with their guns and are going to go with what they want. And they stated they didn't leave time for a compromise. It was shown that that could not be affected within that period, and the time for their compromise is over.

Senator CHURCH. Thank you very much.

Mr. LODER. Thank you.

Senator CHURCH. That is our list of witnesses. Is there anyone else that wants to be heard at this time? If not, I want to thank you all for your patience. It's been a very constructive hearing; we have learned much from it. The hearing will be adjourned.

[Whereupon, at 4:35 p.m., the hearing was adjourned.]

APPENDIX

Additional Statements and Communications Submitted for the Record

Statement of Dale R. Christiansen, Director, Idaho Parks and Recreation Department

The Idaho Parks and Recreation Department has supported the inclusion of the St. Joe River into the National Wild and Scenic River System since it became evident that much of the river met the basic criteria. Our Statewide Outdoor Recreation Plans (SCORP) of 1973 and 1977 have stated the need to preserve those quality rivers which are part of Idaho's and the nation's resource heritage. The St. Joe River is one of these treasures.

Our Department, as well as other state and federal agencies, has conducted various surveys on recreation preference, protection of the river, the fishing, etc. It appears evident that the respondents do favor protection for the St. Joe, both classification of segments and local management of others.

Our Department supports the efforts of Senator Church and Senator McClure to designate the segment of the river from Avery, Idaho, upstream to St. Joe Lake as part of the National Wild and Scenic River System.

Our previous statement of December 24, 1975, supported Alternative E which provided for the State of Idaho to manage the lower segment. Our support of the compromised proposal, as reflected in the legislation of Senators Church and McClure, is done in hopes that the state and local political subdivisions will enforce existing state/local laws, zoning and shoreline protection measures to protect the lower river below Avery. We would hope that Shoshone and Benewah Counties would adopt strong comprehensive plans which would ensure the lower river protection.

As a member of the state planning team, we feel that the U.S. Forest Service has done a very commendable job in considering the public need and concern. The public has had numerous opportunities to participate in the process. The solution has recognized these concerns.

We support the bill being sponsored by Senators Church and McClure (SB 3052).

Statement of Edward H. Nettleton

I am Edward H. Nettleton, Retired Forester, residing at 920 Oak St., Sandpoint, Idaho 83864. I have lived in Sandpoint the past 28 years. I was born and raised in Coeur d'Alene, February 26, 1910. Although I am not a registered forester, I have worked in the woods most all of my life. I started working in a logging camp in St. Maries, Idaho in 1927. To get to this camp, I purchased a ticket on the Flyer freight and passenger boat from Coeur d'Alene to St. Maries. And for all intent and purpose the boat ride was just as beautiful and exciting then as it was just two years ago in 1976 when I made the same trip on a different boat, or vice versa.

I worked for the U.S. Forest Service from 1931 to 1940; since then I have worked for different lumber companies in Idaho, Washington, Montana and British Columbia, Canada. At one time I was a partner in our own logging company. I retired 2½ years ago and do some forestry consultant work now.

I have been for the past two years and still am on the Bonner County Wild and Scenic river study of Priest and Moyie Rivers.

I try to be a Christian and believe in God Almighty who created the universe and put man on the earth as Dominian or, in my words, to manage our wonderful renewable resources.

I could end my statement now as I believe good honest management is the complete answer or solution to our streams and forests. However, I would like to point out a few specifics. Without a doubt, the St. Joe River, along with thousands of other streams were flowing in this wonderful state and country 300, 400 or 500 years ago and will still be flowing perhaps for the next 500 years. They are one of our renewable natural resources as is our trees and forests and should be utilized to the best of man's ability. Utilization is true conservation. Streams supply energy, all kinds of recreation, such as fishing, boating, sightseeing, etc. And this is what we the 240+ millions of people of the U.S.A. are dependent on for survival.

You cannot preserve our renewable, natural resources. I repeat I believe these things were put here for man to manage and properly use. Under a multiple-use common sense program we will continue to have trees, forests, rivers for all the people to use in the United States, and without management we stand to lose the productivity of our wonderful God-given resources.

I would strongly recommend as does a large majority of the citizens of Idaho, that we leave the St. Joe River and all other streams in Idaho at status quo. In other words, manage, use and protect them to the best of man's ability and I believe we will always have our renewable, natural resources.

If they are locked up by a few bureaucrats, then we seriously stand to lose their great potential and uses.

It continues to amaze me how a few elected or appointed persons can go on telling or forcing the working and producing citizens of Idaho and the entire United States what they think is the best for us (as, for example, the Panama Canal issue) when in reality the vast majority know better.

STATEMENT OF TERRY ERSKINE

Gentlemen, may name is Terry Erskine and I am a resident of Shoshone County. I would like to comment on several aspects of the proposed bill to include the St. Joe River, above Avery, in the Wild and Scenic Rivers Act.

This proposed bill is the result of a compromise between just two special interest groups and, as stated in the press release of August 11, from the offices of Senators Church and McClure, this hearing is intended to allow other interests an opportunity to present their views on the bill. It is totally amazing to me that two special interest groups can reach a compromise, with legislation immediately proposed to implement the language of the compromise even before the local citizens and industry can have full input. Hearings such as these should be used to draft legislation from comments received from citizens and commercial interests, instead, this hearing is soliciting views on legislation initiated by two totally unrepresentative groups.

The proposed bill states that existing or additional forest service roads shall be maintained for timber harvest. There has to be a guarantee for continued access to timber but there should also be a guarantee of access for recreation also. The hunter, the camper, the fisherman and all other recreationalists need a guarantee of access on these forest service roads. The bureaucrats administering areas such as this proposed bill would cover are extremely quick in restricting access. A high percentage of local citizens utilize areas such as these but only an extremely small percentage are backpackers.

The proposed bill authorizes $1,100,000 for the acquisition of private property. This should be eliminated as the inclusion of this authorization in the bill connotates an intent to obtain private property.

One important item missing from the bill is some form of protection for other natural resource industries. The only way that this bill could serve the interests of all affected parties would be to specifically state that the adjoining lands be administered under multiple-use management. The inclusion of restrictions in this bill against any natural resource industry is against the best interests of all citizens and should be vigorously objected to by their elected officials.

Thank you for giving me this opportunity to testify.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Coeur d'Alene, Idaho, September 13, 1978.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Building, Washington, D.C.

DEAR MR. CHAIRMAN: This information is provided in response to a request at the recent Wallace, Idaho, field hearings on Senate Bill 3052.

An assessment of timber harvest levels from the Recreational River Area of the St. Joe River as a result of classification under the Wild and Scenic Rivers Act indicates little change from present or future management direction.

This statement is based upon an analysis of the management guidelines contained in the Wild and Scenic River Study Report and Final Environmental Statement for the St. Joe River, current multiple use plans for the lands involved. and projected management direction. These guidelines all indicate that aesthetics, water quality, recreation and wildlife habitat are key values within this zone.

The primary difference between the proposed classification and current management guidelines involves the timber land use classification. Under current guidelines the Recreational River Area would be managed as a "special" component of the regulated commercial forest land area. Classification under the Wild and Scenic Rivers Act would result in the Recreational River portion being managed as part of the "unregulated" commercial forest land area; the timber harvest attributable to those acres would become part of the unregulated harvest.

Of the 13,290 acres within the Recreational River Area, about 88 percent (11,700 acres) are commercial forest land. This is approximately 2 percent of the St. Joe National Forest administreed by the Idaho Panhandle National Forests. Assuming the river corridor is about average in productivity (as compared to the total St. Joe N.F.), this totals about one million board feet of annual allowable harvest being classed as "unregulated".

There are numerous timber management opportunities within the Recreational River Area Zone that will meet the management guidelines. The improvement of the wildlife habitat within the river management zone could yield timber volume. This would be accomplished through periodic harvest of individual stands to create the openings necessary for continued forage production, plus cultural operations in other areas to maintain the necessary cover/forage balance. This timber volume would be available only when harvesting would be needed to improve the the wildlife habitat.

The other major opportunity, and a source of more consistent yields, is the salvage of insect infested and diseased trees. This volume can be removed consistent with the restraints of classification from a large portion of the river management zone without degradation of the river values. We anticipate this may take place on an individual tree-by-tree basis, or in small groups to maintain the natural appearance of the river area. The use of helicopters and long-line skyline logging systems with landings located in small natural openings within the zone, and wintertime operations using more conventional equipment are some of the techniques that will be used to maintain the areas natural appearance. It is consistent with the guidelines for management of the proposed Recreational River portion of the St. Joe River that low water gravel and sand bars be used as temporary landings during the needed harvest operations.

The construction of necessary roads and bridges through the zone for management of adjacent areas offers additional opportunities for salvage of insect and diseased trees. This again can be on an individual or small group basis from those areas within reach of the roadway. The timber harvested by these techniques would be on a periodic case-by-case as needed to meet river management objectives and would be a secondary benefit to the other key values of the river management zone as identified in the study. Because of the unscheduled case-by-case nature of this cutting, it is not possible to quantify any changes in long term harvest volumes.

These management techniques are consistent with the guidelines established for the Recreational River Area of the St. Joe River, and are also consistent with the current management direction for any major river corridor within the national forest system.

No timber harvest is planned within the proposed Wild River portion of the St. Joe; this is not a change from current management guidelines for that section of the river. The proposed Wild River Area is presently classed as "timber reserved", and will be similarly classed if classified under the Wild and Scenic Rivers Act.

Sincerely,

RALPH D. KIZER, *Forest Supervisor.*

ST. JOE HUNTING & FISHING CAMP,
Avery, Idaho, September 11, 1978.

Sen. FRANK CHURCH,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: It is with deep regret that I have been unable to attend the hearings for the proposed Classification of the St. Joe River to become part of the Wild Rivers System. I would like this letter to be part of the records on these hearings.

I have been active as an Outfitter and Owner of the St. Joe Lodge, on the upper St. Joe, since 1955. I still own the St. Joe Lodge but lease it to Don Dixon who operates it as a back country retreat for hunters, fishermen and people who love a back country trip in the mountains with pack string and saddle horses. The St. Joe Lodge is situated 8 miles above Red Ives Ranger Station on the river. It is only accessible on foot or horseback, and is six miles from Spruce Tree campground. It is not accessible to motorized vehicles. It is rustic (built out of logs from the immediate area) and is very small in size. It is not capable of handling more than 10 people at any one time because of size and accessibility only by horse or on foot.

I am very much in favor of a Classification of the upper river to save this beautiful area for what it really is. I also feel that because the St. Joe Lodge has been a part of this area since 1948 (year built) and furnishes limited accommodations for people who enjoy back country, its beauty and the pleasures of this type of trip, it can still be part of the area and not ruin the river as a place to enjoy it for its Wild Classification.

I would like very much for you to consider any possible way we can save both the river and the St. Joe Lodge. I am enclosing brochures to better explain the operation on the upper river.

Thank you,

ARLEN F. ROSE.

Enclosure.

ST. JOE HUNTING & FISHING CAMP,
Avery, Idaho, September 11, 1978.

DEAR SENATOR CHURCH: I am writing in regard to the hearings of the St. Joe River's inclusion of the Wild and Scenic Rivers Act.

I was unable to attend the hearings in Wallace, Aug. 28 so am requesting this letter be included in the records.

The St. Joe Lodge has been in Service since 1948. We offer Hunting, fishing, Sightseeing, trail rides and Camera trips.

I feel the lodge is part of the histrory of the St. Joe River. Also is a greatly needed service.

We request it be left in tact as it is at the present time.

We would like to invite you at your convenience to come see the lodge during normal operations.

Sincerely,

DON DIXON, *Manager.*

ST. MARIES CHAMBER OF COMMERCE,
St. Maries, Idaho

Re S. 3052.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Dirksen Building,
Washington, D.C.

GENTLEMEN: We, the members of the St. Maries Chamber of Commerce respectively submit the attached Resolution which we request be made part of the Congressional record regarding S. 3052 as introduced in the Senate of the United States by Senator Church of Idaho, May 9 (Legislative Day, April 24) 1978.

WILLIAM EIMERS, Jr., *Secretary.*

RESOLUTION

Whereas, North Idaho has been one of the major regions to which the nation depends upon to help fill the domestic timber, mineral and agricultural demands; and

Whereas, in North Idaho, a high proportion of these natural resources are located in National Forest and other Federal Lands which are administered under the principle of sustained yield and multiple use management; and

Whereas, utilization of natural resources in the St. Joe River drainage is indispensible to the local, State and National economic stability, particularly where wood products and water yield for downstream hydro-electrical power are concerned. The National shortage of these essential products makes it imperative that their use not be curtailed.

Whereas, the ever increasing threat of excessive Federal controls, over the natural resources and private property in the State of Idaho, has become a stark reality through actual and potential bureaucratic action on the part of U.S.F.S., Corps of Engineers, E.P.A. and other super agencies, and the checker board pattern of State, Federal, various corporations and private land ownership in the St. Joe area adds a sense of urgency for safeguarding the continued wise use of the natural resources on all lands; and

Whereas, Private Industry and property owners of the area recognize the need and have taken steps toward establishing appropriate conservation methods for perpetuating the harvesting of natural resources; and

Whereas, the State of Idaho has enacted a State Land Use Planning Law which gives sufficient authority to local units of government to initiate and undertake the preservation of all resources at a local level; and

Whereas, Classification of any Idaho river will "lock up" much needed potential energy, mineral, timber, and agricultural resou rces; and

Whereas, the Multiple Use Act of 1960 gives fully sufficient authority to the U.S. Forest Service to provide for recreation, range, timber; the protection of wildlife & fish; and to administratively establish and maintain areas of wilderness; now therefore, be it

Resolved, That the St. Maries Chamber of Commerce strongly recommends that Federal lands be managed under a balanced multiple use concept; and be it further

Resolved, That the lands and rivers of the State of Idaho be managed as a sovereign right of the State of Idaho and the local governments be encouraged to develop sound zoning ordinances which preserve the inherent right of private ownership and pursue realistic goals which provide environmental quality with economic security for their area; and

Be it further *Resolved,* That the St. Maries Chamber of Commerce reaffirm their position of "No Classification" for the St. Joe River as proposed in the Senate Bill S. 3052, or any other proposed inclusion under the Wild and Scenic Rivers Act, and that this resolution be submitted to the Committee on Energy and Natural Resources as unanimously passed by the Board of Directors.

Dated this 22nd day of August 1978.

RONALD D. HENRIKSEN, *President,*
WILLIAM EIMERS, Jr., *Secretary.*

WALLACE, IDAHO.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.
Hon. JAMES MCCLURE,
Federal Building,
Coeur d'Alene, Idaho.

DEAR SENATORS MCCLURE AND CHURCH: I was very disappointed to find out that the hearings on the St. Joe River would be at 10 a.m. The majority of the people that use the St. River for recreation and enjoy its beauty are the working people. People who cannot lay off work to attend these meetings. These are the people who are interested in preserving the river in its pristine state and desire the Wild Rivers classification.

The people who want the mining are your business and professional people who are able to attend such meetings and voice their opinions. They are in a position to leave their jobs for a portion of the day and attend such meetings.

My family and I are very happy the way the river has been designated, that is the upper 26.6 miles as wild river, with no mining, etc. I would be more happy if it were this way from Avery up. However, we will compromise. I am fearful with your mining men attending this meeting this will be changed.

Please keep out the mining. This is a beautiful river.

I would appreciate your considering holding future meetings, if there are any, in the evenings. This would give a change for everyone to voice their opinion.

Thank you.

Very truly yours,

MRS. WM. A. DREWS.

WALLACE, IDAHO, *September 5, 1978.*

Hon. JAMES MCCLURE,
U.S. Senator,
Washington, D.C.

DEAR SIR: Over thirty years ago my family foresaw mining possibilities in the upper St. Joe River region. Over twenty years before the government or other interest groups became aware of the esthetic and recreational values of the St. Joe, the Stanleys were attempting to develop these mining possibilities and even turning down monetary offers for the claims.

The development of our claims over the past thirty years has been greatly hampered by our own efforts to preserve the esthetics and ecological values as well as depressed mineral prices. Obviously it is much faster and in many cases cheaper to gouge and scrape with a bulldozer than to pick and shovel. Recent environmental regulations have further restricted cheaper methods of development. However, one should note even prior to strict government regulations we pursued our mining interests with little damage to the esthetics of the St. Joe. Was it a mistake for us not to doze, gouge, and blast away at out-croppings with potential twenty years ago in our search for a pot of gold, silver, copper, lead, and zinc? Has our efforts to develop these claims in the least environmentally damaging manner been a mistake?; or might one just say we are victims of socio-economical depravity because we could never afford to patent these claims when it was still legal to do so? After thirty years of dedication, can the government morally take back these claims or put them under such strict regulations to deter the possibility of us ever developing them without due consideration for the time, effort, money, and aspirations spent over the last three decades? Is Congress now legislating against the Horatio Algers of the mining industry?

A great effort has been made to work out a compromise agreeable to the various interests in the St. Joe. It is hoped Congress will not forsake those who have already dedicated a portion of their lives to the development of a mining industry on the St. Joe.

Yours truly,

ROGER STANLEY and Family.

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