

TO CLARIFY THE INTENT OF CONGRESS WITH RESPECT TO THE CONTINUED USE OF ESTABLISHED COMMERCIAL OUTFITTER HUNTING CAMPS ON THE SALMON RIVER

SEPTEMBER 8, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany S. 1003]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1003) to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1003 is to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

BACKGROUND AND NEED FOR LEGISLATION

The Central Idaho Wilderness Act of 1980 (CIWA, Public Law 96-312) designated over two million acres of the Idaho backcountry in the Salmon and Challis National Forests as the “Frank Church River of No Return Wilderness” and 79 miles of the Salmon River as a component of the Wild and Scenic Rivers Act. The CIWA included a finding that “such protection can be provided without conflicting with established uses.” Section 9(b) of CIWA states that the River corridor is to be managed under the Wild and Scenic Rivers Act, rather than the more restrictive provisions of the Wilderness Act.

Along this 79 mile stretch of the Salmon River are a number of outfitter hunting camps. Ten of the camps are privately owned and three operate under Forest Service special use permits to provide commercial recreational services. These camps are located at Stub Creek, Arctic Creek and Smith Gulch. As described by Under Secretary of Agriculture, Mark Rey, these camps “provide unique, traditional services and experiences to the public in a setting that cannot be duplicated.” The current permits for the camps were issued in 1995 and run until 2010. The three permitted camps were established and in use prior to the enactment of CIWA. It is important to note that under the Wild and Scenic Rivers Act, permanent structures are allowed on “wild and scenic” rivers as long as they do not “substantially interfere” with the nature of the river. (16 U.S.C. 1281 (a)). In this case, the structures already existed before the River was designated and are part of its character. Moreover, it takes several hours by dirt road and then boat to reach the camps and without them, most of the public would not have access to this portion of the Salmon River. Additionally, Forest Service permits for these outfitters require mitigation to protect scenic, aesthetic, and fish and wildlife values to comply with the Wild and Scenic Rivers Act. One highly visible hunting camp was allowed to be relocated in 1988 to a new site where it is now screened from view, with the intent of enhancing the values that caused the River to be designated.

Although the legislative history accompanying CIWA indicates an intent to provide for the continued use of the three camps, some environmental groups have disagreed, claiming the three camps violated the Wild and Scenic Rivers Act. A lawsuit was filed, and a federal district court held in September 2000 that the three camps were inconsistent with the Wild and Scenic Rivers designation. (*Wilderness Watch v. United States Forest Service*, 143 F. Supp. 2d 1186 (D. Mont. 2000)). The court also ordered the Forest Service to have them removed. When the court ordered the Forest Service to remove these facilities, it also directed the agency to consider the needs of the camp owners in setting a timetable for removal. In January 2003, the Supervisor of the Salmon-Challis National Forest signed a Record of Decision that continued use of the camps with temporary facilities and set a schedule of removal of all permanent facilities at the three camps by December 31, 2005.

In the aftermath of the lawsuit, many of those who developed the CIWA indicated that the original intent of the law was misinterpreted and the outfitters should remain. Included in the appendix to this report are letters in support of S. 1003 from Cecil Andrus, former Governor of Idaho and Secretary of the Interior in the Carter Administration; Bethine Church, the wife of former Senator Frank Church, the author of the CIWA; James McClure, former Senator from Idaho; Frank Elder, Forest Service witness who testified on the legislation which became the CIWA; Dennis Baird, Sierra Club witness, who also testified on the legislation; and Norm Guth, former Salmon River lodge owner.

During consideration of S. 1003 in the Resources Committee, several members of the minority party questioned whether the three camps should be allowed to continue because of the refusal of their owners to vacate them in the 1970s. The minority argues that prior to the enactment of CIWA several camps had been asked to leave

the area. While seven of the camps were disbanded, the three camps affected by this legislation remained. They were still in place when CIWA became law in 1980. While this may have been a legitimate question of fairness during consideration of CIWA in 1979 and 1980, the camps were nonetheless included in the legislation. The Wilderness Watch decision pertains to the administration of the Wild and Scenic Rivers Act and not the merits of each individual permittee. As such, the issue raised by the minority was addressed, right or wrong, with the enactment of CIWA. S. 1003 clarifies the intent of Congress as it pertains to CIWA's interpretation in the Wilderness Watch ruling.

The Committee notes that while some national environmental groups have opposed S. 1003, those who participated in the original drafting and negotiating of the legislation which became CIWA are supportive of the bill. Also, by and large, the people of Idaho as well as the entire Idaho Congressional delegation support S. 1003.

S. 1003 would clarify the intent of the bill and would allow the three established commercial outfitters to continue use of the national forest as long as they are in compliance with their special use permits.

COMMITTEE ACTION

S. 1003 was introduced on May 5, 2003, by Senator Larry Craig (R-ID). The Senate passed the bill with an amendment by unanimous consent on November 24, 2003. In the House of Representatives, the bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Forests and Forest Health. On June 17, 2004, the Subcommittee held a hearing on the bill. On July 14, 2004, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill would increase revenues to the federal government of less than \$10,000 a year.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 28, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1003, an act to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 1003—An act to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River

S. 1003 would allow three hunting camps located on the Salmon River, a designated wild and scenic river in Idaho, to continue to operate. As the result of a lawsuit against the U.S. Forest Service, those camps are required to vacate, by December 31, 2005, the sites they presently occupy under special permits.

Based on information provided by the Forest Service, CBO estimates that enacting S. 1003 would have no significant impact on the federal budget. Allowing the camps to continue to operate would result in increased offsetting receipts (of less than \$10,000 a year) beginning in fiscal year 2006 because the Forest Service would be able to continue collecting permit fees from them. (Such receipts are deposited in the general fund of the Treasury and cannot be spent without appropriation.)

S. 1003 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.

On August 1, 2003, CBO transmitted a cost estimate for S. 1003 as ordered reported by the Senate Committee on Energy and Nat-

ural Resources on July 23, 2003. The two versions of the legislation are identical, as are the estimated costs.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as 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):

SECTION 3 OF THE WILD AND SCENIC RIVERS ACT

(Public Law 90-542)

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

(1) * * *

* * * * *

(24)(A) * * *

* * * * *

(D) The established use and occupancy as of June 6, 2003, of lands and maintenance or replacement of facilities and structures for commercial recreation services at Stub Creek located in section 28, T24N, R14E, Boise Principal Meridian, at Arctic Creek located in section 21, T25N, R12E, Boise Principal Meridian and at Smith Gulch located in section 27, T25N, R12E, Boise Principal Meridian shall continue to be authorized, subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for termination for non-compliance, and if terminated, reoffering the site through a competitive process.

[(D)] *(E) Subject to existing rights of the State of Idaho, including the right of access, with respect to the beds of navigable streams, tributaries or rivers, dredge and placer mining in any form including any use of machinery for the removal of sand and gravel for mining purposes shall be prohibited within the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph; within the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River; and within the Middle Fork of the Salmon River; and its tributary streams in their entirety: Provided, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the River*

of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the Middle Fork and its tributaries for the purposes of construction or maintenance of public roads: *Provided further*, That this paragraph shall not apply to any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980.

[(E)] (F) The provisions of section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines or other project works, shall apply to the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

[(F)] (G) For the purposes of the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph, there is hereby authorized to be appropriated from the Land and Water Conservation Fund, after October 1, 1980, not more than \$6,200,000 for the acquisition of lands and interests in lands.

* * * * *

DISSENTING VIEWS

S. 1003 would overturn a Federal Court decision that found that the use of lodges, cabins, and other permanent facilities on national forest lands along the Salmon National Wild and Scenic River was a violation of law.

Supporters of S. 1003 claim this court decision is a misinterpretation of the 1980 Act that designated this area. While under the wild river designation, permanent facilities are not allowed, supporters claim this prohibition wasn't supposed to apply to the Salmon River. However, neither the 1980 Act nor its legislative history speaks to such an exemption, even as the law and its legislative history speak to other exemptions granted in that legislation.

S. 1003 raises a number of fairness and management issues. It has been brought to our attention that long-standing Forest Service Regulations in effect at the time of the 1980 Act prohibited permanent facilities in this area. In fact, in 1970 the Forest Service ordered the eight outfitter camps not in compliance with this prohibition to remove their permanent facilities. Five outfitters complied with this directive, three did not—the same three that are seeking exemption by S. 1003.

What signal does this legislation send to those outfitters who followed the rules? When asked about this at the hearing on S. 1003, Agriculture Undersecretary Mark Rey's response was that there are often winners and losers in legislation. Do we really want people to believe they can ignore the rules or let the Forest Service turn a blind eye to the law and its own regulations?

Further, the direct language of S. 1003 would grant these three commercial outfitters a special right of use to national forest lands that other national forest users don't have and would severely limit Forest Service authority on the issuance and management of these outfitter permits. The Administration's testimony asked for changes on these matters but none have been made.

We recognize that the Forest Service has been part of the problem here by renewing permits when they had no legal authority to do so. That is why an offer was made to allow the existing permits to run their course. That offer was rejected and as a result we are left with the original bill with its policy and management problems.

S. 1003 is anything but a simple bill. Members need to take a long and hard look at its problems. In the absence of changes to correct its serious deficiencies, we urge defeat of this legislation.

NICK RAHALL.
GEORGE MILLER.
EDWARD J. MARKEY.
MARK UDALL.
JAY INSLEE.

APPENDIX

MAY 22, 2003.

Mr. DOUG TIMS,
Northwest River Company,
Boise, ID.

Re A Bill Clarifying Commercial Outfitter Hunting Camps on the
Salmon River.

DEAR DOUG: I have looked at the proposed legislation concerning the lodges at Stub Creek, Smith Gulch and Arctic Creek along the Main Salmon River in the FCRNR Wilderness.

These lodges and camps were well known at the time the Act was written and debated, and any effort to have them removed as part of the deal would have raised great controversy, I'm sure. Indeed, Frank was committed to achieving a balance in the legislation that allowed many such facilities to remain in place. I question whether the law could have passed without this type of compromise.

Frank certainly wanted to maintain a true wilderness but he was a realist about the situation. His effort always was mindful of keeping the River of No Return accessible for as many people as possible. Staying at the lodges is a great alternative for some families then and now. He understood the need to keep out inappropriate uses such as vehicles and roads, but he clearly advocated for the valid historic recreational uses in the 1980 bill for the River of No Return Wilderness.

You have my permission to send this letter on to all relevant congressional representatives and committees.

Very sincerely,

BETHINE (MRS. FRANK) CHURCH.

MAY 30, 2003.

Senator PETE DOMENICI,
Chairman, Senate Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Please accept this correspondence as my total support for S. 1003.

As a result of my years as Governor of Idaho and as Secretary of the Department of the Interior, I am intimately familiar with the issues and location of the properties in question, properties that are now inside the outer boundary of the Frank Church River of No Return Wilderness Area. I have personally visited the locations in question and was involved in the decisions that permitted Norman Guth, owner of the Big Squaw Creek facility, to move that fa-

cility to a less intrusive location away from the river's edge. He agreed to move; the Forest Service was happy; and it appeared that we had enhanced the wilderness characteristics of the area. The new location of this facility is at Smith Gulch, which is much less obtrusive but permits "existing uses" to continue.

In 1980, when we passed the legislation that finally created the River of No Return Wilderness Area, which is now the Frank Church River of No Return Wilderness Area, we thought the issue had been resolved to everyone's satisfaction. I might add that Norm Guth went to considerable expense in creating the new facility, and he did it simply because he is a good citizen, one whom I have known for more than 30 years.

The 1980 record of the committee hearing is, I think, quite clear as to what the intent was, and I hope that you and your committee will see fit to pass this proposed legislation to clarify the issue once and for all.

With warm personal regards to you, I remain
Sincerely,

CECIL D. ANDRUS.

JUNE 3, 2003.

Senator PETE DOMENICI,
Chairman, Senate Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I support the efforts of Senator Craig in S. 1003 to clarify the intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

In 1979, Senator Church and I heard extensive testimony from the citizens of Idaho and others concerning the establishment of the River of No Return Wilderness. At issue before the Congress were the Idaho and Salmon River Breaks Primitive Areas. These areas and the surrounding lands that were recommended for wilderness protection make up a vast area of more than two million acres. The area is very challenging terrain cut by the Salmon River into canyons and river corridors with very difficult access.

Idahoans had developed a number of historical methods of access prior to Congress addressing the future management of this vast area. It is very important to local citizens and outfitters to have a way to explore and enjoy Idaho's multitude of hunting, fishing and recreation opportunities. As we heard in the hearings before the Subcommittee on Parks, Recreation, and Renewable Resources there was significant support for designation of a large segment of central Idaho as wilderness, but equally important that the public be allowed continued access.

To strike this balance we placed the following language at the beginning of the Central Idaho Wilderness Act:

SEC. 2. (a) The Congress finds that—

(1) certain wildlands in central Idaho lying within the watershed of the Salmon River—the famous "River of No Return"—constitute the largest block of primitive and undeveloped land in the conterminous United States and are of immense national significance;

(2) these wildlands and a segment of the Salmon River should be incorporated within the National Wilderness Preservation System and the Wild and Scenic River

System in order to provide statutory protection for the lands and waters and the wilderness-dependent wildlife and the resident and anadromous fish which thrive within the undisturbed ecosystem; and

(3) such protection can be provided without conflicting with established uses.

Contained in the bill was a balance between management under the Wild and Scenic Rivers Act and the Wilderness Act. The congressional record includes extensive discussion of the reason for the dual designation. Under the Wilderness Act, existing uses such as airstrips, powerboat use and camps with permanent structures on the Main Salmon would not be allowed. We included specific language in the Act that directed the Forest Service to manage the Main Salmon corridor as Wild and Scenic in order to allow continued access via powerboats and the camps with permanent structures.

Senator Church and I specifically questioned Assistant Secretary of Agriculture Rupert Cutler and Region Four representative Frank Elder about this balance. Their answers on the record and later in statements to the committee reports tie back directly to the “such protection can be provided without conflicting with established uses” language on the face of the bill.

The committee report states “While both the River of No Return Wilderness and the Gospel-Hump Wilderness overlap portions of the Wild and Scenic River corridor, the Committee reiterates that only the rules and regulations promulgated pursuant to the 1968 Wild and Scenic Rivers Act will apply in the river corridor. Thus certain activities not generally permitted in wilderness areas, such as the hunting camps on the river, the use of motorized tools to gather firewood, and small hydroelectric generators can continue within the wild and scenic river corridor on the river.”

At the hearings, I specifically asked Assistant Secretary of Agriculture Rupert Cutler about the dual designation. I asked “Did I understand your most recent proposal did not deal with the earlier questions with respect to the management of the river corridors—particularly the Middle Fork and the main Salmon? Middle Fork is a Wild and Scenic River and it is your suggestion that it become wilderness and go into the more restrictive management of wilderness? But that the Salmon River itself would not become wilderness but would become part of the wild and scenic rivers? Mr. Cutler, “That is correct, in order to continue the mode of transportation on the main Salmon River. The question of contained use of camps on the main stem also would be provided for by excluding the main system corridor from the wilderness area.”

Here and at several other places in testimony, the “camps” that were discussed are those at Smith Gulch, Arctic Creek and Stubb Creek as referenced in S. 1003.

At present, these facilities are under Forest Service order to be removed in 2004. S. 1003 must be acted on promptly in order to provide for the continuation of this important historical access to the Salmon River by the public. It was clearly our intent in 1980 that this use, which is facilitated by the permanent structures at each site, shall continue for present and future generations.

Sincerely,

JAMES A. MCCLURE.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC

DEAR SENATOR CRAIG: I have been involved in administration and management planning of the area now designated as the Frank Church River of No Return Wilderness and the Salmon Wild and Scenic River during much of my career as a Forester with the U.S. Forest Service. I testified before the Senate Energy and Natural Resources Committee during consideration of the Central Idaho Wilderness Act, and later served as leader of the team which prepared the Congressionally mandated management plans for the subject Wilderness and Wild and Scenic River.

I have read Senate Bill 1003, and believe it is consistent with the intent of Congress and the interpretation of Forest Service managers implementing the Central Idaho Wilderness Act of 1980. Congress included specific language in the Act, and further explained it in accompanying committee reports, regarding the continuation of certain uses, activities, and developments which would ordinarily be disallowed in a Wilderness/Wild River setting, but which were specially excepted in this situation. These included jet-boat and chain-saw use and buildings (and related developments) used as hunting and fishing camps by Outfitters operating under provisions of Special-Use Permits issued by the U.S. Forest Service.

Sincerely,

FRANK S. ELDER.

MAY 28, 2003.

Chairman,
Senate Committee on Energy and Natural Resources,
Washington, DC.
 Re S. 1003.

DEAR SIR: I have read the text of S. 1003 and believe that its language is fully consistent with the original intent of Congress when it passed the Central Idaho Wilderness Act.

I participated as a conservationist in most aspects of the writing of the Central Idaho Wilderness Act, working closely with Senator Frank Church and his staff in that long process. I have also personally visited all three sites where outfitter camps operate on public lands along the Salmon River.

In writing this legislation, Sen. Church intended to the maximum extent possible to insure that uses compatible with the natural values of the Salmon River that were in place before enactment would be able to continue at the same level after enactment of the Central Idaho Wilderness Act. Sen. Church had visited all three camps in existence at the time this legislation was being considered and repeatedly stated that it was his intention that the law would permit their continued existence under USFS permit. Based on my memory of these events, there can be no doubt about what Mr. Church intended the final legislation to do. Sen. Church was also a fine writer in general, and of legislation in particular, and consequently I can see no room for ambiguity in interpreting this legislation and Mr. Church's intent: these three camps were to stay.

One of the three camps is now at a different location than at the time of enactment, but that move was made at the behest of the Forest Service and was designed to relocate the camp to a less visible and intrusive spot—a request generously agreed to by the lease holder.

Sincerely,

DENNIS BAIRD.

MAY 28, 2003.

Hon. Senator LARRY CRAIG,
Senate Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: I wish to express my support for S. 1003 which clarifies the original intent of Congress with respect to the continued use of established commercial outfitter hunting camps on the Salmon River.

In 1979, I was president of the Idaho Outfitters and Guides Association, representing hundreds of outfitters and guides who served the general public, allowing them the opportunity to access and enjoy what was then known as the central Idaho Primitive Area. Working with a broad, bipartisan coalition, the outfitting industry supported what became the largest wilderness area in the lower 48 states—now the Frank Church—River of No Return Wilderness.

I was directly involved in fashioning the Central Idaho Wilderness Act of 1980 in a manner that was thought at the time to expressly allow the continuation of established uses of the Salmon River country. Among those established uses were many airstrips, the use of motorized jetboats on the Main Salmon River, and established hunting camps in the Main Salmon River corridor. There was a great deal of attention paid during the legislative process to assure that the Main Salmon River corridor would be managed under the Wild and Scenic River Act, even though the wilderness area overlapped. The reason for this specific arrangement was so that uses based on motorized access and camps with permanent structures, normally prohibited in wilderness, could continue in the Main Salmon River corridor.

It was well understood by all parties involved including the U.S. Forest Service managers that the “hunting camps” referenced repeatedly in the legislative record, were the camps now located at Smith Gulch, Arctic Creek and Stubbs Creek. These three camps have long been an important method for the public to visit and enjoy the hunting and fishing resources of the Main Salmon River corridor.

During the hearings before the Senate, both Senators Church and McClure questioned Assistant Secretary of Agriculture Rupert Cutler and Frank Elder from the Region Four office of the Forest Service about how the law as written would be administered with emphasis on the effect on established uses.

Secretary Cutler testified, “Our revised River of No Return Wilderness proposal reflects a balance between wilderness necessary to help round out a quality wilderness preservation system and the consideration of other resource values that are essential to the well-being of local and regional economies.”

Secretary Cutler, "We favor administration of the main Salmon River under the provisions of the Wild and Scenic Rivers Act, rather than as part of the wilderness, so as to permit the continuation, as appropriate, of motorized travel on the river and outfitter and developed camping facilities within the river corridor. This method of travel and these facilities are needed to support a major existing recreational use of the river."

Senator Church further questioned Secretary Cutler and Frank Elder, "What is your general view about the location of the outfitted and guide hunting camps on the main Salmon River?"

Mr. Elder, "The number and type of outfitter or hunting camps that exist now are reasonable. If the entire area were to be designated as wilderness, these types of structures would not be permitted under the act, which is the reason we proposed a Wild and Scenic River corridor, which allows slightly more permanent developments."

Senator Craig, the Frank Elder who testified about the camps had been the district ranger who worked directly with the owners of the camps in question. I owned the Smith Gulch camp and worked with Frank Elder and others in the Forest Service to assure that the camps would continue and that they would exist in a manner that would minimize their visual and environmental impact on the area.

In closing let me thank you for your efforts to clarify the original intent of Congress on this matter. I was one of over 600 Idahoans who testified in Salmon, Lewiston, Boise and Washington, DC. The law as passed was a compact with the people of Idaho. It stated that we could achieve the balance of protecting the magnificent resources of the Salmon River country while allowing continued historical means of access. The words on the face of the Central Idaho Wilderness Act, "such protection can be provided without conflicting with established uses" have significant meaning. S. 1003 will maintain the compact between Congress and the people of Idaho and their visitors as intended.

Sincerely,

NORM GUTH.

