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Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

H.R. 13372 - A BILL TO INCLUDE A SEGMENT OF THE
NEW RIVER INTO THE WILD AND SCENIC RIVERS SYSTEM

The President today signed a bill designating a 26.5-mile segment of the New River in North Carolina as a State-administered unit of the National Wild and Scenic Rivers System. The bill will have the effect of vacating a Federal Power Commission license for a hydroelectric pump storage project that would have inundated the area now protected.

Secretary of Interior Kleppe, on April 13, 1976, designated the 26.5-mile segment as a State-administered component of the National Rivers System. The matter, however, was still before the courts; the U.S. Court of Appeals for D.C. had upheld the validity of the FPC license on March 25, 1976.

To ensure protection and affirm the Administration's decision of April 13, Congress with strong Administration support, passed H.R. 13372 which blocked dam construction and added the River to the National System under State administration.

HIGHLIGHTS OF H.R. 13372

- Includes a segment of the New River in North Carolina within the National Wild and Scenic Rivers System.
- Prohibits Federal licensing of water resource development projects adversely affecting the designated areas.

BACKGROUND

The New River originates in North Carolina; it flows north through Virginia, and into West Virginia where it merges with the Gauley and Kanawha Rivers at the terminus of the spectacular New River Gorge. The 26.5-mile segment for which North Carolina seeks protection includes 4-1/2 miles of the main stem and 22 miles of the South Fork; the area extends southward from the North Carolina/Virginia border.

In February 1965, the Appalachian Power Company (AEP) filed a license application with FPC for a pump storage hydroelectric project (Blue Ridge project) on the New River. Two dams would be built in Virginia. Water would be backed up along the River creating a reservoir that would extend into North Carolina and inundate the area for which the State sought Federal protection.

In June 1966, the Interior Department intervened, requesting modification of the project to provide for recreation development and public access, flow regulation for water quality control, flood control features, and fish and wildlife resource development. The project, as subsequently designed, satisfied most of Interior's requirements. The FPC license was issued June 14, 1974. It had an effective date of January 2, 1975. The project would generate 1.8 million kilowatts of power.

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The New River had not been included in an initial list of 650 rivers considered as potential wild rivers during studies in the mid-1960's leading to the development of wild and scenic rivers legislation. The first recognition of the North Carolina portion of the River came in mid-1974 when the Administration proposed to add new study rivers to the Wild and Scenic Rivers Act and include the entire New River, exclusive of reservoirs and the potential Blue Ridge project, if licensed by the FPC. In Senate hearings February 7, 1974, the Department had not supported legislation to designate the North Carolina portion of the New River for study under the Wild and Scenic Rivers Act. In House hearings on June 3, 1974, however, the Department supported a study of the River segment, contending that the Federal Power Commission's Environmental Impact Statement on the proposed Blue Ridge project license did not adequately consider the free-flowing character of the river. On June 14, 1974, eleven days after the hearings, FPC issued its license to the Appalachian Power Company authorizing construction of the Blue Ridge project, if Congress failed to enact legislation protecting the River through the National Wild and Scenic Rivers System. A study bill passed the Senate but failed in the House.

North Carolina challenged the validity of the FPC license on environmental grounds and the U.S. Circuit Court of Appeals enjoined construction of the Blue Ridge project pending its decision on the adequacy of the FPC Environmental Impact Statement.

On December 12, 1974 Governor Holshouser applied to have a 4-1/2 mile segment of the New River designated a State-administered component of the National rivers system. On June 11, 1975 that application was amended to add 22 additional miles on the South Fork making the total 26.5 miles, enough to meet minimum length requirements. Several technical questions were raised by Interior regarding the State's application. These were satisfactorily answered and the application and draft Environmental Impact Statement were circulated on November 28, 1975 for a 90-day review which ended February 28, 1976.

The Bureau of Outdoor Recreation subsequently prepared the final Environmental Impact Statement taking into consideration the views of Federal and State agencies, private organizations and individuals. The final EIS was submitted to the Council on Environmental Quality for a 30-day review as required by law.

The North Carolina General Assembly has met the requirements of the Wild and Scenic Rivers Act by passing legislation designating the river segment as a component of the State Natural and Scenic Rivers System.

Following the 30-day review period for the EIS, Secretary Kleppe, on April 13, 1976, named the New River in North Carolina a component in the National System.

Congressional action followed, with the House passing H.R. 13372 August 17, and the Senate passing the same measure August 30, thus clearing the bill for Presidential signature.

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