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THE WHITE HOUSE

WASHINGTON

ADMINISTRATIVELY CONFIDENTIAL

April 5, 1976

MEMORANDUM FOR: JIM CANNON

FROM: JIM CONNOR

SUBJECT: New River Decision

Your memorandum to Dick Cheney of March 25th on this subject has been discussed with the President. Dick Cheney has asked me to advise you that the President would like the Department to enter the case as a friend of the court.

Please follow up with appropriate action.

RBC

YOU WANTED TO SHOW
THIS TO THE PRESIDENT.

PKo Inter script

THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

March 25, 1976

MEMORANDUM FOR : DICK CHENEY
FROM : JIM CANNON *Jin*
SUBJECT : New River Decision

The effect of the decision by the Federal Court of Appeals yesterday was to nullify Secretary Kleppe's designation of parts of the New River for inclusion in the Wild and Scenic Rivers System.

Interior received the decision late today, and has not yet made a detailed analysis. But it appears certain that the court ruling, if not overturned by the Supreme Court, would allow the construction of two hydro-electric dams on a part of the New River which is in Virginia.

Since the effect of the dams would be to flood parts of North Carolina, the Attorney General of North Carolina has announced he will appeal the decision.

Interior is considering the pros and cons of entering the case as a friend of the court.

Kent Frizzell tells me that Interior's counsel does not feel the Department has any legal basis for appealing, but can enter the case if the President wants the Department to do so.

Congressman Stephen Neal (N.C.) and Ken Hechler (W. Va.) have stated their intention to seek Congressional action to keep the New River in the Wild and Scenic System.