

CONSERVATION BULLETIN

New River Gorge Protection Gains Support

by Marni Holbrook

The New River Gorge, that breathtaking run of whitewater in West Virginia, appears to be well on its way to federal protection.

Legislation has been introduced by Sen. Jennings Randolph (D-W.Va.) and Rep. Nick Rahall (D-W.Va.) for designation of the Gorge area as a National River, to be managed by the National Park Service. Although there is wide support within West Virginia for some kind of protection for this valuable stretch of river, the type of protection was at issue for some time.

Despite its undeniable scenic and recreation values, the New River Gorge area did not fit comfortably into the National Park System, partly because of nearby coal mines and railroads, while hunters opposed such a designation because of the ban on hunting in National Parks. Wild and Scenic River designation was also deemed inappropriate.

Designation as a National River, however, has provided the management flexibility needed to garner broad based support. Federal land acquisition had been opposed by local landowners, for example, but the legislation provides that present owners and their heirs can continue to hold and use property as long as the use is compatible with the management of the area. No commercial timbering, no new roads and only underground mining would be allowed in the National River Area.

All those who fought so hard to save the New River a few years back when it was threatened by a dam project, including Jerry Kirk of the IWLA Three Rivers Chapter and the West Virginia Division, are working for the New River Gorge National River bill. Conservationists are wishing them similar success.

USER CHARGE BILL UNDER VETO THREAT

The choice before the Senate on May 3rd was no longer whether or not Lock and Dam 26 on the Mississippi was to be expanded. Conservationists had already lost on that issue, and the battleground has shifted to user charges.

Until now the barges have never been required to pay any part of the nation's waterway costs. The matter at hand was whether the industry should repay a percentage of the financial burden of constructing, operating and maintaining the waterway system. As it stands now, the federal government is picking up the billion dollar tab. Since the House had already passed a bill with a token fuel tax, some reimbursement from the waterway users was likely. By tying a user charge to the level of cost for new construction, conservationists sought to give the bargemen second thoughts about demanding expensive water projects, so often destructive to environmental values.

The alternatives before the Senate were either a gesture toward payment in the form of a fuel tax, offered by Sen. Russell Long (D-La.), or a substantial user charge in addition

to a fuel tax, offered by Sen. Pete Domenici (R-N.M.).

The Long bill imposes a 4-cent per gallon diesel fuel tax for barges increasing to 12 cents over an eight-year period. The tax would not be collected until L & D 26 expansion began or until 1982, whichever came first.

Conservationists and the Administration charge that the numbers in Long's bill are arbitrary and inflation renders any fixed amount meaningless over time. They advocate Domenici's bill to charge users 10 percent of new waterway construction plus a fuel tax. The Administration warned the Senate that the President would veto Long's bill.

When the moment of truth came, the bargers won. Despite the veto threat, the Senate passed the Long bill by a wide margin, after defeating the Domenici bill 43 to 47.

"The Senators just did not believe that the President would go to the mat on this bill," Sen. John Danforth (R-Mo.) is reported saying. Danforth, who supported the Long legislation, thought the 12-cent tax was "substantial" and said, "most of us don't think the President will really insist on more."

Secretary of Transportation Brock Adams, on the other hand, was quoted as stating, "The bill will be vetoed." Conservationists, still smarting from Carter's failure to keep his veto promise on last year's porkbarrel water project legislation, are reserving judgement.



Izaak Walton News

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