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Article Summary: The Niobrara Scenic River Designation Act of 1991 ended a prolonged struggle between those who would have preferred to dam the river and those who saw it as an environmental treasure. The legislation sought to permanently preserve the Niobrara while protecting the interests of local landowners.

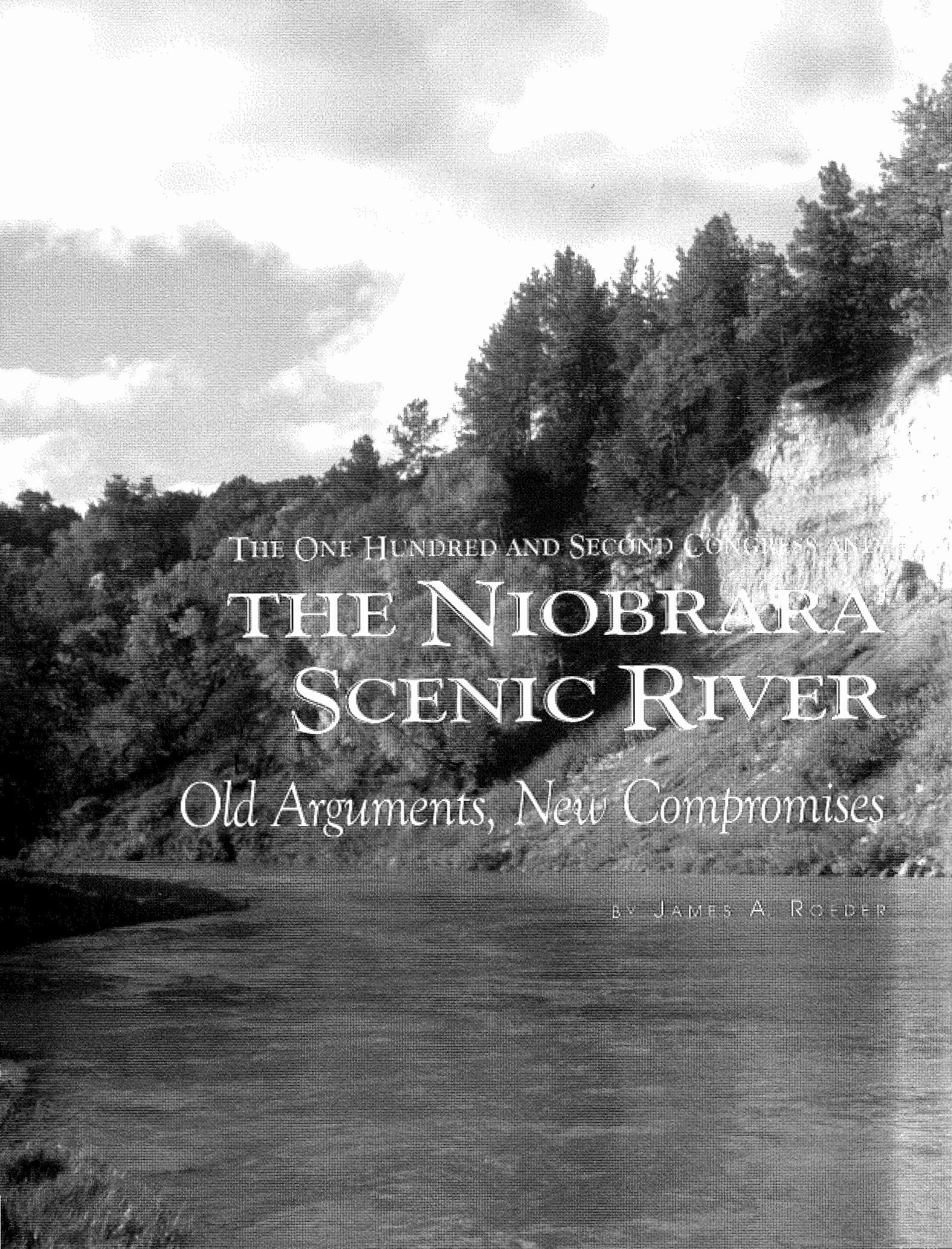
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Photographs / Images: Niobrara River; Niobrara River watershed; the Niobrara near Agate Fossil Beds Monument south of Harrison, Nebraska; Norden Bridge; boating on the Niobrara; paper birch trees; piping plover; map of the Niobrara National Scenic River; logo used by Norden Dam opponents on T-shirts sold to help pay legal fees



THE ONE HUNDRED AND SECOND CONGRESS AND
**THE NIOBRARA
SCENIC RIVER**

Old Arguments, New Compromises

BY JAMES A. ROEDER

102nd Congress and the Niobrara River

Northern Nebraska's Niobrara River has been called a biological crossroads, a natural wonder, and an environmental treasure. The river has also been called a "large drainage ditch where we are losing our surplus ground water." These diametrically opposed perspectives typify the late twentieth century debate over designation of the Niobrara as a federal scenic river, a struggle that pitted Nebraskans against each other in a scenario familiar to western historians.

For more than a century, the American West has been a battleground for those who view the land's resources as an asset to be exploited, and those who believe the natural landscape should be protected for its inherent values and preserved "unimpaired for the enjoyment of future generations." The Cornhusker State version of the struggle culminated in the passage of the Niobrara Scenic River Designation Act of 1991, signed into law in May of that year.¹

The Niobrara River is about 450 miles long, drains a watershed of some twelve thousand square miles, and joins the Missouri River near the town of Niobrara in northeastern Nebraska. Its headwaters are in eastern Wyoming, about thirty miles west of the state border, and it

enters Nebraska as a typical high plains stream. Between the towns of Chadron and Valentine, however, it enters the Sandhills physiographic province, and begins to take on its unique character. There the river has cut a valley, in places three hundred feet deep, which extends down into the massive Ogallala Aquifer. The aquifer is the source of most of the river's flow, and the result is a unique Plains river that flows cool, clear, and swift through forested canyons. The scenic and biological climax of the river is the seventy-six-mile stretch downstream from Valentine, noted in the 1982 *National Rivers Inventory* as having outstanding scenic, geological, botanical, and zoological values. It is that reach that became the subject of controversy over federal scenic river designation.²

The first significant effort to alter the hydrology of the Niobrara came in 1952, with the release of a Bureau of Reclamation report on the Niobrara Basin. The report presented a basin-wide water development plan for the Niobrara and its tributaries, and included fourteen operating units and eight main-stem dams. One of them, called Meadville in the 1952 report, eventually evolved into the proposed Norden Dam, which was to be built in the heart of the most biologically and scenically valuable portion of the river. The Norden Dam remained mired in controversy for thirty years.³

Beginning in 1971, an effort was undertaken in Congress to authorize construction of a revised project, designated the O'Neill Unit, and to appropriate funds for it. The dam, along with associated pumping systems and canals, was to provide heavily subsidized irrigation water to 77,000 acres of farmland. It would have required 30,000 acres of land for construction of the facility, including 22,000 acres for the dam and reservoir, and 8,000 acres for canals and laterals. The resulting impoundment would have flooded nineteen stream miles and inundated 6,375 acres of bottomland in the

ecologically unique part of the valley. The Norden Dam project was seemingly defeated in December 1982, when Congress voted 245 to 144 to withhold funding. By that time the political tide had turned, and the probability of the dam ever being built was becoming increasingly remote.⁴

The Norden Dam proposal spawned a significant local controversy, and two opposing camps coalesced. On the one hand, a coalition of large irrigators, developers, local governments, and construction firms advocated construction of the dam. On the other hand, ranchers along the river, recreational outfitters, and the environmentalist community formed a bloc opposing it as unfair to landowners, fiscally dubious, and environmentally unsound. In the later debate over federal scenic river designation, the two camps remained on opposite sides, with the Norden Dam foes supporting the scenic river designation, and the dam advocates opposing it. A grassroots effort led by the former group—the dam opponents—ultimately was instrumental in winning approval of the scenic river proposal.

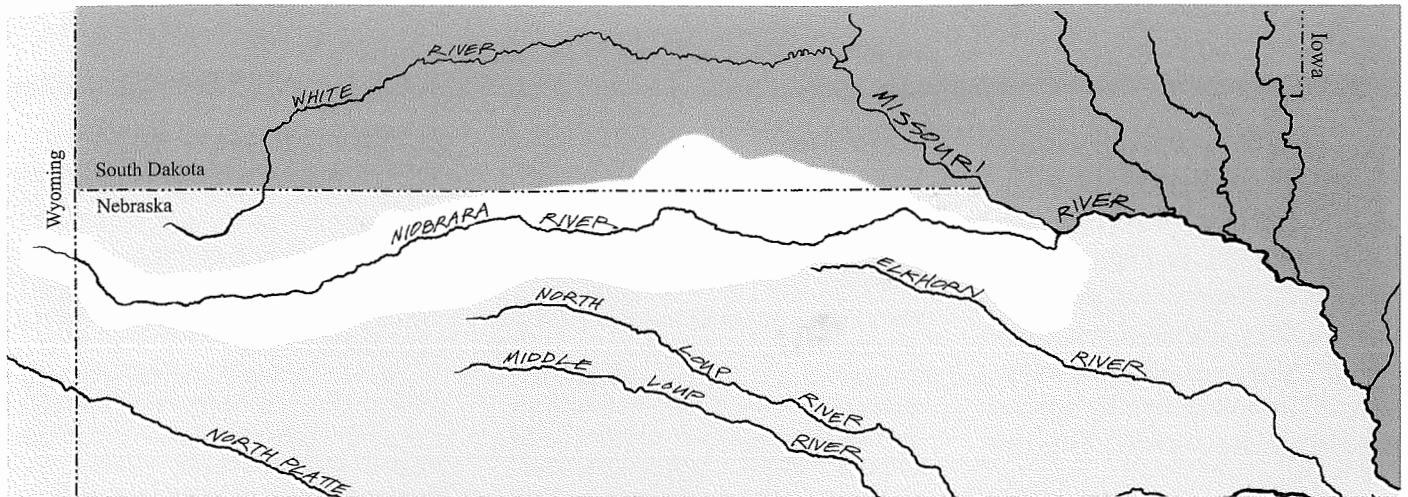
In 1980 a group of Niobrara Valley landowners, led by rancher Franklin Egelhoff, began to mobilize support for permanent protection of the river. This group of activists—known as the Save the Niobrara River Association—conducted a door-to-door campaign seeking opinions from landowners along the river. They concluded that a partnership between the federal government and the local residents would best preserve the river in its free-flowing state, while simultaneously allowing established agricultural and recreational uses to continue. They formulated a proposal, and in May 1980 wrote to Nebraska Democratic Senator J. James Exon requesting that he sponsor legislation adding the Niobrara to the national Wild and Scenic Rivers system.⁵

In spring 1984 they again approached Exon, urging him to sponsor legislation to designate the Niobrara as a scenic river under the 1968 federal Wild and

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In the last half of the twentieth century the Niobrara River in northern Nebraska, called both a "natural wonder" and a "drainage ditch," was the focus of a bitter struggle between Nebraskans who saw its water as an asset to be exploited and those who wanted its biological, scenic, and recreational values protected by federal Scenic River designation.

Jon Farrar, NEBRASKAland Magazine/
Nebraska Game and Parks Commission



The Niobrara River Watershed. The headwaters of the Niobrara River are about thirty miles west of the Nebraska-Wyoming border. It flows eastward for 450 miles across northern Nebraska, draining a watershed of about twelve thousand square miles, and joins the Missouri River near the town of Niobrara. It is the only significant east-west river in the northern Great Plains that is not impeded by a major reservoir.

Base map by Steve Ryan

Scenic Rivers Act, and on September 30, 1985, he introduced S. 1713, a scenic river designation bill.⁶ Later that fall he agreed to table the bill to give Nebraskans an opportunity to devise means for protecting the river without federal involvement.

By 1989 Exon was apparently convinced that state and local residents were not going to provide meaningful protection, and he reintroduced the bill. After some compromises in late October 1990, the bill passed the Senate, but was killed in the House at the final moment of the 101st Congress by a parliamentary maneuver by retiring Nebraska Republican congresswoman Virginia Smith. With the assistance of Republican Senator Bill Armstrong of Colorado, she managed to have the final Senate vote on the measure delayed until late into the night of the final day of the session. By then many House members had left, and that body was operating under a suspension of the rules, which required a two-thirds vote for passage of the bill. On the last roll call of the session, it fell eleven votes shy of the requirement.

Smith, who had served eight terms representing Nebraska's third district, which includes the Nebraska portion of the Niobrara watershed, had successfully led the opposition to the scenic river in the House. Smith's successor,

Republican William E. Barrett, also opposed the Niobrara bill, but he lacked Smith's seniority and connections. Although the bill was defeated, the political clout of the opposition appeared to be waning at the close of the 101st Congress.

Even in its earliest form the Niobrara Scenic River legislation included several key compromises to ensure a reasonable balance between river preservation and local property interests: Section 4(a) placed certain restrictions on land acquisition, and Section 5 established a Niobrara Scenic River Advisory Commission, consisting primarily of local residents, to advise the National Park Service on development of a master plan for the scenic river. These provisions are in addition to language in the Scenic Rivers Act that specifically recognizes the right of pre-existing land uses, such as ranching and farming, to continue.

On January 23, 1991, at the opening of the 102d Congress, Nebraska Senators J. Robert Kerrey and J. James Exon, both Democrats, reintroduced the Niobrara Scenic River Designation Act, S. 248, a bill identical to the compromise version killed in the final days of the 101st Congress. The Senate Committee on Energy and Natural Resources, the subcommittee to which it was assigned, chose not to hold hearings because

the legislation had been thoroughly discussed during the 101st Congress, and had passed on the floor of the Senate without dissent. On February 27, 1991, the committee recommended unanimously that the full Senate pass S. 248. On April 17 the bill was approved on the floor by a unanimous voice vote. As had been the case in the 101st Congress, there was no significant Senate opposition, and the strong support of both Nebraska senators assured easy passage.⁷

In Nebraska, local political leadership remained strongly opposed to scenic river designation, and continued to hope that state action might avert federal designation. In the state legislature State Senator Howard Lamb led an unsuccessful effort to pass a law allowing Nebraska counties to designate scenic river segments. Lamb's bill, seen as an attempt to obstruct the federal designation process, did not pass. The governments of the affected counties, all of them relatively sparsely populated, continued to oppose federal designation. However, in February 1991 newly elected Nebraska Governor E. Benjamin Nelson publicly supported federal designation, saying the time for state action had passed. He then wrote a letter to House subcommittee chair Bruce Vento, expressing full support for the House bill.⁸

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Near Agate Fossil Beds National Monument south of Harrison, Nebraska, the narrow Niobrara tempts an angler. Beginning as a narrow, meandering High Plains stream, the river changes when it enters the Sandhills physiographic province where its deep valley cuts down into the Ogallala Aquifer, the source of most of its flow. Bob Grier, NEBRASKAland Magazine/Nebraska Game and Parks Commission

William Barrett began his term in the House by vowing to lead opposition to scenic river designation in Congress. Like his predecessor, Virginia Smith, he argued that his constituents were opposed to federal control. Barrett

agreed with the widely held belief that the river deserved protection, but argued that further study was needed to address management issues and the possible effects of scenic river designation on landowners. In January 1991 he

introduced H.R. 1548, which would authorize a three-year study of a 253-mile stretch of the river for potential addition to the Wild and Scenic Rivers system. The bill was eventually considered on the House floor as an amendment, but it was unsuccessful.⁹

On January 23, 1991, Nebraska Representatives Peter J. Hoagland (D) and Douglas K. Bereuter (R), along with fourteen cosponsors, reintroduced the Niobrara Scenic River Designation Act, H.R. 614. The bill was referred to the Committee on Interior and Insular Affairs, and its subcommittee on National Parks and Public Lands held a hearing on the bill in Washington on March 21. This hearing was yet another opportunity for both sides to air their views, and for subcommittee members to debate the issue. H.R. 614 was identical to the compromise version that had emerged from the joint House-Senate conference committee of October 18, 1990, and had been defeated by Virginia Smith's determined efforts.

Bruce Vento, a Minnesota Democrat well known for his pro-environmental views, chaired the House subcommittee, and his support of the Niobrara designation bill proved crucial. Congressman Robert Lagomarsino (R-Calif.) led the subcommittee opposition to H.R. 614; his objections centered on what he called "instant designation" and on issues of land acquisition. As they had in the past, opponents argued that local control was the most appropriate means for protection, and a few argued that there was no reason to alter the status quo. But the opposition's most promising strategy was to push for Barrett's study bill, which Lagomarsino said would determine which segments should be protected, how they should be protected, and what agency should have management responsibility. Scenic river opponents argued that there was no pressing threat of development, and that since the study would preclude any federally funded water projects during its duration, a delay would not result in degradation of the river.¹⁰

Scott Sewell of the Department of the Interior, testified for the George H. W. Bush Administration, restating the administration's policy that no new national park units should be created without first completing a Wild and Scenic Rivers Act Section 5(a) study, lest the quality of the National Park system be degraded by the addition of substandard areas. Sewell also implied that there was no precedent for designation without such a study. Although calling for more study is often a ruse in Washington for killing legislation, Sewell's argument had some merit. There were legitimate uncertainties about the scenic river's boundaries and how they should be managed.

Proponents argued against further study and for designating the river without further delay, citing numerous previous studies by federal, state, and private entities, and the nearly unanimous consensus that the seventy-six-mile stretch of the Niobrara was a unique asset and worth preserving. Indeed, scenic river legislation for the river had been pending in Congress since 1985. In response to questions about why that particular segment had been chosen, proponents pointed out that local landowners had initiated the legislation in the early 1980s, and future reaches could be added later.

Vento asserted that H.R. 614 would not preclude consideration of different management alternatives, and held that the General Management Plan development process, which would occur after designation, was the suitable time to consider and select management options. He quoted Section 10(e) of the Wild and Scenic Rivers Act, which specifically provided for cooperative management agreements between the secretary of the interior and local government entities.

Several proponents testified that the Niobrara was growing in popularity and that development threats were imminent and would likely lead to a proliferation of second homes and tourist-oriented businesses along the river. Although



In 1952 The Bureau of Reclamation issued a plan for the Niobrara including eight main-stem dams. One, taking its name from the Norden Bridge (above) and the nearby town of Norden, would have flooded a scenic and biologically significant portion of the river. The proposal remained contentious for thirty years. Jon Farrar, NEBRASKAland Magazine/Nebraska Game and Parks Commission

opponents pointed out that a formal study would preclude a dam or other major government projects during the study period, proponents argued that those restrictions would not prevent private development, and the time to protect the river was before the development occurred, not after the physical changes had already been made.

Vento refuted portions of Sewell's testimony by declaring, "Over half the rivers in the wild and scenic system have been brought in without going through that particular 5(a) process." Vento also objected to Sewell and others calling H.R. 614 "instant designation," pointing out it had been twenty-five years since Congress first discussed the Niobrara. Bereuter called the Niobrara "one of the most studied rivers in the United States," and Hoagland presented a four-page chronology detailing the general history and prior studies of the river. Vento also declared his belief that some of the

opponents of designation were using the "more study" argument simply as a delaying tactic.

The subcommittee hearing included substantial testimony from Nebraskans who strongly supported the scenic river. The remarks of Elsie Leonard, a rancher near the Niobrara River were particularly telling:

Our support from the landowners has remained remarkably high in spite of the misinformation and pressure tactics of water development interests and the [National] Inholders Association. From the letters we have in support of the scenic river, I can assure you that at least half of the private land along the 70 miles of river designed [sic] by this bill is still owned by supporters of national scenic river designation.

Representative Bereuter noted the controversy itself as a reason for quick action on the scenic river designation, saying, "This is an issue that has caused intense animosity among some people in the area of the Niobrara Valley . . .

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[C]hildren of people who favor it [designation] are threatened at school. It has reached that state of affairs." With the issue splitting the community to that degree, he believed it was time to make the best decision and move on.

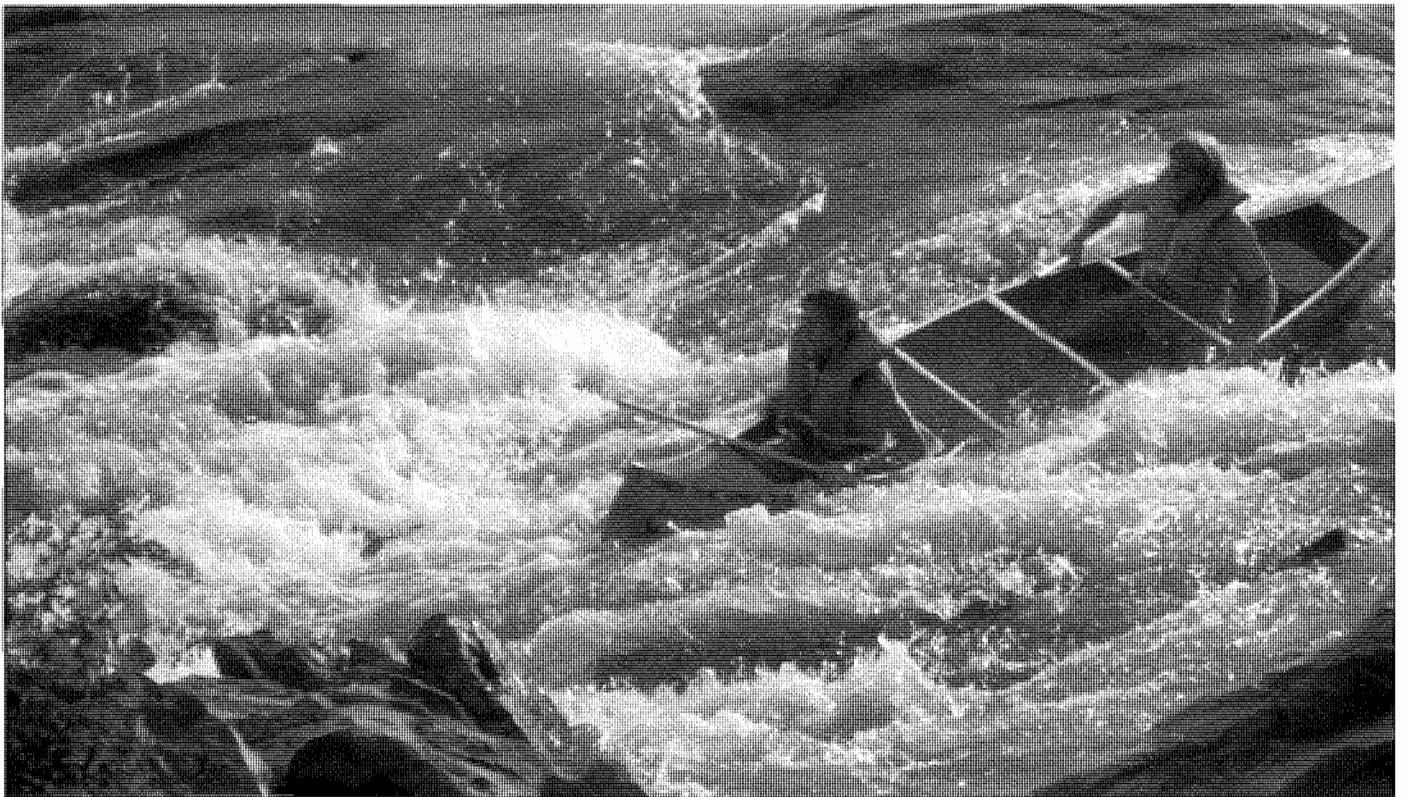
Another key argument of the opponents centered on the issues of land acquisition by the federal government and local control. Lagomarsino acknowledged that the bill placed some reasonable limits on acquisition in Section 4(a), but expressed concern about the escape clause, which allowed the secretary of the interior to waive the acquisition limits if, "after notice and opportunity for public comment," he or she found that the local and state governments were not adequately protecting the resource. Lagomarsino cited the earlier case of the St. Croix National Scenic River, along the border

between Minnesota and Wisconsin, as an example of the federal government trampling on the rights of landowners. He argued that in establishing that scenic river the government had reneged on its agreements and condemned excess lands in a heavy-handed manner. The St. Croix example had first been cited in 1990 by the National Inholders Association, (now called the American Land Rights Association), a group dedicated to opposing federal land acquisition, which had been hired by the local scenic river foes to build public opposition to designation.

Opposition witnesses again voiced concerns about local control and acquisition of land by the government. Unable to appear before the subcommittee, Bryce P. Neidig of the Nebraska Farm Bureau provided a strongly worded written statement criticizing the

condemnation of private land and the possible effects designation would have on existing agricultural uses of the land. Another opposition witness was David Jones, the Niobrara River Basin's representative to the Nebraska Natural Resources Commission, whose primary focus was on water rights. In spite of Chairman Vento's earlier assertions that water rights arguments were fallacious and unsupported by facts, Jones expressed concern that federal control would preempt existing water rights, and that ranchers would be denied access to the water in time of drought.

Vento disputed the relevance of the St. Croix issue, calling it a poor comparison and arguing that the situation in the St. Croix Valley, which is adjacent to Vento's St. Paul-based district, was not what Charles Cushman, the outspoken leader of the National Inholders



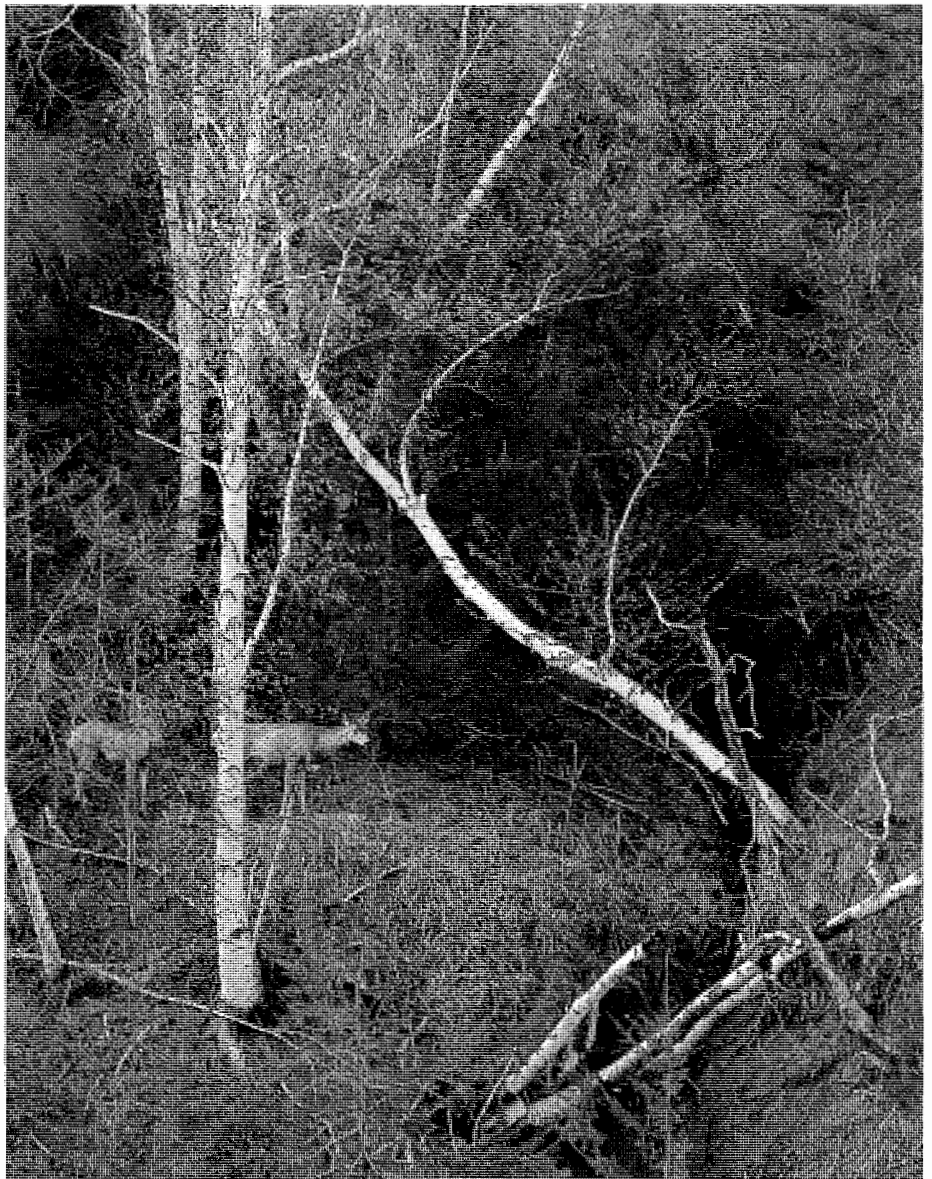
Although the seventy-six-mile section of the river downstream from Valentine proposed for federal Scenic River designation is significant for its biological values, it is probably better known in Nebraska for its scenic and recreational opportunities, attracting thousands of visitors every year. NEBRASKAland Magazine/Nebraska Game and Parks Commission

Association, and Lagomarsino had claimed. Nonetheless, the bill's authors appeared genuinely concerned about limiting federal condemnation power, hence the inclusion of Section 4(a) of the bill. Vento acknowledged the validity of the private ownership issue, but argued that the bill's limitations on land acquisition adequately addressed those concerns. Bereuter declared that "one of the reasons we put in very specific language limiting condemnation is so that the St. Croix example . . . would not take place [again]."

Ten years earlier, many of the same opposition voices had been strong proponents of the Norden Dam, which would have inundated thirty thousand acres of private land in the valley. Bereuter pointed out that many of the scenic river foes who based their opposition on the federal "land-grab" seemed to have forgotten that the Norden Dam and associated canals would have condemned a far greater amount of land than the scenic river might potentially affect.

The well-worn issue of local control versus federal protection was debated further in the hearing. Even though there had been no significant progress toward local preservation of the river since the mid-1980s, scenic river foes continued to argue against federal control. Lagomarsino contended that "private persons have protected the river for generations, and . . . there is no threat of development." Jimmy Jackman of Ainsworth, Nebraska, chairman of both the Brown County Board of Commissioners and the Niobrara Basin Joint Management Board, reiterated the long-term care for the river that local people had shown. Representative Barrett implied that he still held out hope for state or local control, pointing out that his study bill (H.R. 1548) "will also allow the Department of Interior to seriously consider state and local protection options."¹¹

To refute the argument that the river could best be protected locally, committee chairman Vento cited a



Remnants of late Pleistocene boreal forests survive in the shaded, moist, spring-branch canyons extending southward from the south bank of the Niobrara. The paper birch trees in these side-canyons are two to four hundred miles south of their present main range. Jon Farrar, NEBRASKAland Magazine/Nebraska Game and Parks Commission

1986 statement by the Keya Paha County Board that the river was merely "a large drainage ditch where we are losing our surplus groundwater."¹² Bereuter took a more moderate and pragmatic position, reiterating that the bill did not preclude local preservation efforts, and even called for establish-

ment of a locally dominated Niobrara Scenic River Advisory Commission to assist the federal government in developing a management plan.

Although some of the opponents may have been motivated by self-interest, others sincerely believed local control was preferable to federal administration

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of the river. Nevertheless the federal government is empowered to intervene on issues of national or regional significance when it believes that local efforts are inadequate, and such was the case with the Niobrara. On May 7, 1991, by a straight party-line vote of twenty-eight Democrats to sixteen Republicans, the committee reported favorably on H.R. 614 and recommended that the full House pass the bill.¹³

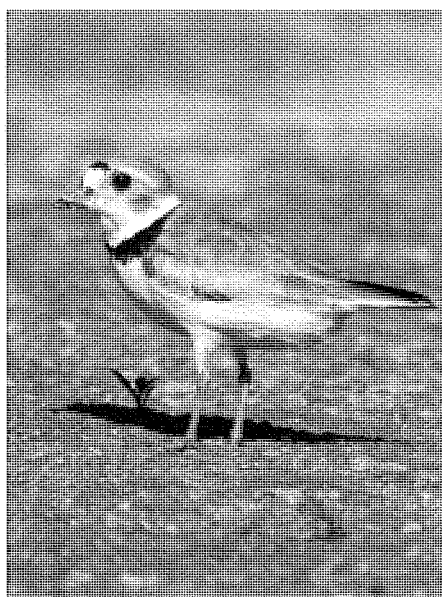
Robert Lagomarsino and eleven other committee members signed a dissenting view that demonstrates the ideological canyon separating the two sides. It begins with the statement, "The Committee is again embarking on a course of action which penalizes private citizens for taking care of important natural and cultural resources by removing them from their control."¹⁴

The landowners who initiated the scenic river process apparently saw designation not as a penalty, but as a reward for their stewardship. The dissent also uses the term "instant designation" three times in discussing the legislation; proponents had repeatedly pointed to congressional consideration of the Niobrara occurring periodically since the mid-1960s, and noted that this specific legislation had been under consideration since 1985.

On May 14 the bill was debated on the floor of the House. Several members spoke in opposition, and at least one—Robert S. Walker, a Republican of Pennsylvania—apparently had not read it. Walker used a bit of hyperbole when calling the bill the "Monster That Would Not Die," which "gobbles up land without compensation." No new arguments against designation were raised on the floor, but freshman Congressman Barrett of Nebraska was perhaps the most moderate and credible of those speaking against the bill. He agreed that protection of the river was important, but expressed his belief that federal designation was not necessarily the best means. He argued for further study, saying previous studies had not addressed the issues of land ownership and man-

agement options. On the other hand, Vento challenged the sincerity of the "more study" camp, by referring to the debate and testimony of the subcommittee hearing:

I thought it was telling that when certain key opponents were asked if another study recommended designation whether they would then support such action[,] they said "no." With such a position a study will not be used to enlighten, rather it appears that for opponents of designation its purpose is to delay and defeat.¹⁵



Threatened piping plovers nest on sandbars in the lower reaches of the river.
Jon Farrar, NEBRASKAland Magazine/
Nebraska Game and Parks Commission

Barrett's study bill was debated as an amendment, and each side presented the familiar arguments. The amendment was defeated in a roll-call vote of 293 to 109.

As he had done in 1990, Congressman Don Young (R-Alaska) introduced an amendment to prohibit forced condemnation or forced conservation easements under any circumstances. The result would be federal designation in name only, and without enforcement powers the scenic river would have remained effectively under local control, rendering the whole federal process essentially meaningless. After debate, Young's

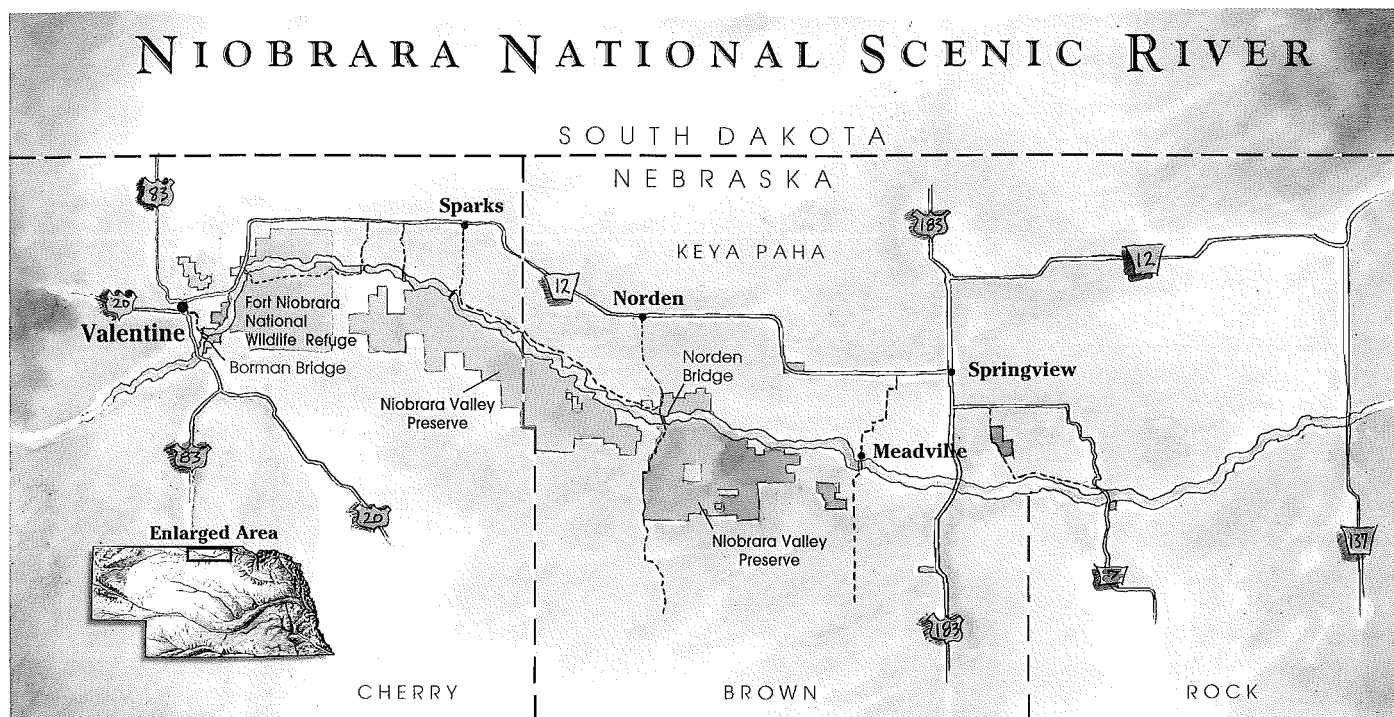
amendment was defeated by a vote of 283 to 124.

After rejecting the two amendments the House finally voted on the Niobrara Scenic River Designation Act of 1991, which easily passed by a vote of 333 to 71.¹⁶ Since H.R. 614 was identical to the Senate-passed S. 248, the legislation was sent directly to the president, with no conference committee needed to resolve differences. The lopsided votes were significant in that they reflected enough support to easily override a presidential veto, although override was by no means a certainty if the president were to reject the bill.

Opponents in the Niobrara Valley had not yet conceded the fight. Two days after the bill passed the House, a Valentine, Nebraska, radio show urged listeners to call the White House and express their views. Nearly two hundred people responded, almost all urging President Bush to veto the legislation. One prominent opponent, Harlin Welch, president of the Nebraska Landowners and Sportsmen's Association and a leader of the local opposition to scenic river designation, threatened court action if the president signed the bill into law.¹⁷

In Washington politicians lobbied the Bush administration and "counted heads" in Congress for a possible veto override. On May 21 Congressman Barrett met with Bush's Chief of Staff John Sununu to push for a veto. Barrett told Sununu that Bush could veto the bill and still save face with the environmental community by citing the lack of a formal study. Barrett was aware that no Bush veto had yet been overridden, and it seemed unlikely that the president would risk an override on this relatively insignificant bill. Carl T. Curtis, former Republican senator from Nebraska, also opposed the bill and lobbied his former colleagues to sustain a possible veto.¹⁸

Senator Exxon met with Interior Secretary Manuel Lujan to argue the case for designation and seek his support in urging Bush to sign the bill. Exxon told the secretary that he would



The Niobrara National Scenic River extends from Borman Bridge to Nebraska Highway 137. Unlabeled areas are state-owned lands. The Niobrara Valley Preserve is Nature Conservancy property. Map by Tim Reigert, NEBRASKAland Magazine/Nebraska Game and Parks Commission

consider a veto “an unfriendly act.” Exon expressed confidence that Bush’s supporters in the Senate would not sustain a veto, citing the unwritten rule that senators will not sustain a veto of legislation supported by both senators of the involved state. Robert Kerrey, the junior senator from Nebraska, had been Exon’s cosponsor of the bill.¹⁹

On May 24 the president reluctantly signed the Niobrara Scenic River Designation Act of 1991 into law. Bush said he was “extremely disappointed” that the river was designated without a Section 5(a) study as provided for in the Wild and Scenic Rivers Act, but acknowledged that the river was an “outstanding river resource, and the national significance of the resource is not in question.” He remarked that a formal 5(a) study should be “an absolute requirement” in cases “where private property interests are at stake,” and he also reiterated his concern that designation without study could threaten the

“integrity and viability of the National Park system.”²⁰

It had been eleven years since the original group of landowners had first proposed scenic river designation. Although the issue had generated considerable acrimony, the decision had finally been made. Residents of the Niobrara Valley would soon have a new neighbor, the National Park Service.

Several key compromises in the Niobrara designation gave the legislation a unique character. Limits on federal land acquisition ensure that the land will remain almost exclusively in private hands, and the creation of an advisory commission with the majority of members required to be area residents guarantees local participation in management decisions. The advisory board concept was made permanent with the creation of the Niobrara Council, a partnership of local interests, state resource agencies, and the National Park Service. The council

meets monthly to facilitate coordination and cooperation among the various parties and to advise the Park Service on managing and operating the scenic river.

As of this writing, the fears of the opponents have not come to pass, and the Niobrara scenic river designation appears to have been accepted locally. The National Park Service has not made use of its condemnation powers, yet and in December 2003 the Niobrara Council obtained its first conservation easement when a willing landowner granted an easement to a one-hundred-acre parcel known as the Graham Tract.²¹

The mechanisms are now in place to achieve permanent preservation of the Niobrara while also protecting the interests of the local populace, but only with the passage of time can the success of the Niobrara National Scenic River and the compromises that enabled its creation be judged.

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Notes

¹U.S. Congress. House. Committee on Interior and Insular Affairs. *Niobrara Scenic River Designation Act of 1991, HR 614, Hearing before the Subcommittee on National Parks and Public Lands*, 102d Cong., 1st sess., Mar. 21, 1991, 72; 39 Stat. 535; 105 Stat. 254; Public Law 102-50, 102d Congress, May 24, 1991 (S. 248).

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²U.S. Department of the Interior, National Park Service. *The Nationwide Rivers Inventory*, (Washington, D.C.: GPO, Jan. 1982), 128.

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⁴U.S. Congress. Senate. Committee on Interior and Insular Affairs. *O'Neill Unit, Missouri River Basin Project, Nebraska, S. 353: Hearing before the Subcommittee on Water and Power Resources*, 92d Cong., 2d sess., Mar. 21, 1972, 67. U.S. Congress, House, 97th Cong., 1st sess., H.J.R. 631, *Congressional Record* 128, pt. 22 (Dec. 14, 1982): 30528-9; U.S. Congress, House, H.J.R. 631, 97th Cong., 1st sess. *Congressional Record* 128, pt. 22 (Dec. 14, 1982): 30532.

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¹⁴*Ibid.*, 9.

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¹⁶*Ibid.*, H3017.

¹⁷"Cherry County Residents Protest Niobrara Bill," *Lincoln Star*, May 16, 1991, 15.

¹⁸Paul Goodsell, "Exon Is Fighting to Prevent Veto Of His Niobrara Scenic river Bill," *Omaha World-Herald*. May 23, 1991, 20.

¹⁹*Ibid.*

²⁰President George H. W. Bush, Signing Statement, "Statement on Signing the Niobrara Scenic River Designation Act of 1991," *Weekly Compilation of Presidential Documents*, Vol. 27, No. 22, May 24, 1991, 674.

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In the mid-1970s revenue from the sale of T-shirts sporting this logo was used by Norden Dam opponents to help pay legal fees. From a T-shirt in the Museum of Nebraska History