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**WATERING THE PLAINS:
POLITICAL DYNAMICS OF RIVER PRESERVATION
IN CANADA AND THE UNITED STATES**

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ABSTRACT—In this article we compare the Canadian Heritage Rivers System with the US Wild and Scenic Rivers Act and analyze case law in order to identify the best means of ensuring preservation of Great Plains rivers. We find that fear of federal dictates provides a powerful political weapon for opponents of river preservation policies. Therefore, we conclude that national officials should work with state, provincial, and local officials to develop cooperative plans that enable local residents to participate in river management decisions. Cooperative river management policies avoid the perception of federal government action as threatening to state sovereignty, thereby removing a significant rhetorical and political obstacle to water preservation.

KEY WORDS: Wild and Scenic Rivers Act, Canadian Heritage Rivers System, environmental policy, river management, federalism

Introduction

Nature and culture on the Great Plains are both significant and significantly understudied. Worster (1992:105) wrote, “The ecological history of the Great Plains is still to be accomplished, still to find its historians. When they come to write it, they will have a subject of international significance, for these days the dry lands of the earth are under pressure and scrutiny.” The ecology of the region serves as its common denominator. After all, the diversity of a region that crosses a national boundary and numerous state and provincial boundaries makes a unifying political culture unlikely. Rather than straining to identify a thread of shared political culture, it makes sense to focus on the common issues or problems within the region and the particular laws and policies enacted to address them. One such common issue is the management and preservation of water.

Water and its scarcity are vital concerns in all the Plains states and provinces. Thus, we need to understand the roles that governments play in protecting this critical and natural resource. Despite common concern, water policy varies across regimes of the North American Plains. Comparison across regimes may help us to identify better policies, better understand the problem-solving mechanisms of the various governments, and better appreciate the growing interdependence of political entities and institutions (Heidenheimer et al. 1983). Our approach is to compare the policies developed to manage rivers on the Great Plains.

The provinces and states of the Great Plains have developed their own river policies, but both the Canadian and US governments have developed river management plans as well. However, federal or national guidance has been greeted with suspicion and resistance by many Plains residents (Miewald 1984; Carroll and Hendrix 1992; La Pierre 1994). Canada maintains an unsteady balance between national unity and provincial identity (Thornburn 1985; Pinard 1992; Gaudreault-DesBiens 1999). In the United States, antifederalists destroy federal buildings in protest of national governance (Apple 1995). Given the ambivalence and even hostility of Plains residents to federal control, national government mandates concerning water resources tend to create resistance.

Despite such difficulties, national water management programs may provide the greatest possibilities for preservation. The common water ethic on the Plains appears to be take as much as you can get (Reisner 1993). Links to environmental concerns in state or provincial policies have been modest at best (Fairfax et al. 1984). However, environmental protection is prioritized in the US *Wild and Scenic Rivers Act* (P.L. 90-542, 1968) and the Canadian Heritage Rivers System (*Canadian Heritage Rivers System Objectives, Principles, and Procedures* 1984). Despite their different approaches, both programs seek to limit agricultural and industrial use of water resources in order to preserve ecological, aesthetic, and recreational uses of water.

Historically, water policies were the responsibility of state and provincial governments (Fairfax et al. 1984; Elgie 2001). Residents were slow to recognize the ecological, aesthetic, or recreational values of water, perhaps because their initial concerns focused on survival—from drought, blizzards, floods, grasshoppers, and other exigencies of the natural world (Miewald and Longo 1993). As David Aiken (2002:56) has pointed out, in the Great Plains, “water disputes typically focused on disputes among individual appropriators”—consumers rather than preservers of the existing water supplies. In these disputes, the rule of priority has dominated (Aiken

2002:54). Preservationist measures were initiated at the national level in both Canada and the United States (Green 1999; Elgie 2001). Here we compare the effectiveness of those measures.

Methods

We use a comparative case method, which is appropriate because our interest is in explaining why antifederalist sentiment has been a greater obstacle to designation of rivers under the US Wild and Scenic Rivers Act than under the Canadian Heritage Rivers System (Yin 1989). Both countries are federal systems in which water policy has historically rested with the state or provincial governments. In both countries, the national government has initiated river management efforts that emphasize preservation over the “beneficial use” that characterized state and provincial policies (Reisner 1993). Yet public reactions to the two programs have differed. To explain these reactions, we examine the programmatic language of both the US Wild and Scenic Rivers Act and the Canadian Heritage Rivers System. We compare the methods of river protection enacted, evaluate reactions to these measures within the affected states and provinces, consider the effects of case law on river preservation in Great Plains states, and draw inferences about the future of river preservation on the Plains from a comparison of Canadian and US river preservation policies.

Results

Wild and Scenic Rivers Act

By crafting river policies that prioritize use, the Plains states left the door open for federal intervention to protect habitat and aesthetic beauty of Plains rivers. In 1968 Congress enacted the *Wild and Scenic Rivers Act* (P.L. 90-542, 1968). The act led to the development of a system of wild and scenic rivers, each designated by an act of Congress and managed by the National Park Service. By assigning management responsibility to the National Park Service, Congress signaled its goal as preservation. As Sax (1980:709) described them, national parks in the United States are “enclaves of preservation adrift in a sea of development.” The act declared a different set of values for river policy than had been the practice of the state governments:

The policy of the United States [is] that certain rivers of the nation, which with their immediate environments possess outstandingly

remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of future generations. (*Wild and Scenic Rivers Act*, P.L. 90-542, 1968)

The act gives Congress the authority to manage Plains rivers in a manner contrary to the "beneficial use" principle that typified state management (Reisner 1993). The shift in values for water policy was complicated by residents' suspicion of federal dictates. Local practice and preferences did not match congressional intentions, and the populist character of Plains residents led them to favor local control and resent federal intrusion (Foster 1991). Clashes between local residents and federal policymakers were the foreseeable result.

In North Dakota, a coalition of environmental organizations developed a plan to achieve federal wilderness designation for approximately 200,000 acres of grasslands in the Badlands region and wild and scenic river designations for sections of the Little Missouri and Pembina Rivers (Agricultural Law/Economic Research Program 1994). The proposal came under fire from local economic interests. Opposition to federal intervention united ranchers and oil producers with local citizens leery of outside influence in general and the federal government in particular (La Pierre 1994). The environmentalists who drafted the plan were characterized as outsiders threatening the livelihoods of local residents.

In Texas, plans to designate a stretch of the Rio Grande downstream from Big Bend National Park as wild and scenic met with hostility from local residents. In public meetings, National Park Service personnel were met by irate citizens, who objected to a perceived "dictatorial tone" from the federal agency (Carroll and Hendrix 1992:350). Opposition to the project essentially derailed it as the National Park Service curtailed operational funding and transferred staff.

In Minnesota, plans by the Department of Transportation to build a four-lane bridge over the St. Croix River were stopped by a National Park Service ruling. The National Park Service concluded the bridge "would have a direct and adverse effect on the scenic and recreational values of the Lower St. Croix National Scenic Riverway" (Heinrich 1997:18). The Minnesota Department of Transportation challenged the National Park Service's legal authority to block the bridge plan, arguing that regional transportation needs should take priority over the river's scenic value and its provision of habitat. The Minnesota Department of Transportation's motion for sum-

mary judgment to vacate the National Park Service ruling was denied (*Sierra Club North Star Chapter v. Pena*, 1 F. Supp. 2d 971, 1998).

Such problems can be understood as a consequence of the perception among Plains residents that the federal government's river management plans usurped authority over what should be a local matter.

Canadian Heritage Rivers System

In Canada, the national government's river policy is less intrusive than the Wild and Scenic Rivers Act. The Heritage Rivers System, established in 1984, allows provinces to enroll rivers voluntarily, rather than through action by a national legislature. Despite the lack of coercion at the national level, the program is not void of conflict. As Thornburn (1985:115) noted, "Canadians are accustomed to hearing complaints about the cost of federalism and the inefficiency caused by duplication in and the differences between the two levels of government." Nonetheless, cooperation between central and provincial governments is a necessity of the Canadian union. This large and diverse federal state has often wrestled with questions of national identity and provincial autonomy (Pinard 1992; Gaudreault-DesBiens 1999). Given these dynamics, the Canadian government needs to be particularly cautious about actions that might be perceived as imperialistic or that might lend political support to provincial independence movements.

Rather than imposing a river management policy on the regional governments, the Canadian Heritage Rivers System approaches river management in a spirit of cooperation between the two levels of government. The language used in *Canadian Heritage Rivers System Objectives, Principles, and Procedures* (1984) emphasized the joint effort to preserve Canada's rivers:

The System will be a co-operative one in which federal, provincial, and territorial governments, in participating in the establishment and administration of the System, retain their traditional jurisdictional powers, including ownership of the land, the choice to nominate a river to the System, and the right to continue to operate and manage designated rivers in accordance with the objectives of the System.

By allowing local governments to initiate designation of a heritage river and to continue to manage the river in cooperation with the federal government,

under program guidelines, the Canadian plan allows for greater local control and eases jurisdictional conflicts.

Although Canada's process for designating and managing rivers is quite different from the US approach, the Heritage Rivers System and the Wild and Scenic Rivers Act share a common purpose in establishing preservationist values for river policy. Although participation is voluntary, the Canadian Heritage Rivers System is a highly proactive environmental policy. Preservation of river ecosystems is the goal of the Heritage Rivers System guidelines.

A couple of examples illustrate that cooperative management of heritage rivers has been successful. The Grand River in Ontario was designated a heritage river in 1994. "Grand Strategy," the watershed management plan developed for the Grand River, included community as well as technical working groups and required approval from the residents of over 60 communities. In 2000, the Grand River Conservation Authority was awarded the Thiess Services *Riverprize*, an international award for excellence in river management (Canadian Heritage Rivers Board 2001: 18-20).

The Canadian Heritage Rivers System charter (Parks Canada 1997) explicitly recognizes indigenous peoples as stakeholders in the nomination, designation, and management of heritage rivers. The Thelon River, designated a heritage river in 1990, and the Thelon Wildlife Sanctuary, established in 1927, are important sites for both the Inuit and Dene peoples. Because the Thelon River and Wildlife Sanctuary straddle the border between the Northwest Territories and the Nunavut Territory, approval from both territorial governments as well as their respective communities is required in order for a management plan to be adopted. This requirement provides considerable influence to the Inuit and Dene in determining how the Thelon River will be used and protected. As David Pelly (2001) wrote, "Natives and non-Natives alike, having converged from different responsibilities, different histories, different quests, now share the responsibility for the care of the northern wilderness. There is a certain irony (a certain correctness, even) . . . in the fact that it is the Native peoples who now hold the balance of power in the management of this wilderness." Cooperation between governments that maintain their traditional jurisdictional powers is a hallmark of the Canadian Heritage Rivers System. As a result, designation and management of heritage rivers cannot be labeled "Ottawa's usurpation of provincial authority" by opponents of preservation.

This is not to say that Canadian river management is devoid of political controversy or that preservation inevitably results. For example, in *Friends*

of the Oldman River Society v. Canada (88 D.L.R. [4th] 1 [S.C.C.]), economic factors outweighed the concerns of Native communities and environmental groups. The province of Alberta planned to build a dam on the Oldman River and had gotten approval under the Navigable Waters Protection Act. An environmental group sued to compel the federal Departments of Transport and Fisheries and Oceans to conduct environmental assessments. Federal versus provincial responsibilities were at issue in the case. The court held that the impact of the dam on navigation was a federal matter, requiring approval from the minister of transport, but the environmental impact of the dam was a provincial matter that did not mandate involvement by the minister of fisheries and oceans. Absence of clear authority in the shared management of public works projects “allowed Ottawa to classify provincial megaprojects as provincial responsibilities, thereby avoiding confrontations with provinces that did not welcome its interest in their affairs” (Taylor 1990:29).

An additional attribute of the Canadian system deserves mention as well. Just as it may initiate designation of a heritage river, a province may also initiate an action to “de-designate” a river from heritage classification. As Noel and Gimble (1993:13) observed, “A Wild and Scenic river, once so designated and regardless of its classification, may never be dammed or otherwise degraded, and there is no de-designation process. A Canadian Heritage river may be ‘de-designated’ at the nominating province’s request, or if its values have been significantly degraded.” The option of de-designation may make the Canadian program less appealing to environmentalists than the Wild and Scenic Rivers Act. Under the Heritage Rivers System, designated rivers may be subject to continuous efforts to de-designate, in order to allow for new development and use.

Court Cases from the Plains States

Federal legislative action is seldom the end of the story. Conflicts over river policy resolved in the courts provide additional insights into the relative merits of state or federal river management plans in achieving preservation.

Oklahoma has had two noteworthy river cases, *Flint Ridge Development Co. v. Scenic Rivers Association of Oklahoma* (426 U.S. 776, 1976) and *Arkansas v. Oklahoma* (503 U.S. 91, 1992). In both cases, Oklahoma’s decision to provide state protection for a scenic river rather than seeking federal designation under the Wild and Scenic Rivers Act resulted in a judicial determination contrary to the preservation interests of the state.

In the *Flint Ridge* case, a local environmental group challenged a plan by the US Department of Housing and Urban Development to construct homes along the Illinois River (426 U.S. 782). The group argued that the development would interfere with protection of the river consistent with its status as a state-designated scenic river. The group sought an injunction until the secretary of housing and urban development completed an environmental impact study. The secretary claimed that such a study would present a conflict of interest between the agency's mandate for development and the likelihood that the environmental impact statement would prevent development, and the court agreed (426 U.S. 788). The court determined that the secretary of housing and urban development cannot risk sacrificing development for the sake of environmental concerns. Statutory language, combined with the state's failure to have the river designated under the Wild and Scenic Rivers Act, prevented Oklahoma from protecting its most precious river, even though the state itself considered the Illinois River worthy of preservation.

Despite its eligibility, the Illinois River was not designated a wild and scenic river by the US Congress, and local news reports indicated that federal designation would be unwelcome. The *Tulsa World* (1994) reported that area landowners required reassurance that federal takeover of the waterway was merely a rumor. Although local residents' reluctance to accept federal involvement in the management of the Illinois River is understandable, the outcome of the *Flint Ridge* case demonstrated that this reluctance has its downside. Oklahoma's river policies alone proved inadequate to protect the Illinois River from development.

Similar conclusions flow from the outcome of the *Arkansas v. Oklahoma* case (503 U.S. 91, 1992). Many Illinois River tributaries flow into Oklahoma from Arkansas. The water coming from Arkansas carried waste exceeding the standards permitted by Oklahoma. Arkansas was unwilling to improve water quality to meet those standards, so the dispute moved to federal court. The court ruled that Oklahoma could not enact stricter environmental safeguards than the Environmental Protection Agency and expect another state to comply with the more stringent provisions. As long as Arkansas had permission from the Environmental Protection Agency to dump waste into the Illinois River, state environmental laws would be insufficient to prevent that waste from flowing downstream into Oklahoma. This ruling probably would not have occurred if the Illinois River had been designated as a wild and scenic river. Such a designation would have meant a higher standard for water quality in order to prevent degradation of the river and its immediate environment.

Even when a Plains state is trying to conserve a natural resource and protect its citizenry from environmental harm, there is no guarantee that state policies will be sufficient to the task in a federal system where state conflicts over shared resources are common. It is clear from the court's ruling that water usage, regardless of ill effects, is encouraged rather than discouraged unless statutory provision for other values is in place. Oklahoma law cannot provide for preservation in a manner binding on Arkansas; only federal law can.

A case involving a dispute over groundwater provides further evidence that water usage is given priority over water preservation, unless statutory provision for preservation is in place. In *Sporhase v. Nebraska* (458 U.S. 941, 1982), a farmer with holdings in both Nebraska and Colorado used water from a Nebraska well to irrigate her land in both states. The Nebraska supreme court ruled that use of Nebraska groundwater to irrigate Colorado land was violation of Nebraska law (*Douglas v. Sporhase*, 208 Neb. 703, 1981). The US Supreme Court reversed the Nebraska ruling, concluding that the role of water in agribusiness prohibited restriction on its transportation across state boundaries under the commerce clause of the US Constitution (Longo 1990). The Nebraska supreme court's ruling, although based in part on protectionism, urged conservation of water for future generations. By reversing this ruling, the US Supreme Court elevated commercial use over conservation, arguing that the state's conservation interests were subordinated to commercial use under the commerce clause. Given such interpretation, federal statutes that mandate preservation stand a better chance of success than state efforts. Federal action, however, meets with suspicion and hostility from Plains residents. A solution to this quandary is needed.

The Case of the Niobrara River

The infamous *Sporhase* case serves as a reminder that federalism as determined by the US Supreme Court often contravenes the wishes of the local body politic. As Miewald (1984:184) noted, "One often gets the impression that a government larger than a single farmer and a couple of neighbors is a tyranny worse than anything contemplated by King George III. And in a state with fewer people than some American cities and counties, the capital city is often regarded as the home of some alien power." An illustration of this perspective on federalism occurred in the designation of Nebraska's Niobrara River as a wild and scenic river.

Some Nebraskans wanted to dam the Niobrara River, while others sought to enjoin the dam construction. The debate between these two sides was predictable, as was its eventual movement to the judicial arena. In *Save the Niobrara Association v. Andrus* (483 F. Supp. 844, 1977), the Court ruled that the Bureau of Land Reclamation failed to address questions about geologic stability, groundwater quality, and effects of the proposed dam on wildlife in its requisite environmental impact statement. As a result, construction of the dam was halted, and debate over the future of the Niobrara River shifted to other policy loci.

The Niobrara River was designated a national wild and scenic river on 24 May 1991 (P.L. 102-50). An *Omaha World-Herald* (1989) public opinion poll, published just after three members of Nebraska's congressional delegation introduced the legislation, indicated that 74% of Nebraskans favored the designation, 15% opposed it, and 11% had no opinion. However, the same poll showed that, within the four counties affected by the new designation (Rock, Brown, Cherry, and Keya Paha), the opposite view prevailed. Fifty-six percent of the residents opposed the designation and only 28% favored it. Sixty-eight percent of the ranchers in the four-county area opposed the designation and only 18% favored it. Opposition to the designation increased in direct proportion to the respondents' physical proximity to the Niobrara River and to the personal impact the designation would have on those who envisioned other uses for the river.

Fear of federal dictates lay at the heart of the opposition. The law that incorporated the Niobrara into the Wild and Scenic Rivers System specified that a 40-mile segment of the river and confluence were to be administered by the secretary of the interior (P.L. 102-50, 1991). The law seems to transfer control over that section of the river to the federal government from the Nebraskans who had controlled it for over a century. This shift in control did not sit well with locals, and press coverage continued to reference poll results that showed the designation was opposed by a majority of residents in the four-county area (Hendee 1991).

A closer examination of the act shows opportunities for local input regarding management of the Niobrara River. Section 5 of the act established an advisory commission that "shall advise the Secretary of the Interior . . . on matters pertaining to the development of a management plan" (P.L. 102-50), 1991). Membership on the committee was designed to ensure that the views of local residents, particularly those with a special interest in the management of the Niobrara River, would be represented. It provided for six members who own farm or ranch property in the designated river corridor, one member who is a canoe outfitter, one member to be chosen by

the governor, two members from county governments or natural resource districts, and one member from a conservation organization.

Although the secretary of the interior was given final statutory authority over the designated Niobrara River corridor, active political participation by the interests represented on the advisory commission could lead to river management palatable to local residents. Representatives of ranchers, the governor, and local government provide pragmatic access points for the disaffected. The process was designed to allow participation by those outside the federal bureaucracy.

It may be tempting for critics of federalism to dismiss local participation on the advisory commission as illusory and to claim that designation as a wild and scenic river has dictated the course of the Niobrara's future. Some local residents expressed such sentiments. For example, the *Omaha World-Herald* reported that local rancher Hugh Potter remarked, "I really believe, regardless of how many meetings we go to, how many proposals that the advisory committee discusses, the public in general will have nothing to say in the decision-making" (Thomas 1994). Despite reasonable concerns over loss of local control of river management, Nebraskans should not conclude that management by the Department of Interior is a guaranteed victory for preservationist values. As Shepard (1984:479) noted, "In recent years . . . the activities of private industries and individuals have threatened to prevent many national parks and other specially protected federal reserves from fulfilling their declared purposes." Most activity in and around the Niobrara will proceed as it has for decades, and some of this activity will be almost certainly be disruptive to the purposes of the Wild and Scenic Rivers Act.

Legal and political efforts to define the parameters for use of the Niobrara River are ongoing. A local environmental group, Friends of the Niobrara, is planning to raise money to buy easements along the Niobrara because the group believes that the National Park Service has not done enough to limit development in the scenic corridor (Laukaitis 2000). Designation also does not proscribe additional litigation. *Sokol v. Kennedy* (210 F. 3d 876, 2000) illustrated that statutory language provides an additional access point for disaffected land users. Sokol, a rancher in Cherry County, sued the National Park Service over its selection of boundaries for the Niobrara scenic river corridor under the Wild and Scenic Rivers Act. Sokol disputed the meaning of the phrase "outstandingly remarkable" as it applied to land adjacent to the river. He argued that the National Park Service failed to give sufficient consideration to the proposal favored by landowners and local governments: to establish the boundaries at the high water mark on the

riverbank and exclude any land above the bank (210 F. 3d 876). The appeals court sided with Sokol, ruling that the Park Service "selected land for inclusion in the Niobrara Scenic River area without identifying and seeking to protect outstandingly remarkable values, as required by the Wild and Scenic Rivers Act" (210 F. 3d 878).

Statutory language provides legal grounds to dispute how much land must be protected to preserve the "outstandingly remarkable values" that led to a river's designation and to dispute which activities threaten those values. Although not as cooperative in design as the Canadian Heritage Rivers System, the US Wild and Scenic Rivers Act provides local interests, even those opposed to the designation, a voice in river management. As the Niobrara River case illustrates, conflicts over how to manage the river to achieve statutory goals endure far beyond the designation process.

Discussion: The Comparative Lessons

The battle over river protection on the Great Plains has pitted environmentalist against landowner. Landowners have made federalism an underlying concern in this dispute, and they have gotten considerable mileage from opposing designation on the principles of local control and resistance against federal usurpation, rather than framing their opposition in terms of self-interest in preserving the status quo. Although federal-state relations are obviously important, they also serve a convenient political function of galvanizing opposition to wild and scenic river designation for Plains rivers.

The Canadian Heritage Rivers System provides a means of diffusing political opposition to river protection that is grounded in resentment against intrusion from a distant capital. Some Plains residents would undoubtedly oppose preservationist policy regardless of its source. But tensions between state and federal power complicate the debate over appropriate river management plans and provide political capital to organizations and individuals opposed to preservation per se. Because it emphasizes local initiation and management, the Canadian alternative avoids the perception of an avaricious federal government intent on wresting control over property and natural resources from local residents. Although the Wild and Scenic Rivers Act (P.L. 29-542, 1968: section 13) includes concern for local authority and expressly limits federal right to water "to only the quantity necessary to accomplish statutory purposes," the perception of federal government action as threatening to state sovereignty persists. This perception creates incentives for local political officials to resist designation, and it makes consensus around shared policy goals more difficult to achieve.

The tensions over federal-state jurisdictions in river management are greater in the US than in the Canadian approach. Plouffe (1986:848) argued that public attitudes toward preservation have changed dramatically. He concluded: "Congress should give states with interest and ability to initiate river resource planning a meaningful role in federal decisions that determine the use of rivers within their borders." The heritage river model allows local communities to initiate and activate meaningful river policies in partnership with provincial and national governments. But the furor over federal-state relationships in the United States makes similar cooperative efforts more difficult. We conclude that the prospects for preservationist water policy are improved under the Canadian system.

The Wild and Scenic Rivers Act provides an alternative designation mechanism with benefits similar to the Canadian Heritage Rivers System. A rarely applied provision of the Wild and Scenic Rivers Act (section 2[a][ii]) allows a river to be designated under the act by request from a state's governor. To be designated under section 2(a)(ii), a river must be protected under a state's river protection program by an act of the state's legislature. The river must also be eligible for federal designation as determined by the secretary of the interior. Finally, most costs of administration of the river under the Wild and Scenic Rivers Act are borne by the state (Hannon and Cassidy 1999:146).

In a detailed study of section 2(a)(ii), Hannon and Cassidy (1999:148) argued that this provision of the Wild and Scenic Rivers Act has been used in several cases where there was a "desire within the state to prevent federal control of the river." For example, the first river designated under section 2(a)(ii) was a section of the Allagash Wilderness Waterway in northern Maine, which the US Bureau of Outdoor Recreation had recommended become a national riverway managed by the US Department of the Interior, a move that the state of Maine opposed. Five years later, when the Wild and Scenic Rivers Act passed, the governor of Maine requested designation under section 2(a)(ii) (Hannon and Cassidy 1999). This option made it possible for the state to maintain its control over the river while acquiring the increased protection that federal designation provided.

As we observed in the case of the Niobrara River, a trend toward greater local control over river management is underway even where rivers were designated through congressional action. The benefits of section 2(a)(ii) are that the state government initiates designation and that the state maintains a greater degree of responsibility to manage the river under the guidelines of the act. These options, if better known, might help to shape the public perceptions of the Wild and Scenic Rivers Act as a cooperative rather

than interventionist water policy. As a result, more rivers may receive federal designation, with the attendant benefits of “increased recognition, a probable increase in private land values, and increased recreational usage, with corresponding economic benefits to the state or states involved” (Hannon and Cassidy 1999:149). According to Hannon and Cassidy (1999), by 1998, the 30th anniversary of the Wild and Scenic Rivers Act, only 16% of the total river miles designated under the act had been included in the system through section 2(a)(ii).

Fear of federal intervention has been a consistent obstacle to greater use of and public support for national river protection policies like the Wild and Scenic Rivers Act. Greater cooperation between federal officials and local residents is needed to provide for the future of the great rivers of the Great Plains. Both the Canadian Heritage Rivers System and section 2(a)(ii) of the Wild and Scenic Rivers Act provide mechanisms for preservationist policy grounded on the principle of cooperation. Public support for preservationist values is increasing. This support must not be siphoned off through federal action perceived as “dictatorial” or “interventionist,” even if those perceptions are in error. Preservation-minded policy makers should not provide rhetorical ammunition to their adversaries when cooperative means of achieving their goals are available.

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