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2d Session }

SENATE

{ REPORT
110-357

SNAKE HEADWATERS LEGACY ACT OF 2007

JUNE 16, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 1281]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1281) to amend the Wild and Scenic Rivers Act to designate certain rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(2) the rivers and streams of the headwaters of the Snake River System—

(A) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(i) local residents; and

(ii) millions of visitors from around the world; and

(B) are national treasures;

(3) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(A) Teton County, Wyoming; and

(B) Lincoln County, Wyoming;

(4) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System,

Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(5) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(A) preserving public access to those rivers and streams;

(B) respecting private property rights (including existing water rights); and

(C) continuing to allow historic uses of the rivers and streams.

(b) PURPOSES.—The purposes of this Act are—

(1) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(2) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (170) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (170) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term “State” means the State of Wyoming.

SEC. 4. WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER SYSTEM.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

“(170) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER SYSTEM.—The following segments of the Snake River System, in the State of Wyoming:

“(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

“(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

“(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

“(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

“(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

“(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

“(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

“(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

“(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

- “(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—
 “(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and
 “(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.
- “(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—
 “(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;
 “(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and
 “(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.
- “(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.
- “(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—
 “(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and
 “(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.
- “(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—
 “(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and
 “(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.
- “(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.
- “(K) SNAKE RIVER.—The portions of the Snake River, consisting of—
 “(i) the 47-mile segment from its source to Jackson Lake, as a wild river;
 “(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and
 “(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.
- “(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.
- “(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.”.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—Each river segment described in paragraph (170) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) shall be managed by the Secretary concerned.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—In accordance with paragraph (2), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph (170) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) that is located in an area under the jurisdiction of the Secretary concerned.

(2) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under paragraph (1) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(c) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(1) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this Act in accordance with the procedural requirements of the laws of the State of Wyoming.

(2) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this Act—

(A) the purposes for which the segments are designated, as set forth in this Act, are declared to be beneficial uses; and

(B) the priority date of such right shall be the date of enactment of this Act.

(d) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(e) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (170) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 4(4)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(f) EFFECT OF DESIGNATIONS.—

(1) IN GENERAL.—Nothing in this Act affects valid existing rights, including—

(A) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(B) water rights in the States of Idaho and Wyoming; and

(C) water rights held by the United States.

(2) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this Act shall affect the management and operation of Jackson Lake or Jackson Lake Dam.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE

The purpose of S. 1281, as ordered reported, is to designate approximately 388 miles of the Snake River headwaters and its tributaries in Wyoming as components of the National Wild and Scenic Rivers System, to be administered by the Secretary of the Interior and the Secretary of Agriculture as wild, scenic, or recreational rivers.

BACKGROUND AND NEED

The Snake River headwaters drain much of the spectacular country surrounding Jackson Hole, Wyoming, and include the Snake, Lewis, Buffalo Fork, Gros Ventre, Hoback, Greys, and Salt rivers. The Snake headwaters harbor a wide array of bird and wildlife populations. The cottonwood forests along the Snake River provide some of the most productive bald eagle and osprey nesting habitat in the Rocky Mountains. In all, 150 bird species can be found along this reach of the Snake. Among the many mammal species that abound here are moose, elk, deer, grizzly bears, wolves, mink, and Wyoming's largest population of river otters.

The Snake headwaters also provide outstanding recreational opportunities. The river is popular for boating and whitewater rafting and the river is one of the most popular freshwater fishing locations in the country. The Snake River and its tributaries provide one of the last remaining native cutthroat trout strongholds in the lower 48 states.

In all, 41 segments of 24 individual rivers and streams have been found eligible by the National Park Service and Forest Service for Wild and Scenic River designation. The vast majority of these river

miles are located on public lands on the Bridger-Teton National Forest, and to a lesser extent, in Yellowstone and Grand Teton national parks. S. 1281 would designate many of these eligible rivers as components of the National Wild and Scenic Rivers System.

S. 1281 was sponsored by Senator Craig Thomas, who represented Wyoming in the Senate from 1995 until his death in 2007, and who served for many years as the Chairman of the Subcommittee on National Parks. As ordered reported, S. 1281 has been designated as the “Craig Thomas Snake Headwaters Legacy Act of 2008” in honor of Senator Thomas and in recognition of his efforts to protect the Snake River and other important lands in Wyoming.

LEGISLATIVE HISTORY

S. 1281 was introduced by Senator Thomas on May 3, 2007. Senator Barrasso is a cosponsor. The Subcommittee on National Parks held a hearing on the bill on May 15, 2007 (S. Hrg. 110–104.) At its business meeting on May 7, 2008, the Committee on Energy and Natural Resources ordered S. 1281 favorably reported, with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on May 7, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1281, if amended as described herein.

The Committee adopted a substitute amendment by a voice vote. By a vote of 3–17, the Committee did not adopt an amendment offered by Senator Craig to remove two segments of the Snake River from Wild and Scenic River designation. By a vote of 10–12, the Committee did not adopt an amendment offered by Senator Craig to prohibit flow restrictions from being imposed on designated Snake River segments located downstream of the Jackson Lake Dam.

Senator Corker offered a motion to table S. 1281, as amended. The motion was not agreed to. The roll call vote on the motion to table was 9 yeas, and 13 nays, as follows:

<i>Yeas</i>	<i>Nays</i>
Mr. Domenici	Mr. Bingaman
Mr. Craig	Mr. Akaka ¹
Ms. Murkowski	Mr. Dorgan ¹
Mr. Burr ¹	Mr. Wyden ¹
Mr. DeMint	Mr. Johnson ¹
Mr. Corker	Ms. Landrieu
Mr. Smith	Ms. Cantwell
Mr. Bunning ¹	Mr. Salazar
Mr. Martinez ¹	Mr. Menendez
	Mrs. Lincoln ¹
	Mr. Sanders ¹
	Mr. Tester
	Mr. Barrasso

¹ Voted by proxy.

COMMITTEE AMENDMENT

During its consideration of S. 1281, the Committee adopted an amendment in the nature of a substitute. The amendment modifies the findings section, deletes approximately 55 miles of river segments from Wild and Scenic River designation, and makes several clarifications to the management language for the designated river segments, including language pertaining to Federal reserved water rights. The amendment incorporates additional savings language to clarify that private property within the river segments may only be acquired with the consent of the owner, and that nothing in this Act affects valid existing rights, including interstate water compacts, water rights in Wyoming and Idaho, and water rights held by the United States. Further, the amendment clarifies that nothing in this Act affects the management and operation of Jackson Lake or Jackson Lake Dam. The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 contains the short title, the “Craig Thomas Snake Headwaters Legacy Act of 2008”.

Section 2(a) contains Congressional findings.

Subsection (b) states the purposes of the Act are to protect the outstandingly remarkable values of the designated rivers and streams while continuing to deliver water and operate and maintain valuable irrigation water infrastructure.

Section 3 defines key terms used in the Act.

Section 4 amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to add approximately 387.7 miles of river segments of the Snake River headwaters and tributaries in Wyoming to the National Wild and Scenic Rivers System.

Section 5(a) provides that each river segment designated in section 3 shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate.

Subsection (b) requires the appropriate Secretary to prepare a management plan within three years after the date of enactment of this Act for each designated river segment.

Subsection (c) directs the Secretary concerned to apply for the quantification of the water rights reserved by each river segment in accordance with the procedural requirements of the laws of Wyoming. The purposes for which the segments are designated are declared to be beneficial uses and the priority date is the date of enactment of this Act.

Subsection (d) authorizes the Secretary to carry out activities at U.S. Geological Survey stream gauges that are located on the Snake River or its tributaries, consistent with the Wild and Scenic Rivers Act.

Subsection (e) provides that no property or interest therein within the boundaries of a designated river segment may be acquired without the consent of the owner.

Subsection (f) clarifies that nothing in this Act affects valid existing rights, including interstate water compacts in existence as of the date of enactment (including full development of any apportionment made in accordance with the compacts), water rights in Idaho and Wyoming, and water rights held by the United States. The

subsection also provides that nothing in this Act affects the management or operation of Jackson Lake or Jackson Lake Dam.

Section 6 authorizes the appropriation of such sums as are necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

S. 1281—Craig Thomas Snake Headwaters Legacy Act of 2008

S. 1281 would designate approximately 400 miles of river segments in the Snake River system in the state of Wyoming as wild or scenic rivers. The rivers would be managed by the Department of Agriculture and the Department of the Interior.

Based on information from the affected agencies and assuming the availability of appropriated funds, CBO estimates that implementing the legislation would cost \$2 million over the next five years. The funds would be used to develop a management plan for the wild and scenic river segments and to manage the rivers thereafter. Enacting this legislation would not affect direct spending or revenues.

S. 1281 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Tyler Kruzich. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1281. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1281, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 1281, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined by rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Forest Service and the National Park Service at the May 15, 2007, subcommittee hearing on S. 1281 follows:

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL
FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on these bills: S. 1057, New River Wild and Scenic River Act of 2007; S. 1281, Snake Headwaters Legacy Act of 2007; and H.R. 247, which designates a Forest Service trail in the Willamette National Forest as a National Recreation Trail in honor of Jim Weaver, a former member of the House of Representatives.

S. 1057, NEW RIVER WILD AND SCENIC RIVER ACT OF 2007

S. 1057, New River Wild and Scenic River Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate a segment of the New River in the States of Virginia and North Carolina as a component of the National Wild and Scenic Rivers System. The segment to be designated by S. 1057 is immediately downstream of the portion of the New River added to the National Wild and Scenic Rivers System by the Secretary of the Interior through Section 2(a)(ii) in 1976. It is located entirely off National Forest System land, approximately 7 miles from the Jefferson National Forest in Virginia and 40 miles north of the Pisgah National Forest in North Carolina.

The Department does not support the designation of this segment of the New River as a component of the Wild and Scenic Rivers System without first reviewing or analyzing the river segment to determine its eligibility and suitability for designation. Accordingly, the Department does support the designation of this segment as a study river under section 5(a) of the Wild and Scenic Rivers Act. This study designation affords the river protection from the adverse impacts of federally assisted water resources projects and from the sale of any federal lands within the one-half mile study river corridor. It also requires the appropriate Secretary to provide conditions to safeguard the area in any mineral leasing of federal lands, and directs all federal agencies to protect river values in actions they propose within or adjacent to the study river corridor. These protections would remain in effect for a three-year period following the transmittal of the final study report from the President to the Congress, regardless of the study's finding.

S. 1281, SNAKE HEADWATERS LEGACY ACT OF 2007

S. 1281, Snake Headwaters Legacy Act of 2007, amends section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) to designate segments of the Snake River system in the State of Wyoming as components of the National Wild and Scenic Rivers System.

The Department supports S. 1281 with several technical corrections, and defers to the Department of the Interior in

regard to the portions of the bill that designate the segments that flow through lands administered by the National Park Service.

The Bridger-Teton National Forest contains the headwaters of the Snake River; the majority of the tributaries to the Snake River segment below Jackson Lake, Pacific Creek and Buffalo Fork and its tributaries, and the entire Blackrock Creek tributary; the majority of the Gros Ventre River and the entirety of its Crystal Creek tributary; and, the two sections of the Hoback River, and its principal tributaries, Granite, Shoal, Cliff and Willow Creeks, and the Snake River from the confluence of the Hoback River to Palisades Reservoir, including Bailey and Wolf Creeks.

All of the river segments on National Forest System land have been found to be eligible for inclusion in the National Wild and Scenic Rivers System. These rivers are free-flowing and provide outstanding scenery and recreational opportunities. Many flow through important geologic areas and support diverse populations of aquatic and wildlife species, including Yellowstone native cutthroat trout and grizzly bear.

We recommend the definition of "Secretary concerned" in section 3(1) and the requirement that each river segment be managed by the Secretary concerned in section 5(a) be clarified so that those proposed segments that form the boundary between national park and national forest system lands are clearly assigned to one or the other Secretary. In addition we recommend that section 5(b) be eliminated, as the Wild and Scenic Rivers Act includes direction to develop a comprehensive management plan within three full fiscal years and specifies its contents. We would be pleased to work with the Subcommittee to address these and other technical corrections.

H.R. 247, DESIGNATION OF THE "JIM WEAVER LOOP TRAIL,"
WILLAMETTE NATIONAL FOREST

H.R. 247 would designate a 19.6 mile trail known as Trail 3590, the Waldo Lake Loop, on the Willamette National Forest as a national recreation trail in honor of Jim Weaver, former member of the House of Representatives from Oregon. The trail would be a component of the National Trails System and would be renamed the "Jim Weaver Loop Trail." The bill would also authorize the Secretary of Agriculture to prepare, install, and maintain an interpretive sign honoring the life and career of Congressman Jim Weaver.

The Department supports enactment of this legislation to honor former Representative Jim Weaver.

This concludes my prepared statement and I would be pleased to answer any questions you may have.

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR,
NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1281, a bill to amend the Wild and Scenic Rivers Act by designating portions of the Snake River System in Wyoming as a component of the National Wild and Scenic Rivers System.

The Department supports the designation of the waters included in S. 1281 that flow through lands administered by the National Park Service (NPS). While we support the approach taken by S. 1281 in protecting the watershed of the Snake River headwaters, we defer to the Department of Agriculture in regard to the portions of the bill that designate segments of rivers that flow through lands administered by the U.S. Forest Service. In addition, we suggest several technical amendments which are described later in this testimony.

S. 1281 would designate the Lewis River in Yellowstone National Park from Shoshone Lake to Lewis Lake as Wild, and from Lewis Lake to its confluence with the Snake River as Scenic. The Snake River, from its source in the Teton Wilderness and then flowing through Yellowstone, the John D. Rockefeller, Jr. Memorial Parkway, and Grand Teton National Park, would be designated as Wild above Jackson Lake. From one mile below the Jackson Lake Dam until leaving Grand Teton, the Snake and its tributaries Pacific Creek, the Buffalo Fork, and the Gros Ventre River would be designated as Scenic.

Efforts to designate the upper Snake River system as part of the National Wild and Scenic River System have been led by the Campaign for the Snake Headwaters, a grassroots effort led by local citizens, businesses, anglers, boaters, and conservationists.

The headwaters of the Snake River, which begin in the Bridger-Teton National Forest then run through southern Yellowstone National Park into the John D. Rockefeller, Jr. Memorial Parkway and Grand Teton National Park in northwest Wyoming, are some of the purest waters in the nation. The headwaters are a stronghold for native cutthroat trout, harbor a vast array of bird and wildlife populations, and the Snake River and its tributaries provide diverse recreational opportunities for visitors to, and residents of, the Greater Yellowstone Ecosystem.

The Snake River above Jackson Lake was initially evaluated for eligibility in the Wild and Scenic Rivers System in the 1980s. In 2005, NPS resource managers conducted an evaluation of the Snake River below Jackson Lake, as well as major tributaries within Grand Teton National Park, the Buffalo Fork, Pacific Creek, and the Gros Ventre River. The evaluations were made in coordination with the U.S. Forest Service, following procedures they recommended and used to evaluate segments of the water-

ways located on neighboring national forest lands. The evaluations, in accordance with section 5(d)(1) of the Wild and Scenic Rivers Act, document the outstanding recreational, scenic, cultural, geological, and ecological values of the upper Snake River system, which merit its inclusion in the Wild and Scenic Rivers System.

Designation of Snake River System waters would support the spirit and intent of existing management plans for Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway, including the 1997 Snake River Management Plan for Grand Teton and the 1980 General Management Plan for the Parkway. Yellowstone's Statement for Management (November 1991) states that a prime objective is to conserve and protect the integrity of Yellowstone's natural resources, recognizing human interaction as a part of that ecosystem.

If designated as components of the National Wild and Scenic River System, the river segments in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway will continue to provide a range of recreational opportunities for private and commercial floating and fishing, as well as an array of backcountry and non-wilderness recreational activities in the river corridors.

Consistent with the Act that established Grand Teton National Park in 1950, we anticipate that wild and scenic designation of the Snake River would not affect the Bureau of Reclamation's operation and maintenance of Jackson Lake Dam and water levels in Jackson Lake reservoir, a natural lake augmented for nearly 100 years by a dam for purposes of irrigation and flood control. Additionally, we anticipate that monitoring and equipment maintenance activities that are now carried out by the Bureau of Reclamation upstream of Jackson Lake, such as streamgaging and snowpack measurement, would continue. Designation as a component of the National Wild and Scenic River System would provide additional protection for the outstanding scenic, recreational, and wildlife resources above and below Jackson Lake on National Park System lands.

S. 1281 also provides for quantification of a federal reserved water right for each river segment, and for funds to develop river management plans. The Department is currently reviewing the impact that this process could have on existing uses in the basin. The NPS would cooperate with adjacent national forest managers, the Bureau of Reclamation, cooperative organizations, State and local government agencies, and interested members of the public to develop appropriate planning guidance for the rivers designated under this bill.

We would be pleased to work with the Subcommittee on several technical amendments that would strengthen S. 1281. In particular, we suggest that sections 3 and 6 be clarified to state that some of the river segments identified in the bill are within Yellowstone National Park and the John D. Rockefeller, Jr. Memorial Parkway. We would also

like to work with the Subcommittee regarding the operation of section 5 governing federal reserved water rights. Also, a number of river segments described in the bill form the boundary between national park and national forest lands, and in the case of the Gros Ventre River between Grand Teton National Park and the National Elk Refuge, administered by the U.S. Fish and Wildlife Service. As written, we believe the legislation could lead to confusion as to which agency is responsible for administration of these segments, and would suggest that the bill be amended to clarify the jurisdiction.

Mr. Chairman that completes my prepared remarks. I would be happy to answer any questions that you or other members of the subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1281 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Public Law 90-542; Approved October 2, 1968)

【16 U.S.C. 1271 et seq.】

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

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

* * * * *

【()】 (167) WHITE SALMON RIVER, WASHINGTON.—The 20 miles of river segments of the main stem of the White Salmon River and Cascade Creek, Washington, to be administered by the Secretary of Agriculture in the following classifications:

(A) The approximately 1.6-mile segment of the main stem of the White Salmon River from the headwaters on Mount Adams in section 17, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

(B) The approximately 5.1-mile segment of Cascade Creek from its headwaters on Mount Adams in section 10, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

(C) The approximately 1.5-mile segment of Cascade Creek from the Mount Adams Wilderness boundary downstream to its confluence with the White Salmon River as a scenic river.

(D) The approximately 11.8-mile segment of the main stem of the White Salmon River from the Mount Adams Wilderness boundary downstream to the Gifford Pinchot National Forest boundary as a scenic river.

【(—)】 (168) BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.

【(167)】 (169) MUSCONETCONG RIVER, NEW JERSEY.

(A) DESIGNATION. The 24.2 miles of river segments in New Jersey, consisting of—

(i) the approximately 3.5-mile segment from Saxton Falls to the Route 46 bridge, to be administered by the Secretary of the Interior as a scenic river; and

(ii) the approximately 20.7-mile segment from the Kings Highway bridge to the railroad tunnels at Musconetcong Gorge, to be administered by the Secretary of the Interior as a recreational river.

(B) ADMINISTRATION.—Notwithstanding section 10(c) the river segments designated under subparagraph (A) shall not be administered as part of the National Park System.

(170) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER SYSTEM.—*The following segments of the Snake River System, in the State of Wyoming:*

(A) BAILEY CREEK.—*The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.*

(B) BLACKROCK CREEK.—*The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.*

(C) BUFFALO FORK OF THE SNAKE RIVER.—*The portions of the Buffalo Fork of the Snake River, consisting of—*

(i) *the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;*

(ii) *the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and*

(iii) *the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.*

(D) CRYSTAL CREEK.—*The portions of Crystal Creek, consisting of—*

(i) *the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and*

(ii) *the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.*

(E) GRANITE CREEK.—*The portions of Granite Creek, consisting of—*

(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile up stream from its confluence with the Hoback River, as a scenic river.

(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands 24 Drive Loop Bridge, as a scenic river.

(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

(L) *WILLOW CREEK.*—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

(M) *WOLF CREEK.*—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.

